

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, APRIL 2, 2012 TIME: 7:00PM

AGENDA

- 6:15PM – 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

MAYOR’S AWARDS

1. 2012 Portsmouth High School Boys Varsity Basketball Team – Division II State Champions

V. ACCEPTANCE OF MINUTES – MARCH 19, 2012

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDMENT TO CHAPTER 6, ARTICLE XVI, SECTION 6.16 – MAGAZINE SUBSCRIPTION SOLICITORS BY AMENDING SECTION 6.1604 – LICENSE FEE – THE FEE FOR SUCH LICENSE SHALL BE DETERMINED ON AN ANNUAL BASIS BY THE CITY DURING ITS BUDGET PROCESS
- B. ORDINANCE AMENDMENT TO CHAPTER 5, ARTICLE VIII, SECTION 5.8 – ALARM SYSTEMS MONITORED BY THE CITY - SECTION 5.802 BY REMOVING SERVICE CHARGE TO SERVICE FEE AND ADDING SUCH AMOUNTS AS MAY BE DETERMINED ON AN ANNUAL BASIS BY THE CITY DURING ITS BUDGET PROCESS. THE SERVICE FEE MAY BE GRADUATED TO INCREASE BASED UPON AN INCREASING NUMBER OF UNFOUNDED EMERGENCY CALLS. IN ADDITION, AMENDING SECTION 5.803 – PERMISSIBLE UNFOUNDED EMERGENCY CALLS BY REPLACING SERVICE CHARGE WITH SERVICE FEE AND SUB-SECTION A - REPLACING POLICE OFFICES WITH POLICE DEPARTMENT AND SUB-SECTION B – REPLACING FIRE OFFICIALS WITH FIRE DEPARTMENT
- C. ORDINANCE AMENDMENT TO CHAPTER 6, ARTICLE VII – DOGS AND OTHER PETS, SECTION 6.708 LICENSE BY THE ADDITION OF THE FOLLOWING LANGUAGE – THE FEE FOR THIS LICENSE SHALL BE SET AT THE MAXIMUM AMOUNT PERMITTED BY STATE LAW

VIII. APPROVAL OF GRANTS/DONATIONS

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

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Proposed Ordinance Amendment to Chapter 6, Article XVI, Section 6.16 – Magazine Subscription Solicitors by amending Section 6.1604 – License Fee – The fee for such license shall be determined on an annual basis by the City during its budget process
- B. Second reading of Proposed Ordinance Amendment to Chapter 5, Article VIII, Section 5.8 – Alarm Systems Monitored by the City - Section 5.802 by removing service charge to service fee and adding such amounts as may be determined on an annual basis by the City during its budget process. The service fee may be graduated to increase based upon an increasing number of unfounded emergency calls. In addition, amending Section 5.803 – Permissible Unfounded Emergency Calls by replacing service charge with service fee and sub-section A - replacing Police Offices with Police Department and sub-section B – replacing Fire Officials with Fire Department
- C. Second reading of Proposed Ordinance Amendment to Chapter 6, Article VII – Dogs and Other Pets, Section 6.708 License by the addition of the following language – The fee for this license shall be set at the maximum amount permitted by state law
- D. Third and final reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance by the deletion of the terminology *Undesignated* throughout the Ordinance with the replacement of the terminology **Unassigned**

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. 2012 Omnibus Sidewalk Obstruction Renewals – Part II – See Attached Listing (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Heidi Roy, National Multiple Sclerosis Society, requesting permission to hold the 2012 Bike MS NH Seacoast Escape on Saturday, August 11, 2012 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Ken La Valley, American Foundation for Suicide Prevention, requesting permission to hold the Out of the Darkness Walk on Saturday, September 29, 2012 (***Anticipated action – move to refer to the City Manager with power***)
- D. Request for Approval of Pole License to install/replace 5 poles located on Plains Avenue (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)

- E. *Acceptance of Donations to the Portsmouth Police Department
- Donation from former Commissioner William Mortimer in memory of retired Police Captain Robert Roth - \$100.00
 - Donation from Mr. Frank Mastan to the Police Honor Guard - \$50.00
- (Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as listed)***
- F. Request for a License from Carrie Penna, owner of Lululemon Athletica on State Street for property located at 60 State Street to install a projecting sign on an existing bracket
- (Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Carrie Penna, owner of Lululemon Athletica on State Street to install a projecting sign at 60 State Street and, further, authorize the City Manager to execute a License Agreement for this request)***

Planning Director’s Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and***
- ***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***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney James Noucas, Jr., representing a property owner of the General Porter Condominiums requesting to construct a garage along the rear boundary line of property located at 32 Livermore Street abutting a cemetery ***(Sample motion – move to the Planning Board for report back)***
- B. Letter from Attorney James Noucas, Jr., representing Jim and Laurie Teetzel of Wilcox Industries, pledging \$25,000.00 towards the construction of a new tribute to American Veterans in Memorial Park for The Memorial Bridge ***(Sample motion – move to refer to Art-Speak for report back)***
- C. Letter from Carl Diemer, Recreation Board Chair, requesting to name the new Youth Recreational Facility as the “Connie Bean Recreation Center” ***(Sample motions – 1) move to establish a Work Session to discuss the naming of the Youth Recreational Facility as the Connie Bean Recreation Center; or 2) move to suspend the rules and act on the Recreation Board’s Request) (Please note: suspension of the rules requires a two-thirds vote)***

- D. Letter from David Mikolaities, Lieutenant Colonel, NH Army National Guard, regarding the acquisition of a portion of the Right of Way along Market Street and site improvements for access to the National Guard Readiness Center on 803 McGee Drive ***(Sample motion – move to refer to the Planning Board for report back)***

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. Public Hearing/Second Reading of Proposed Resolution and Ordinance Amendments:
 - 1.1 Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 6, Article XVI, Section 6.16 – Magazine Subscription Solicitors by amending Section 6.1604 – License Fee – The fee for such license shall be determined on an annual basis by the City during its budget process ***(Action on this matter should take place under Section IX of the Agenda)***
 - 1.2 Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 5, Article VIII, Section 5.8 – Alarm Systems Monitored by the City - Section 5.802 by removing service charge to service fee and adding such amounts as may be determined on an annual basis by the City during its budget process. The service fee may be graduated to increase based upon an increasing number of unfounded emergency calls. In addition, amending Section 5.803 – Permissible Unfounded Emergency Calls by replacing service charge with service fee and sub-section A - replacing Police Offices with Police Department and sub-section B – replacing Fire Officials with Fire Department ***(Action on this matter should take place under Section IX of the Agenda)***
 - 1.3 Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 6, Article VII – Dogs and Other Pets, Section 6.708 License by the addition of the following language – The fee for this license shall be set at the maximum amount permitted by state law ***(Action on this matter should take place under Section IX of the Agenda)***
2. Third and Final Reading of Proposed Ordinance Amendments:
 - 2.1 Third and Final Reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance by the deletion of the terminology *Undesignated* throughout the Ordinance with the replacement of the terminology **Unassigned** ***(Action on this matter should take place under Section IX of the Agenda)***

City Manager's Items Which Require Action

1. Report Back Re: Request of David Choate, III, Grubb & Ellis Northern New England, for an Amendment to Section 10.836.20 of the Zoning Ordinance regarding Drive-through Lanes for Retail/Commercial Buildings Outside of the Central Business District
2. Request for a Parking Lot Agreement Re: Middle Street Baptist Church
3. Report Back Re: Outdoor Boot Camp Proposal at Peirce Island
4. Request by Strawberry Banke Museum for Zoning Ordinance Amendment relative to the Definition of "Museum"
5. Request of PSNH for Easement for Placement of Service at Prescott Park

Informational Items

1. Events Listing
2. Reminder of City Council Work Session
3. Joint Meeting of Economic Development Commission and Parking & Traffic Safety Committee

B. MAYOR SPEAR

1. *Discussion Re: Context Sensitive Redevelopment
2. Appointments to be Considered:
 - Reappointment of Rich DiPentima to the Conservation Commission
 - Reappointment of Peter Vandermark to the Conservation Commission
 - Reappointment of Laura Montville to the Portsmouth Economic Development Loan Program (PEDLP)
 - Reappointment of Steve Berg to the Portsmouth Economic Development Loan Program (PEDLP)
 - Appointment of Robert Cook to the Blue Ribbon Committee on Sustainable Practices
 - Appointment of Shelley Saunders to the Parking & Traffic Safety Committee
3. Appointments to be Voted:
 - Appointment of David Rheume as a regular member to the Zoning Board of Adjustment
 - Appointment of David Rheume as a regular member to the Building Code Board of Appeals filling the unexpired term of Chester Keefe
 - Reappointment of MaryAnn Blanchard to the Conservation Commission
4. *Appointment of Councilor Anthony Coviello to the Public Access Financial Advisory Committee

C. COUNCILOR KENNEDY

1. *Elderly Services
2. *Exhaust Pipes for Motorcycles

D. COUNCILOR LOWN

1. Proposed Amendment to Taxi Ordinance – Chapter 7, Article II, Section 7.229 – General Provisions by a new Sub-section E entitled Compliance with State and Federal Law (***Sample motion – move to establish first reading at the April 16, 2012 City Council 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 Planning Board Minutes of December 15, 2011 meeting are available on the City's website for your review
2. Notification that the Conservation Commission Minutes of the February 8, 2012 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 COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 19, 2012

PORTSMOUTH, NH
TIME: 7:00 PM [or thereafter]

At 6:30 p.m. an anticipated "Non-Meeting" with Counsel was held - RSA 91-A:2, I (b-c).

I. CALL TO ORDER [7:00PM or thereafter]

Mayor Spear called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Mayor Spear, Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Thorsen

III. INVOCATION

Mayor Spear asked everyone to join in a moment of Silent Prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Coviello led the Pledge of Allegiance.

PROCLAMATION & PRESENTATION

1. USS Virginia – Assistant Mayor Robert Lister

Assistant Mayor Lister read a Proclamation extending best wishes to the officers and crew of The USS Virginia (SSN 774) as they prepare to leave the Seacoast area for new deployments in defense of our nation. Mayor Spear presented Commander Timothy Salter with the Proclamation. Assistant Mayor Lister presented Commander Salter and Machinist's Mate Master Chief Chad Shultz with a gift bag on behalf of the City Council.

Commander Salter spoke briefly extending his sincere thanks to the City of Portsmouth, Mayor Spear, Assistant Mayor Lister, City Council members, City Manager Bohenko and Pat Remick for all of their support during their stay here.

V. ACCEPTANCE OF MINUTES – MARCH 5, 2012

Councilor Smith moved to approve and accept the minutes of the March 5, 2012 City Council meeting. Seconded by Councilor Dwyer and voted.

VI. PUBLIC COMMENT SESSION

Martin Cameron spoke in support of the request for a “Welcome Home, Iraqi Veterans” Parade to be held on July 8, 2012. He also requested that the City of Portsmouth allow for a waiver of fees associated with police details and insurance for the event.

Nancy Johnson spoke regarding potential errors in the Chapter 10 Zoning Ordinance. She indicated that Article 4, Section 10.410, Office Research was listed under Business Districts instead of the adjacent Industrial Districts. Likewise in the charts contained on pages 18-36 (Section 10.440 Table of Uses) OR is shown in the Business category instead of the adjacent Industrial. Additionally the wording in Article 5, Section 10.532, describes Islington Street as a boundary of the North Mill Pond OR District when in reality the railroad is the actual boundary. Furthermore, on the Proposed Zoning Amendment of January 27, 2012 sheet the wording includes Cate Street in the OR District, but Cate Street is not included in the wording in Section 10.532.10 of the Zoning Ordinance. She requested that these inconsistencies be corrected.

Norm Olsen thanked Councilors Thorsen and Kennedy for putting forward a request that City Department Heads create a zero percent budget. He thanked the Department Heads for all of their work in preparing their budgets however he does not feel that the salaries and benefits are sustainable. He spoke opposed to the additional funding provided to the Fire Department for the operation of Fire Station 3. Mr. Olsen said as a result of that vote, the City overspent. He urged the City Council to vote for a flat budget.

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 4 – ZONING DISTRICTS AND USE REGULATIONS, SECTION 10.440 – TABLE OF USES – RESIDENTIAL, MIXED RESIDENTIAL, BUSINESS AND INDUSTRIAL DISTRICTS THAT WOULD ALLOW ASSISTED LIVING CENTERS AS A PERMITTED USE IN OFFICE RESEARCH DISTRICTS AND ALLOW CLUB, FRATERNAL OR SERVICE ORGANIZATIONS BY SPECIAL EXCEPTIONS IN THOSE DISTRICTS

ADDITIONALLY AMEND ARTICLE 5 – DIMENSIONAL AND INTENSITY STANDARDS, SECTION 10.531 – TABLE OF DIMENSIONAL STANDARDS – BUSINESS AND INDUSTRIAL DISTRICTS TO REDUCE MINIMUM LOT DIMENSIONS IN OFFICE RESEARCH DISTRICTS SO THAT LOT AREA WOULD BECOME 2 ACRES, CONTINUOUS STREET FRONTAGE 200 FEET, DEPTH 200 FEET, AND MINIMUM SIDE YARD 50 FEET

Mayor Spear read the legal notice, declared the public hearing open and called for speakers.

City Manager Bohenko requested that Planning Board Chair Ricci and Planning Director Taintor speak to the Ordinance.

Planning Board Chair Ricci thanked the City Council for allowing him to speak and for the City Council's support on the recommended zoning changes to the Office Research (OR) District. He stated that OR is typically not a district subject to too much development so zoning changes are intended to provide flexibility and dimensional yard set backs. He said it is the Planning Boards' hope that it will provide increased value to the City. He also stated that the assisted living allowance is not to be confused with the CCRC.

Planning Director Taintor said that this began back in July of 2011. He stated that the matter was referred to the Planning Board and public hearings were held on the topic. He stated that the changes are focused on site development changes and will provide more flexibility. Planning Director Taintor said that there are 5 OR Districts in the City and 3 of the 5 do not comply. He spoke to the assisted living component and explained that it would be like the Mark Wentworth Home. He further indicated that OR is restrictive in uses and does not change the character of an area.

Attorney Paul McEachern stated that he represents Aphrodite Georgopolous, owner of a vacant parcel at 1900 Lafayette Road, who is requesting the zoning change. He said that Ms. Georgopolous acquired this development parcel in 2000 and has attempted to offer the parcel for sale since then but the zoning designation has proved insurmountable for prospective users. Attorney McEachern said as it stands currently you need approval of the Board of Adjustment for anything to go into that property. In addition, he spoke to the change allowing for an assisted living facility not a CCRC. He also indicated that the City Council needs to consider that the Planning Director and Planning Board Chair support and recommend this zoning change.

Patricia Cummings from the Edgewood Centre spoke opposed to the zoning change. She spoke to the types of facilities that vary with assisted living and urged the City Council to carefully review this request. She further stated that this type of change would require more strain onto City services. In addition, Ms. Cummings also explained Medicare funding and how it relates to these facilities and its impact on the Edgewood Centre.

Mary Johnson Benson from the Clipper Home said that she shares many of the concerns expressed by Ms. Cummings of the Edgewood Centre. She said that this could impact the operations of the Clipper Home as well and damage the balance of care in the City.

Ralph DiBernardo spoke opposed to the ordinance and stated that the inability to sell the property at 1900 Lafayette Road is not a reason to change the zoning across the City. He said on page 4 there are changes to the table and allows assisted living, clubs, fraternal or service organization as minor changes. He does not feel that the proposed changes have been well thought out and urged the City Council to deny passage of the ordinance.

Nancy Johnson spoke against the Ordinance and expressed concern with the North Mill Pond and Bartlett Street areas. She said there should be no changes in density.

Rebecca Emerson requested that the City Council table this Ordinance. She said that these are big changes to the Ordinance and stated that the Council is here for the residents not just

a developer. She said if a project is a good fit, the neighborhood would support a development.

Laura Mannle requested that the City Council voted opposed to the ordinance and its amendments.

Robin Normandeau asked the City Council to reconsider how this amendment is being brought forward. She does not feel that due process has been done with this change. The residents should have more time to review these proposed changes. She recommended that this type of change should come as part of the Master Plan and not just an individual ordinance change.

Paul Mannle requested the City Council vote opposed to any zoning ordinance changes. He said it is not the responsibility of the City Council or City staff to change zoning to allow for a sale of property. He does not feel that the City should be changing zoning to fit the vision of the Planning Director. Mr. Mannle said this property owner should have been directed to request a variance through the Board of Adjustment as other property owners are. He said allowing this would allow two-thirds of the uses of a CCRC. He urged the City Council to vote against the ordinance and provided the Council with a petition containing 60 signatures opposed to the zoning change.

Lenore Weiss Bronson requested that the City Council oppose the zoning change. She said there are many residents that can't come here this evening to speak opposed to this ordinance and wanted to make sure that the Council was aware. She further stated that the City cannot do without the Edgewood Centre or the Clipper Home and urged the Council to oppose the ordinance.

Attorney Paul McEachern said that an assisted living facility is not a skilled nursing home. He said there are no current offers on the parcel at 1900 Lafayette Road. He stated that an assisted living facility under this ordinance would not be in competition with the Clipper Home or the Edgewood Centre. Attorney McEachern said with the Board of Adjustment you would need to prove hardship and the Board of Adjustment generally does not approve such variances. He also spoke to this being vacant land and that you could not even build a home without going to the Board of Adjustment. The Planning Board voted through a deliberative process.

Shaun Rafferty said that Attorney McEachern is trying to bypass the Board of Adjustment and go through the City Council for this zoning change. He said this change does affect the entire City and the residents of the neighborhood should be concerned.

Paul Mannle said he feels that Attorney McEachern has a problem with the process and going through the Board of Adjustment. He said zoning should not be changed without a change made to the Master Plan.

Nancy Johnson said the Office Research District is simply for office and research.

Lenore Weiss Bronson said that the City Attorney has made the statement in the past to her that the Board of Adjustment here is known in the State to be the most lenient.

With no further speakers, Mayor Spear declared the public hearing closed.

- B. ORDINANCE AMENDMENT TO CHAPTER 1, ARTICLE XIV, SECTION 1.14 – MUNICIPAL FUND BALANCE BY THE DELETION OF THE TERMINOLOGY *UNDESIGNATED* THROUGHOUT THE ORDINANCE WITH THE REPLACEMENT OF THE TERMINOLOGY **UNASSIGNED**

Mayor Spear read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Spear declared the public hearing closed.

- C. RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTEREST COSTS AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO. THE CITY IS AUTHORIZED TO ISSUE REFUNDING BONDS IN THE AMOUNT OF UP TO TWENTY MILLION DOLLARS (\$20,000,000.00)

Mayor Spear read the legal notice, declared the public hearing open and called for speakers.

City Manager Bohenko said that this Resolution does not represent new debt. He said we are simply calling the bond from the High School and will refinance at a lower rate. City Manager Bohenko stated it is important to get this through now as interest rates are starting to go up.

With no speakers, Mayor Spear declared the public hearing closed.

- D. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN FOR COSTS RELATED TO THE LONG TERM CONTROL PLAN (LTCP) IMPLEMENTATION NOT TO EXCEED TWELVE MILLION FIVE HUNDRED THOUSAND (\$12,500,000.00) DOLLARS

Mayor Spear read the legal notice, declared the public hearing open and called for speakers.

City Manager Bohenko requested that Deputy Public Works Director Allen address this item.

Deputy Public Works Director Allen said this bond is part of the sewer separation projects. He advised the City Council that the EPA requires that the Combined Sewer Overflow – Long Term Control Plan to be completed by 2014. He further outlined the areas on the project which include Richards Avenue, Rockland Street, Highland Street, Miller Avenue, Merrimac Street, streets off of Lincoln Avenue, Union Street, Wibird Street, Park Street and the Cass Street area.

With no speakers, Mayor Spear declared the public hearing closed.

VIII. APPROVAL OF GRANTS/DONATIONS

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

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Proposed Ordinance Amendment to Chapter 6, Article XVI, Section 6.16 – Magazine Subscription Solicitors by amending Section 6.1604 – License Fee – The fee for such license shall be determined on an annual basis by the City during its budget process

Councilor Smith moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, at the April 2, 2012 City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.

- B. First reading of Proposed Ordinance Amendment to Chapter 5, Article VIII, Section 5.8 – Alarm Systems Monitored by the City - Section 5.802 by removing service charge to service fee and adding such amounts as may be determined on an annual basis by the City during its budget process. The service fee may be graduated to increase based upon an increasing number of unfounded emergency calls. In addition, amending Section 5.803 – Permissible Unfounded Emergency Calls by replacing service charge with service fee and sub-section A - replacing Police Offices with Police Department and sub-section B – replacing Fire Officials with Fire Department

Councilor Smith moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, at the April 2, 2012 City Council meeting. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy asked if there would be a presentation on this Ordinance. She indicated that she would like to know how many calls are received on an annual basis, where the majority of calls are made from, are the calls from facilities such as hotels and such places where the alarm is being pulled more often, and are we presently charging the appropriate fee for the amount of time and services provided when going to these calls.

City Manager Bohenko advised that there would be a presentation during the public hearing on this matter.

Motion passed.

- C. First reading of Proposed Ordinance Amendment to Chapter 6, Article VII – Dogs and Other Pets, Section 6.708 License by the addition of the following language – The fee for this license shall be set at the maximum amount permitted by state law

Councilor Novelline Clayburgh moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, at the April 2, 2012 City Council meeting. Seconded by Councilor Kennedy and voted.

- D. Second reading of Proposed Ordinance Amendment Chapter 10 – Zoning Ordinance, Article 4 – Zoning Districts and Use Regulations, Section 10.440 – Table of Uses – Residential, Mixed Residential, Business and Industrial Districts that would allow Assisted Living Centers as a Permitted Use in Office Research Districts and allow Club, Fraternal or Service Organizations by Special Exceptions in those Districts

Additionally Amend Article 5 – Dimensional and Intensity Standards, Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts to reduce Minimum Lot Dimensions in Office Research Districts so that Lot Area would become 2 acres, Continuous Street Frontage 200 feet, Depth 200 feet, and Minimum Side Yard 50 feet

Councilor Lown said he has a professional conflict of interest and would need to abstain from voting on this Ordinance.

Councilor Dwyer said she would like to do parts of the ordinance.

Councilor Dwyer moved to amend the Ordinance for Permitted Uses to allow Club, Fraternal or Service Organizations by Special Exceptions in those Districts and the Dimensional and Intensity Standards. Seconded by Councilor Kennedy to allow for discussion.

Councilor Dwyer said the amendment she is making is because the only concerns seem to be around assisted living. She stated that Office Research (OR) really should have been changed in the Master Plan. She indicated that the Planning Board had suggested that change coming out of the last Master Plan. Councilor Dwyer said a variety of reasons in the interim seems that some of the issues here and some of the changes in dimensions would be worthwhile. She said personally, as a side note, and someone that abuts the Clipper Home, she feels that she lives in one of the most desirable residential areas in the City. The assisted living facility – Clipper Home has been nothing but an excellent neighbor to have so it is hard for her to understand the concerns. She indicated that it is difficult to understand the heaviness of the concerns, but they are there, and so people need more time to understand what such a facility would be like.

The second reason for this amendment is that the City Council has spent a lot of time over the last several months looking to support the senior citizens in our community. She does not know why we would not want them to be able to live here and perhaps provided support if we want to transport them to various activities and appointments. She further stated that maybe she is living in a bubble next door to the Clipper Home and doesn't see all the problems that it is creating. In closing, she said she believes we should try to move forward on adjustments to the OR Districts as proposed in the Master Plan.

Councilor Kennedy said she would oppose the Ordinance and feels that both uses could be the non-profit and feels they should be for profit. She also stated that she feels that this is spot zoning. There is a process to go through with the Board of Adjustment to seek variances and that is what should be done in this case. In addition, she spoke opposed to any changes in lot sizes.

Councilor Thorsen said he is concerned with the frontage and asked what other land in the City could be changed to Office Research. Planning Director Taintor said the Planning Board looked at existing lots in the Office Research and that Office Research is the only district that has a 300 feet and 3 acre requirement. This change would make it more similar to the Industrial zone. Councilor Thorsen asked if some lots on Islington Street could be changed with this amendment. Planning Director Taintor said the only case someone would want to move to Office Research is if they have a residential lot. Councilor Thorsen said that Office Research is restrictive and he is opposed to the ordinance. He also said it looks like spot zoning and this change should be made in the Master Plan. In closing, Councilor Thorsen said he feels that this change is being crafted for a person.

Assistant Mayor Lister said he would vote opposed to the amendment and ordinance change. He respects the work of the Planning Board and Planning Department but suggested voting on each parcel for its own merits. He stated we need to get a big picture for senior services and that is when a proposal should come forward for the assisted living and senior care. Assistant Mayor Lister also indicated that residents want the neighborhoods protected.

Councilor Coviello asked if assisted living is allowed anywhere in the ordinances. Planning Director Taintor said yes but he is unable to remember what district.

Councilor Coviello asked if the current lot meets the Zoning Ordinance. Planning Director Taintor indicated that it does.

Councilor Novelline Clayburgh thanked the Planning Department and Planning Board for their hard work on this matter. She said that she would not support the Ordinance because a process is allowed through the Board of Adjustment and that is the process that should be used.

Councilor Dwyer said that this would allow for small developments and that we need more housing options rather than less. She indicated that we have an aging population that needs to be considered.

Discussion followed as to whether the motion was proper as part of parliamentary procedures. It was determined that a motion to get second reading in front of the Council was required before an amendment is brought forward.

Councilor Dwyer withdrew her motion to amend and Councilor Kennedy her second to the motion.

Councilor Smith moved to deny passage of second reading of Ordinance. Seconded by Councilor Kennedy.

On a roll call vote 5-3, motion passed. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Smith and Thorsen voted in favor. Councilors Coviello, Dwyer and Mayor Spear voted opposed. Councilor Lown abstained from voting. *By action of the City Council this Ordinance has been defeated.*

- E. Second reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance by the deletion of the terminology *Undesignated* throughout the Ordinance with the replacement of the terminology **Unassigned**

Councilor Coviello moved to pass second reading and schedule third and final reading on the proposed Fund Balance Ordinance, at the April 2, 2012 City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.

- F. Adoption of Resolution Authorizing the Issuance of Refunding Bonds to Refinance Certain Outstanding Bonds of the City so as to Reduce Interest Costs and to Pay all Costs Incidental and Related Thereto. The City is authorized to issue refunding bonds in the amount of up to Twenty Million Dollars (\$20,000,000.00)

Councilor Novelline Clayburgh moved to adopt the Refunding Resolution of up to Twenty Million Dollars (\$20,000,000.00) as presented. Seconded by Councilor Smith.

On a unanimous roll call 9-0, motion passed.

- G. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan for Costs Related to the Long Term Control Plan (LTCP) Implementation not to exceed Twelve Million Five Hundred Thousand (\$12,500,000.00) Dollars

Councilor Novelline Clayburgh moved to adopt a Bond Resolution for the aforementioned long-term control plan, as presented. Seconded by Councilor Dwyer.

On a unanimous roll call 9-0, motion passed.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

Councilor Smith requested the removal of Item X.A. – 2012 Omnibus Sidewalk Obstruction Renewals. Councilor Smith stated he will abstain from voting on this item as he is the owner of the establishment.

Councilor Smith moved to adopt the Consent Agenda. Seconded by Councilor Kennedy and voted.

- B. Letter from Jay Diener, Seacoast Half Marathon, requesting permission to hold the 7th Annual Seacoast Half Marathon on Sunday, November 11, 2012 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Doug Bates and Joan Chawziuk, Greater Portsmouth Chamber of Commerce, requesting permission to hang Portsmouth Harbour Trail Flags at 24 key sites for the 2012 season ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Kelly Lemos, New Hampshire SPCA, requesting permission to place 2 Paws Walk Posters and Brochures at the Mill Pond Dog Park ***(Anticipated action – move to refer to the City Manager with power)***
- E. Request for Renewal of Boarding House Permit for Brian Hogan, Bach Realty, LLC, 21 Brewster Street ***(Anticipated action – move to authorize the City Manager to issue the Boarding House Permit for Brian Hogan, Bach Realty, LLC, 21 Brewster Street)***
- F. Request for a License from Tom Holbrook, owner of River Run Bookstore on Fleet Street for property located at 142 Fleet Street to install a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Tom Holbrook, owner of River Run Bookstore on Fleet Street to install a projecting sign at 142 Fleet Street and, further, authorize the City Manager to execute a License Agreement for this request)***

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and***

- ***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***
- G. Request for Approval of Pole License to install/replace 1 pole located on Fernald Court ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- A. 2012 Omnibus Sidewalk Obstruction Renewals – See Attached Listing ***(Anticipated action – move to refer to the City Manager with power)***

Councilor Novelline Clayburgh moved to refer to the City Manager with power. Seconded by Assistant Mayor Lister and voted. Councilor Smith abstained from voting.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Dyanna Smith, Red Eft Project, requesting permission to install 3 sculptural pieces of art on Friday, May 11, 2012 through Sunday, May 13, 2012 at the following locations:
 - Corner of Market Street (where the ant and moose were located)
 - Grassy area where City Hall exits onto Junkins Avenue
 - Park across the street from City Hall, near corner of Junkins Avenue and South Street

Councilor Smith moved to refer to Art-Speak for report back. Seconded by Assistant Mayor Lister and voted.

- B. Letter from Peter Somssich and Josh Denton, “Welcome Home, Iraqi Veterans” Parade Committee, requesting permission to hold a “Welcome Home, Iraqi Veterans” Parade on Sunday, July 8, 2012 and further, request that the City of Portsmouth assume the costs involved with the police details and insurance

Assistant Mayor Lister moved to refer to the Veteran Committee that Assistant Mayor Lister and Councilor Smith serve, for report back. Seconded by Councilor Novelline Clayburgh.

City Manager Bohenko said that he would contact Assistant Mayor Lister and Councilor Smith to meet with City staff on this matter. He also indicated in order to waive the insurance requirements, the event would need to be co-sponsored by the City.

Councilor Kennedy moved to suspend the rules in order to allow Peter Somssich to speak to the request. Seconded by Councilor Novelline Clayburgh and voted.

Mr. Somssich stated that this was brought forward at the request of Harold Whitehouse. He also informed the City Council that some veterans feel this should include soldiers that served in Afghanistan as well. He advised the City Council that this would be the first City in New England to hold such a parade.

Councilor Dwyer asked if there was a sense of how many people that have served in the seacoast area. Mr. Somssich said there is not.

Councilor Thorsen said he would like to know how the funding for the event could be mitigated. City Manager Bohenko said typically we have not waived monetary costs unless it is a City co-sponsored event.

Motion passed.

- C. Letter from Attorney Malcolm McNeill, Representing Commerce Way, LLC, regarding Commerce Way Conditional Road Layout and Betterment Assessment

Assistant Mayor Lister moved to refer to the Planning Board for report back. Seconded by Councilor Novelline Clayburgh and voted.

- D. Letter from Kit Clews requesting permission to install an interactive sculpture in Market Square

Councilor Coviello moved to refer to Art-Speak for report back. Seconded by Assistant Mayor Lister and voted.

Mayor Spear called for a brief recess at 9:00 p.m. Mayor Spear called the meeting back to order at 9:10 p.m.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Adoption of Capital Improvement Plan (CIP) FY2013-2018

City Manager Bohenko reviewed the process followed in preparing and presenting the Capital Improvement Plan for FY2013-2018. He stated that the CIP is available on the website, at the Library and City Clerk's Office for review or reference. City Manager Bohenko requested that the City Council adopt the CIP this evening. He also advised the City Council that the CIP is a plan and does not appropriate funds.

Councilor Novelline Clayburgh moved to adopt the Capital Improvement Plan for FY2013–2018 with any appropriate amendments. Seconded by Councilor Smith.

Councilor Coviello requested that the installation of a sound barrier at Pannaway Manor be identified as part of the FY2014-2019 Capital Improvement Plan.

Councilor Smith said that Rock Street and Myrtle Avenue should also be covered with the sound barrier.

City Manager Bohenko said that there is a definite process through the Department of Transportation for that project. He indicated that we would contact the DOT and identify what we are looking for and start the process.

Councilor Coviello stated that there maybe other alternatives other than a sound barrier.

Councilor Kennedy said she would like to compliment the adjustments made by the Planning Board in bringing the CIP forward to the Council. She stated however, there is more work to be done on the plan. She also stated in regards to the parking garage, there will be another vote on the concept for the garage and just because it is in the CIP does not mean it is a done deal.

City Manager Bohenko said a bonding resolution requires two readings with a public hearing and a two-thirds vote of the Council for adoption.

Councilor Lown stated that the City Council can remove items from the CIP at the adoption of the budget. He said that the Council cannot be lenient on funding the CIP because you get behind with projects and it will cost more in the long run.

Councilor Thorsen stated that the proposed \$1,500,000.00 from the General Fund is too high and would like it lowered by \$500,000.00. He further stated the plan needs to be looked at as a whole.

Assistant Mayor Lister thanked the staff for their hard work in preparing the CIP. He said the Coakley Road project went through a process with the Boards/Commission and that is a good example of public participation.

Motion passed with Councilor Thorsen voting opposed.

2. Policy Regarding Use of City Property for Sidewalk Cafes' Providing Alcohol Service

City Manager Bohenko said a copy of the policy has been provided to the City Council for review and that changes may be made as we evaluate the process. He stated that in paragraph 1 there is a maximum to allow for 6 licenses. He also indicated that the State Liquor Commission has reviewed the policy and find no issues. City Manager Bohenko also spoke to the success of the pilot program.

Councilor Smith moved to adopt the policy regarding Use of City Property for Sidewalk Cafes' Providing Alcohol Service. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy said that she feels the fee of \$2,000.00 is too low for blocking off a piece of sidewalk. City Manager Bohenko stated that the City Council could amend the fee.

Councilor Coviello said he likes the general sense of the policy. He further stated that he is supportive of paragraph 13 regarding a substantial meal needing to be ordered for alcohol to be served.

Councilor Thorsen said he is having a hard time imaging 6 different areas downtown. He spoke concern as to how wide an area could be.

Assistant Mayor Lister said City Manager Bohenko had expressed concern with the amount of time staff would be taken from this. City Manager said the policy helps with this. He further stated we may have people question how we follow the criteria.

Councilor Dwyer stated that we are not doing this for the money but to add to the vitality of the downtown.

Assistant Mayor Lister said he feels strongly that this is something we should try. He said we are providing this to fill a demand that exists. He further stated that the price may be low and we can make adjustments as we go forward.

Councilor Novelline Clayburgh said that she would support the policy and that it is a benefit to the residents and tourists. She also stated that she feels the fee should be increased and would recommend \$15.00 per square foot.

On a roll call vote 8-1, motion passed. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer, Smith, Thorsen and Mayor Spear voted in favor. Councilor Kennedy voted opposed.

3. Approval of Guiding Parking Principles Re: Central Business District

City Manager Bohenko advised the City Council that changes can be made as we move forward. He stated we would start the process in terms of the flow chart that has been provided to the Council.

Councilor Novelline Clayburgh moved to approve the Guiding Parking Principles for the Central Business District, as presented. Seconded by Councilor Smith.

Councilor Kennedy asked when the City Council would receive the final Nelson/Nygaard Parking Report. City Manager Bohenko stated that the City will work closely with Nelson/Nygaard on the proposal and also work with the Economic Development Commission, Parking & Traffic Safety Committee and Land Use agencies. He stated that the report is complete and is the City's to use.

Councilor Novelline Clayburgh spoke in support of the motion. She stated that the guide outlines how we should move forward and she supports the flow chart as well.

Councilor Dwyer said that this is a first step for parking principles and not transportation. She also stated that she wants to make sure that we are on track with a Transportation Committee.

Councilor Smith said that there was a Transportation Policy Committee and it has been put on hold until the parking principles are completed. Councilor Smith said he will bring that back to push out the date of the Transportation Policy Committee.

Assistant Mayor Lister stated that the City Council is not voting on a parking garage with these principles. City Manager Bohenko said that is correct.

Councilor Thorsen said he does not feel that Item 19 – Parking strategies, should be revenue neutral.

Councilor Thorsen moved to amend the motion and remove Item 19 from the Principles. Motion received no second.

On a unanimous roll call vote 9-0, motion passed.

4. Request for Approval of Pro Portsmouth Settlement Agreement

City Attorney Sullivan provided background information on this matter. He outlined the issues involving Pro Portsmouth and funds owed for police services related to past Market Square Day events. City Attorney Sullivan advised the City Council that Pro Portsmouth currently owes the City the sum of \$27,173.60 (as of March 13, 2012) and the parties agree that the entire past due debt described shall be compromised and settled by the payment of a single lump sum in the amount of \$12,000.00 due at completed execution of this agreement. He requested that the City Council support the agreement, as presented.

Councilor Coviello moved to approve the Settlement Agreement with Pro Portsmouth, and further, authorize the City Manager to execute this agreement. Seconded by Councilor Smith.

Councilor Coviello asked what system has been put in place to make sure this does not happen again. City Manager Bohenko said Pro Portsmouth is an integral part of providing events for the City. He said over time because of the success of Pro Portsmouth, the costs increased with the police details which caused Pro Portsmouth to get behind. He further stated that now when an event is held the Police Department looks at costs required for the details.

Councilor Thorsen said he supports the Settlement Agreement because it is more beneficial to settle now and receive the funds today versus over time.

Councilor Smith spoke in support of the Settlement Agreement. He did express some concern with this setting precedence.

Councilor Dwyer said in many cities the City would pay for the functions provided by Pro Portsmouth. She said that Pro Portsmouth is a non-profit organization providing these wonderful events for over 35 years.

Councilor Novelline Clayburgh said she will vote in favor because of the amount of vitality Pro Portsmouth has provided to the City. She suggested that the City discuss in the future partnering with Pro Portsmouth.

Motion passed.

5. Request for Acceptance of Land Exchange with the State of New Hampshire Relating to General Sullivan Bridge Reconstruction

City Manager Bohenko said that the Department of Transportation (DOT) has asked to exchange land to allow the improvements to the General Sullivan Bridge. He spoke to the map that outlined the parcels that will be exchanged and allow NHDOT to maintain its construction schedule. City Manager Bohenko advised the Council that the Planning Board has reviewed this and unanimously indicated there are no issues with the exchange of land. He also stated that the City Council could vote on this matter this evening or bring it back for action at the April 2, 2012 City Council meeting.

Councilor Smith moved to accept the letter and approve the exchange of the properties in a manner which would allow NHDOT to maintain its construction schedule. Seconded by Councilor Coviello and voted.

City Manager's Informational Items

- *Peirce Island Wastewater Treatment Facility Open House*

City Manager Bohenko announced that the Peirce Island Wastewater Treatment Facility will be conducting an Open House on Saturday, March 31, 2012 from 9:00 a.m. – Noon.

Councilor Coviello voted to suspend the rules in order to extend the meeting time to 10:30 p.m. Seconded by Councilor Dwyer.

Councilor Smith suggested that staff is released if the Council can't get things completed before 10:00 p.m. City Manager Bohenko thanked Councilor Smith for the suggestion however, he would need to be the one to release the staff because he may require them to answer certain questions or address various items that are before the Council.

Motion passed.

B. MAYOR SPEAR

1. Appointments to be Considered:
 - Appointment of David Rheume as a regular member to the Zoning Board of Adjustment
 - Appointment of David Rheume as a regular member to the Building Code of Appeals filling the unexpired term of Chester Keefe
 - Reappointment of MaryAnn Blanchard to the Conservation Commission

The City Council considered the above referenced appointments which will be voted on at the April 2, 2012 City Council meeting.

2. Appointment to be Voted:
 - Appointment of Christopher Mulligan as a regular member to the Zoning Board of Adjustment

Councilor Coveillo moved to appoint Christopher Mulligan as a regular member to the Zoning Board of Adjustment until December 1, 2016. Seconded by Councilor Smith and voted.

3. Reappointment of Peter Loughlin to the Pease Development Authority as (Co-Representative with the Town of Newington) until March, 2015

Assistant Mayor Lister moved to reappoint Peter Loughlin to the Pease Development Authority as Co-Representative with the Town of Newington until March 1, 2015. Seconded by Councilor Coviello and voted.

City Manager Bohenko said that Peter Loughlin has served on the Pease Development Authority for a number of years and his appointment has also been a holdover. He further stated that Peter has done an outstanding job in serving as the Co-Representative for the Town of Newington and the City of Portsmouth.

C. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes from March 8, 2012 meeting

Councilor Smith moved to approve and accept the Action Sheet and Minutes of the March 8, 2012 Parking and Traffic Safety Committee meeting. Seconded by Councilor Coveillo.

Councilor Smith informed the City Council that there are no ordinance changes required through the actions of the Parking and Traffic Safety Committee meeting.

Motion passed with Councilor Kennedy voting opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Novelline Clayburgh spoke to the recent article in the newspaper regarding restoring the rail line to the City of Portsmouth and asked if there was anything the Council could do.

Councilor Smith stated that the City has looked at this matter for over 20 years. He advised the City Council that there is a problem with crossing over the bridge into Massachusetts over the Merrimack River. He further stated that the bridge is in need of repairs and Massachusetts is unwilling to pay for those upgrades to make the bridge functional for rail line use. City Manager Bohenko said that it would require federal funding as well as State funding.

Councilor Dwyer informed the City Council that the contributions for the African Burying Ground Trust provided this evening do not reflect additional contributions of \$130,000.00 received.

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

At 10:15 p.m., Councilor Coviello moved to adjourn. Seconded by Councilor Novelline Clayburgh and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

Kelli L. Barnaby, CMC/CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 2, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Proposed Ordinance amending Chapter 6, Article XVI, Section 6.16 – Magazine Subscription Solicitors by amending Section 6.1604 – License Fee – The fee for such license shall be determined on an annual basis by the City during its budget process. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 2, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Proposed Ordinance amending Chapter 6, Article XVI, Section 6.16 - Magezine Subscription Sollicitors by amending Section 6.1604-License Fee-The fee for such license shall be determined on an annual basis by the City during its budgat process.The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

#12517

11P3/22

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 6, Article XVI, Section 6.16 – **MAGAZINE SUBSCRIPTION SOLICITORS** of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

SECTION 6.1604 – LICENSE FEE

The fee for such license shall be determined on an annual basis by the City during its budget process.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 2, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Proposed Ordinance amending Chapter 5, Article VIII, Section 5.8 – Alarm Systems Monitored by the City - Section 5.802 by removing service charge to service fee and adding such amounts as may be determined on an annual basis by the City during its budget process. The service fee may be graduated to increase based upon an increasing number of unfounded emergency calls. In addition, amending Section 5.803 – Permissible Unfounded Emergency Calls by replacing service charge with service fee and sub-section A - replacing Police Offices with Police Department and sub-section B – replacing Fire Officials with Fire Department. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 2, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Proposed Ordinance amending Chapter 5, Article VIII, Section 5.8 – Alarm Systems Monitored by the City - Section 5.802 by removing service charge to service fee and adding such amounts as may be determined on an annual basis by the City during its budget process. The service fee may be graduated to increase based upon an increasing number of unfounded emergency calls. In addition, amending Section 5.803 – Permissible Unfounded Emergency Calls by replacing service charge with service fee and sub-section A - replacing Police Offices with Police Department and sub-section B – replacing Fire Officials with Fire Department. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

#12517

1tP3/22

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 5, Article VIII, Section 5.8 –**ALARM SYSTEMS MONITORED BY THE CITY** of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 5.802: SERVICE FEE

The owner of any premises served by an alarm system shall be obligated to pay a service ~~fee charge~~ to the City of Portsmouth for all unfounded emergency calls to that premises in excess of the number of such calls permitted by this Article. This service ~~fee charge~~ shall be in **such amounts as may be determined on an annual basis by the City during its budget process. The service fee may be graduated to increase based upon an increasing number of unfounded emergency calls.** ~~the amount of \$20.00 per unfounded emergency call to the police for the 6th through 9th call per calendar year and \$50.00 per call in excess of 9 calls. The service charge for unfounded emergency calls to fire officials shall be \$50.00. Said service charge is to be paid within 30 days of billing, payment to be made to the department issuing the bill.~~

Section 5.803: PERMISSIBLE UNFOUNDED EMERGENCY CALLS

The owner of any premises served by an alarm system shall be permitted the following number of unfounded emergency calls prior to the imposition of a service ~~fee charge~~:

- A. Unfounded Emergency Calls to Police **Department Offices**
Five calls per calendar year (Amended 1/25/88)
- B. Unfounded Emergency Calls to Fire **Department Officials**
Two calls per six calendar month period (January to June inclusive or July to December inclusive)

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 2, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Proposed Ordinance amending Chapter 6, Article VII – Dogs and Other Pets, Section 6.708 License by the addition of the following language – The fee for this license shall be set at the maximum amount permitted by state law. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 2, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Proposed Ordinance amending Chapter 6, Article VII – Dogs and Other Pets, Section 6.708 License by the addition of the following language – The fee for this license shall be set at the maximum amount permitted by state law. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

#12517

11P3/22

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 6, Article VII, Section 6.7 – **DOGS AND OTHER PETS** of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 6.708: LICENSE

Every owner of a dog more than four (4) months old shall be required to license such dog within 30 days of ownership and annually thereafter with the City Clerk in the manner proscribed by RSA 466 as it may be from time to time amended. **The fee for this license shall be set at the maximum amount permitted by state law.** Failure to license any dog as provided in this section shall be a violation and the penalty shall be \$25.00 and not those penalties set forth in Section 6.710.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article XIV, Section 1.14 – MUNICIPAL FUND BALANCE of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 1.1401: MANDATED FUND BALANCE

The General Fund **B**alance of the City, at the end of any fiscal year as recorded in accordance with generally accepted accounting principles (GAAP) and excluding any and all reserves, and any dedicated fund balances of the General Fund (otherwise referred to as ~~Undesignated~~ **Unassigned** Fund **B**alance of the General Fund) shall be maintained at the prescribed amount of not less than 7% of the actual Total General Fund appropriations for that fiscal year.

Section 1.1402: OPERATIONAL OBJECTIVE

Notwithstanding the provision of 1.1401, it is recognized that the financial management goal of the City of Portsmouth is to annually maintain an ~~Undesignated~~ **Unassigned** Fund Balance of greater than 10% of total general fund appropriations.

Section 1.1403: USE OF UNDESIGNATED **UNASSIGNED** FUND BALANCE

In any subsequent fiscal year, the City Council may utilize the excess of actual ~~Undesignated~~ **Unassigned** Fund **B**alance of the General Fund (as determined by the annual financial audit of the City) over the prescribed level in 1.1401 from the prior fiscal year for capital projects, transfers to capital reserve, or any other appropriation nonrecurring in nature.

Section 1.1404: EMERGENCY APPROPRIATIONS

At any time, in any budget year, the City Council may, after notice and public hearing, make emergency appropriations from Fund Balance to meet an essential need for public expenditure. Such appropriations shall be adopted by written resolution, after notice and public hearing by a favorable vote of a majority of the members of the City Council. If such appropriation reduces the ~~Undesignated~~ **Unassigned** Fund Balance to a level below that prescribed by 1.1401 of this ordinance, the resolution authorizing such appropriation shall include a plan to restore the funds within a period not to exceed two (2) years to the prescribed level. The City Council may, by a two-thirds (2/3) majority vote appropriate from the ~~Undesignated~~ **Unassigned** Fund Balance for non-emergency appropriations by following the foregoing procedure, provided that such appropriation does not reduce the ~~Undesignated~~ **Unassigned** Fund Balance below the minimum balance required by 1.1401 of this ordinance.

Section 1.1405: RESTORATION PLAN

Whenever the ~~Undesignated~~ **Unassigned** Fund Balance of the General Fund is less than the prescribed level, the City Council shall be required, within the fiscal year, to formulate and implement a plan to restore such prescribed amount to the General Fund, such plan shall not exceed a two (2) year period.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

**OFFICE OF THE CITY CLERK
CITY OF PORTSMOUTH, N.H.**

Memo

**Kelli L. Barnaby, CMC/CNHMC
City Clerk
1 Junkins Avenue
Portsmouth, NH 03801
603-610-7207
Fax: 603-427-1579
Klbarnaby@cityofportsmouth.com**

To: Mayor Eric Spear and City Council

From: Kelli L. Barnaby, City Clerk

Date: April 2, 2012

Re: (2nd) 2012 Omnibus Sidewalk Obstruction Renewals

Please find attached a second listing of 2012 Omnibus sidewalk obstruction renewal applications without changes, submitted thus far and that have met the appropriate insurance and fee requirements.

If you should have any questions, please do not hesitate to contact me directly or via e-mail at klbarnaby@cityofportsmouth.com.

cc: John P. Bohenko, City Manager

2012 Sidewalk Obstruction Renewal Applications -04/02/2012 Omnibus

Business	LOCATION	FEE	Tables	Chairs	Bench	Planters	Mannequi	Sign	INSURANCE	App Date
Izzy's Ice Cream	33 Bow St.	\$50.00	0	0	1	0	0	0	July 1, 2012	3/27/2012
Helen Marks	42 Market St.	\$50.00	0	0	0	0	0	1	April 16, 2012	03/22/2012
Helen Marks #2	74 Congress St.	\$50.00	0	0	0	0	0	1	April 16, 2012	03/22/2012
Mainely Gourmet Chocolate Factory	55 Hanover St.	\$50.00	0	0	0	0	0	1	November 5, 2012	03/27/2012
Siren 49 Hair Studio	49 Market St. 3rd Floor	\$50.00	0	0	0	0	0	1	April 12, 2013	03/26/2012
Surf Portsmouth	99 Bow St.	\$50.00	0	0	0	0	0	1	June 30, 2012	03/16/2012
The Antiquarium	25 Ceres Street	\$150.00	0	0	0	3	0	0	June 29, 2012	3/16/2012
Tugboat Alley	47 Bow St.	\$50.00	0	0	1	0	0	0	April 17, 2012	03/26/2012



National
Multiple Sclerosis
Society
Central
New England
Chapter

MAR 16 2012

March 13, 2012

Ms. Kelli L. Barnaby, City Clerk
One Junkins Avenue
Portsmouth, NH 03801

Dear Ms. Barnaby,

On behalf of the National Multiple Sclerosis Society, Greater New England Chapter, I would like to extend our deep gratitude for the continuous support Portsmouth has shown throughout the years.

With spring just around the corner, I have begun planning for the 2012 Bike MS NH Seacoast Escape. This year's date is set for Saturday, August 11th. The purpose of this letter is to ask for permission to use roads within Portsmouth and to inform you of the route through the city of Portsmouth. I have enclosed written riding directions for you. Our first cyclist (of approximately 250) should enter Portsmouth at 10:30am, and the last cyclist should depart at 1:00 PM.

Our routes feature safety stops every 10-15 miles, so that our cyclists remain hydrated and nourished. All cyclists agree to follow rules of the road, and are directed to ride single file. We issue one warning to cyclists not following the rules of the road. On the next infraction, we pull them from the ride and require they ride to the finish in one of our safety vehicles.

We mark our route with small cardboard signs attached to utility poles or stakes. We will begin marking the route on August 10th. A volunteer will follow the route on the day of the ride and remove all signs after the final cyclist has passed.

Please let me know if you have any questions about the ride and/or our route. I can be reached at 603-623-3502.

Sincerely,


Heidi Roy
Development Manager

2012 Bike MS NH Seacoast Escape - 60 mile

NET CONTROL - 781-697-9058

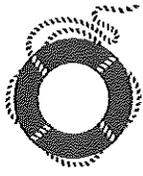
Miles	Direction	Description	Go	Town:
0.00	L	out of Stratham Hill Park onto Route 33	0.60	
0.60	R	onto Squamscott Road	1.10	
1.70	R	onto Route 108	1.00	Newfields
2.70	R	onto New Road @ Ship to Shore Restaurant	0.10	Newmarket
2.80		Caution: Narrow wooden bridge	2.30	
5.10	R	stop sign onto Route 108 (use caution entering town center)	0.60	
5.70	Sharp R	onto Bay Road	0.40	
6.10	BL	to stay on Bay Road	7.00	Durham
13.10	BR	onto Route 108	0.30	
13.40		REST STOP -- Durham Town Offices --Route 108		
13.40	BR	out of rest stopn ROUTE SPLITS	0.10	
13.50	R	at traffic light to continue on Route 108	0.60	
14.10		pass under Route 4	2.30	Madbury
16.40	S	through light	1.00	Dover
17.40	S	through light on Route 108 Caution: busy area	0.10	
17.50	S	through 2 lights, passing under Spaulding Turnpike	0.30	
17.80	BL	to stay on Route 108	0.40	
18.20	S	through light, continue on Route 108	0.30	
18.50	BR	at traffic light, following signs for Routes 4,9 and 108	0.10	
18.60	BL	staying on path for Routes 4,9 and 108	0.10	
18.70	R	onto Portland Avenue	0.10	
18.80	BR	onto unmarked Cocheco Street (towards water)	0.30	
19.10	S	through stop sign	0.40	
19.50	BR	at yield sign onto Gulf Road	1.80	
21.30	X	bridge over water	1.20	Eliot, ME
22.50	R	at light onto Route 236 South	0.40	
22.90	R	onto Route 103 South	1.50	
24.40	R	onto River Road	2.90	
27.30	BR	at yield sign onto Old Road	0.70	
28.00	S	after stop sign onto Route 103 East	0.30	
28.30		REST STOP -- Elliot Elementary School - 1298 State Road		
28.30	L	out of rest stop, staying on Route 103	0.10	
29.35	R	staying on Route 103 East	0.90	
30.25	S	through yellow blinking light	1.70	Kittery, ME
31.95		Pass under I-95	0.30	
32.25	R	staying on Route 103 East	0.40	
32.65	L	onto Government Street	0.10	
32.75	BR	up hill on Government Street	0.20	
32.95	R	onto Route 1 South	0.10	
33.05		Cross bridge back to New Hampshire (stay on sidewalk)	0.50	Portsmouth
33.55	R	onto Harbour Place which becomes State Street	0.10	
33.65		*Follow signs for Strawberry Banke*		
33.45	L	onto Marcy Street	0.30	
33.75	L	onto Route 1B South	1.50	
35.25		Caution: crossing bridge		

L=Left, R=Right, X=Cross, S=Straight, B=Bear, @=at

2012 Bike MS NH Seacoast Escape - 60 mile

NET CONTROL - 781-697-9058

Miles	Direction	Description	Go	Town:
35.25		Caution: crossing bridge		Newcastle
35.25	BL	to stay on Route 1B South	1.60	Rye
36.85		Walk bike over bridge on wooden walkway	1.10	Portsmouth
37.95	L	at stop sign onto Route 1A South	0.50	
38.45	L	at rotary to stay on Route 1A South	1.80	
40.25		REST STOP - Odiorne State Park -- Route 1A		
40.25	L	out of rest stop, pass Rye Harbor St.Park	7.50	North Hampton
47.75	R	onto Route 111	3.20	
51.85	S	thru traffic light, continue onto Route 111	0.50	
52.35	L	at stop sign	0.10	
52.45	R	at stop sign onto Route 151N	0.10	
52.55	L	onto Walnut Ave.	1.70	
54.25	R	onto Lovering Road	1.40	
55.65	L	onto Post Road	0.10	
55.75	L	onto Winnicut Road	1.70	Stratham
57.45	X	Union Road	2.20	
59.65	R	Onto Route 33/Portsmouth Ave.	1.00	
60.65	S	through stop light	0.30	
60.95	R	into Stratham Hill Park		
	FINISH	Finish Line - Congratulations! You made it!		
Route closes at 4:00PM				



American Foundation
for Suicide Prevention

March 15, 2012

City of Portsmouth
Mayor's Office
1 Junkins Avenue
Portsmouth, NH 03801

MAR 29 2012

Dear Honorable Mayor Spear and City Council Members;

The Portsmouth chapter of the AFSP Out of the Darkness Walk has hosted a fundraising and education walk since 2006 in Portsmouth. This event has grown to more than 300 walkers annually and has continued to raise more than \$50,000 per year to support local and state suicide prevention education as well as national research programs. We would like to continue the tradition and success of this program and are asking for permission to again host the Out of the Darkness Community Walk in the City of Portsmouth.

The proposed date and time is as follows;

Date: September 29, 2012 (Saturday)

Registration Begins: 8am

Walk Duration: 10am – Noon

The walk would begin and end on Pierce Island near the Outdoor Pool. Walkers would make a 2.6 mile loop starting from Peirce Island to Marcy Street, continuing onto South Street, Miller Avenue, Middle Street, State Street and finishing at Pierce Island. The walkers would use the sidewalks on each of these streets.

We would like to thank you for your consideration and look forward to your decision.

Respectfully,

Ken La Valley, Chair
OOTD Walk Committee

InterOffice Memo

To: John P. Bohenko, City Manager
From: Tom Richter, Engineering Technician
Date: March 15, 2012
Subject: PSNH License Agreement #63-0529

I have reviewed the pole location information provided by PSNH for Petition and Pole License #63-0529.

This request is to license five poles located on Plains Avenue. These poles are being moved in conjunction with the city's Plains Avenue Park Project. Five poles have been removed and five new poles have been set to move the electrical lines away from the new park. The location of these new poles poses no impact to existing city infrastructure. The Public Works Department recommends approval of this license.

Attached are pictures of the poles. Please call with any questions you may have.

cc: David Allen, P.E. Deputy Director of Public Works
Kelli Barnaby, City Clerk



**Public Service
of New Hampshire**

A Northeast Utilities Company

PSNH Energy Park
780 North Commercial Street, Manchester, NH 03101

Public Service Company of New Hampshire
P.O. Box 330
Manchester, NH 03105-0330
(603) 669-4000
www.psnh.com

March 12, 2012

Office of the City Clerk
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801

MAR 13 2012

Dear City Clerk,

Public Service of New Hampshire is hereby requesting permission to install/replace poles located in the City of Portsmouth. Enclosed for your review is pole license petition 63-0529 for pole(s) located in the City of Portsmouth.

Upon approval, please have the license section signed by the proper authority. The copy labeled "**Portsmouth**" should be retained for your records.

Please return the remaining copies along with any invoices for payment to my attention at the address below.

If the petition is rejected, please return all copies of the license petitions with an explanation of rejection.

If you have any additional questions or require more information, please contact me at 603-634-2218 .

Respectfully,

Lisa-Marie Pinkes

Lisa-Marie Pinkes
Representative-A Records
Public Service of New Hampshire
60 West Pennacook Street PO Box 330
Manchester, NH 03105-9989

Enclosure(s)

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

March 5, 2012

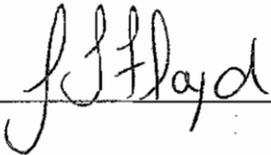
To the City Council of the City of Portsmouth New Hampshire.

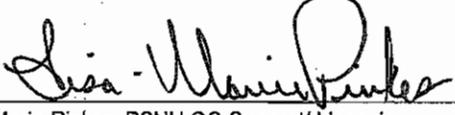
PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License five (5) pole(s), 156/4, 156/3, 156/2, 155/1, 156/1-5 located on Plains Avenue in the City of Portsmouth.

Northern New England Telephone Operations LLC
d/b/a FairPoint Communications-NNE

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: 

BY: 
Lisa-Marie Pinkes, PSNH CO Support/ Licensing

LICENSE

Upon the foregoing petition and it appearing that the public good so requires, it is hereby

ORDERED

This 5th day of March, 2012, that, PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE be and hereby are granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked "PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE No. 63-0529, dated 3/5/2012, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

Received and entered in the records of the City of Portsmouth, New Hampshire, Book _____, Page _____

Date: _____

ATTEST: _____

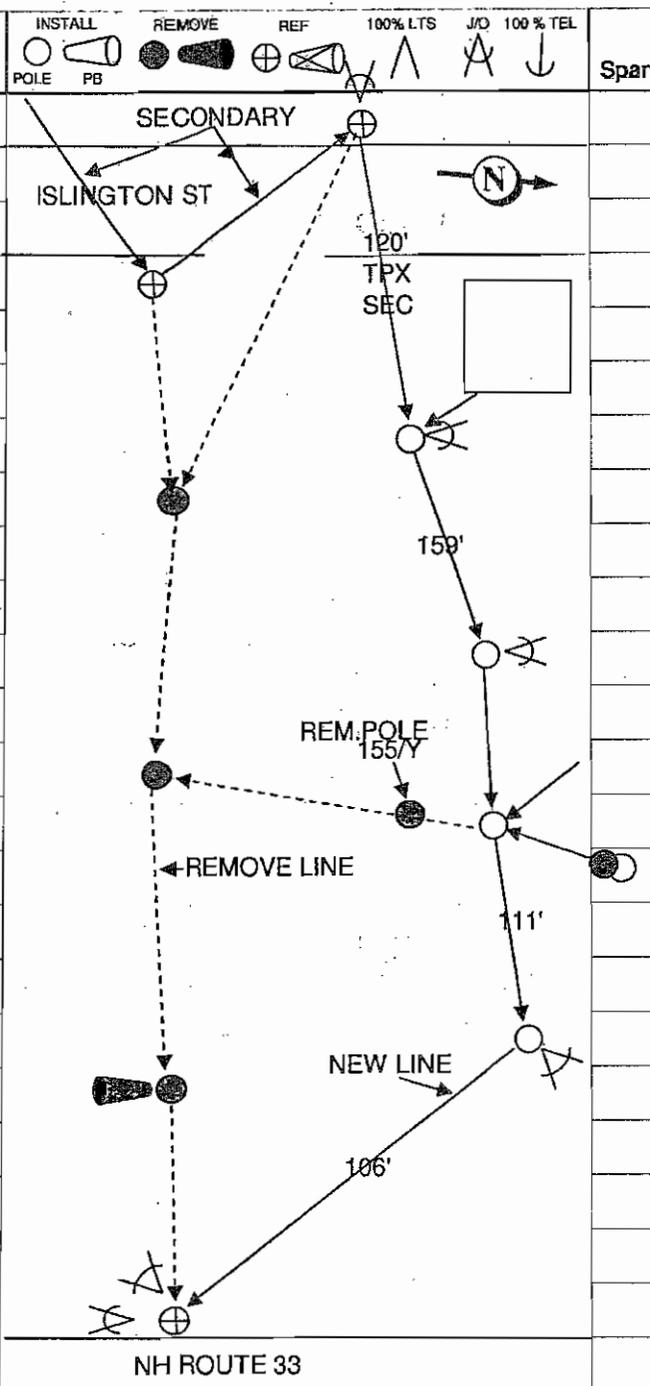
Town Clerk

POLE LOCATION PLAN

PUBLIC SERVICE OF NEW HAMPSHIRE and
Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE

DATE	03/05/2012	LICENSE NO.	63-0529
MUNICIPALITY:	Portsmouth	STATE HWY. DIV. NO.	6
STREET / ROAD:	Plains Avenue	STATE LICENSE NO.	
PSNH OFFICE:	Portsmouth	WORK REQUEST#	1878358
PSNH ENGINEER:	Sonny Lemire	WORK FINANCIAL #	9P220153
TELCO ENGINEER:	Joe Considine	TELCO PROJECT #	

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL POLE	REMOVE PB	REF	100% LTS	J/D	100% TEL	Span	DIST. FROM	Remarks	DOC REQ
LTS	TEL												
2 85	100% PSNH		N									EXISTING POLE, REMOVE OLD PRI. D.END NEW PRI & INST NEW 25 KVA XFMR	
156 3A	78 86	40'										EXISTING POLE	
156 4		45'2										INSTALL NEW POLE/ANC INST 37 KVA XFMR/ SEC TO P5	M
156 3	78 87	40'	2008									RELOCATE POLE, REMOVE POLE & ANC	
156 3	78 87	45'2										RELOCATE POLE, INST ANC INST. 1/0 TPX SEC FRO 156/2	M
156 2	78 88	40	1975									RELOCATE POLE, REMOVE OH LINE MATERIALS	
156 2	78 88	45'2										RELOCATED POLE INST FUSE FOR PEARSON	M
155 1	278 2	35'	40'2	1971	Y							REPL. POLE & XFER OH MATERIALS	M
156 1Y	78 88.5											RELOCATE P156/1Y, INST ANC. & 3PH PRI	M
156 1-5	78 88.5	40'	1980										
156 1-5PB	78 88.5PB	35'	1989										
156 1	78 89	45'	2009									EXISTING POLE, INST. (2) ANCS, REDIRECT PRI/NEUT	

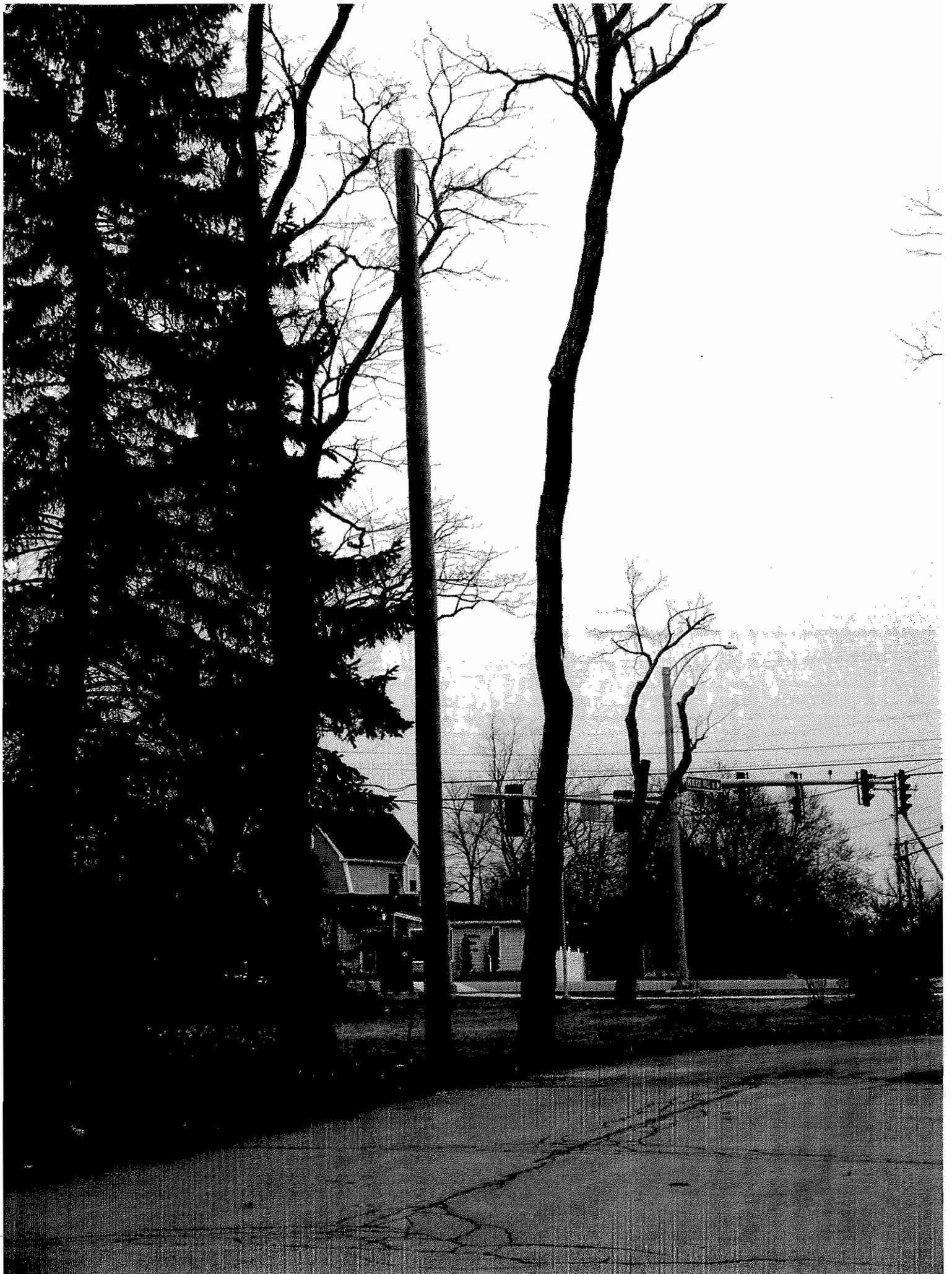


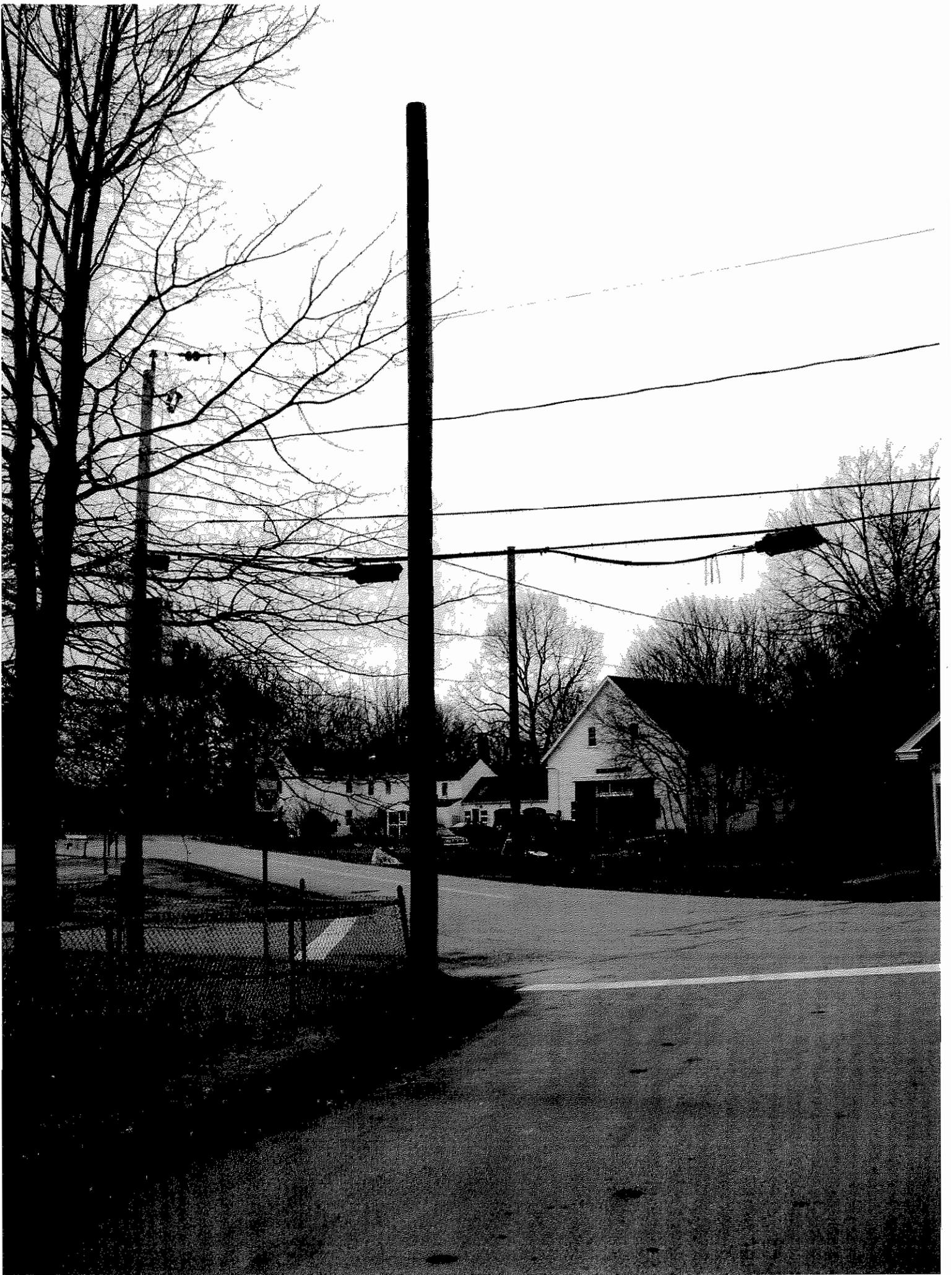
ADDENDUM PER RSA 231:163

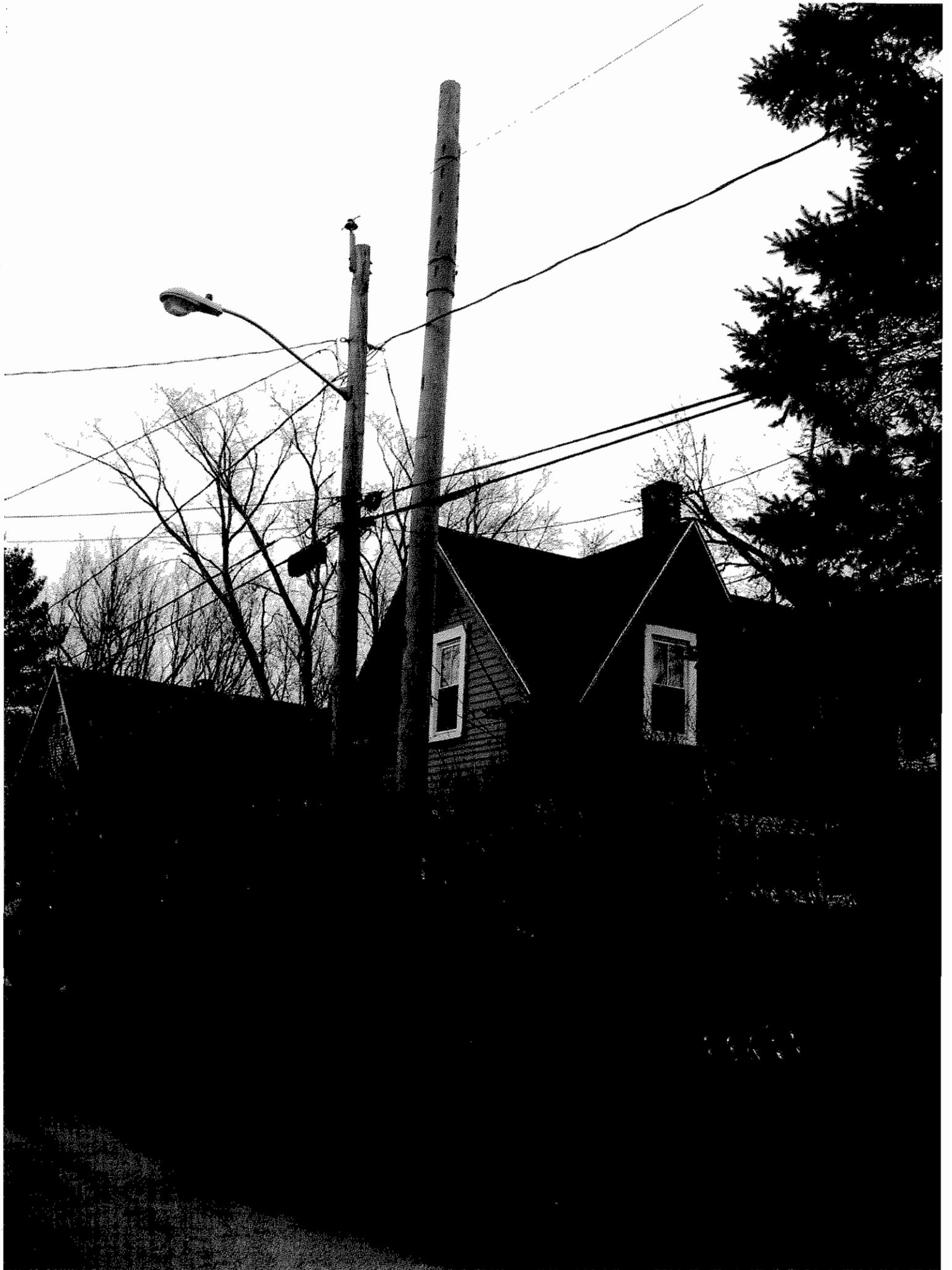
- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All licensee(s) and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the city; and
- 3) Failure of the licensee(s) and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

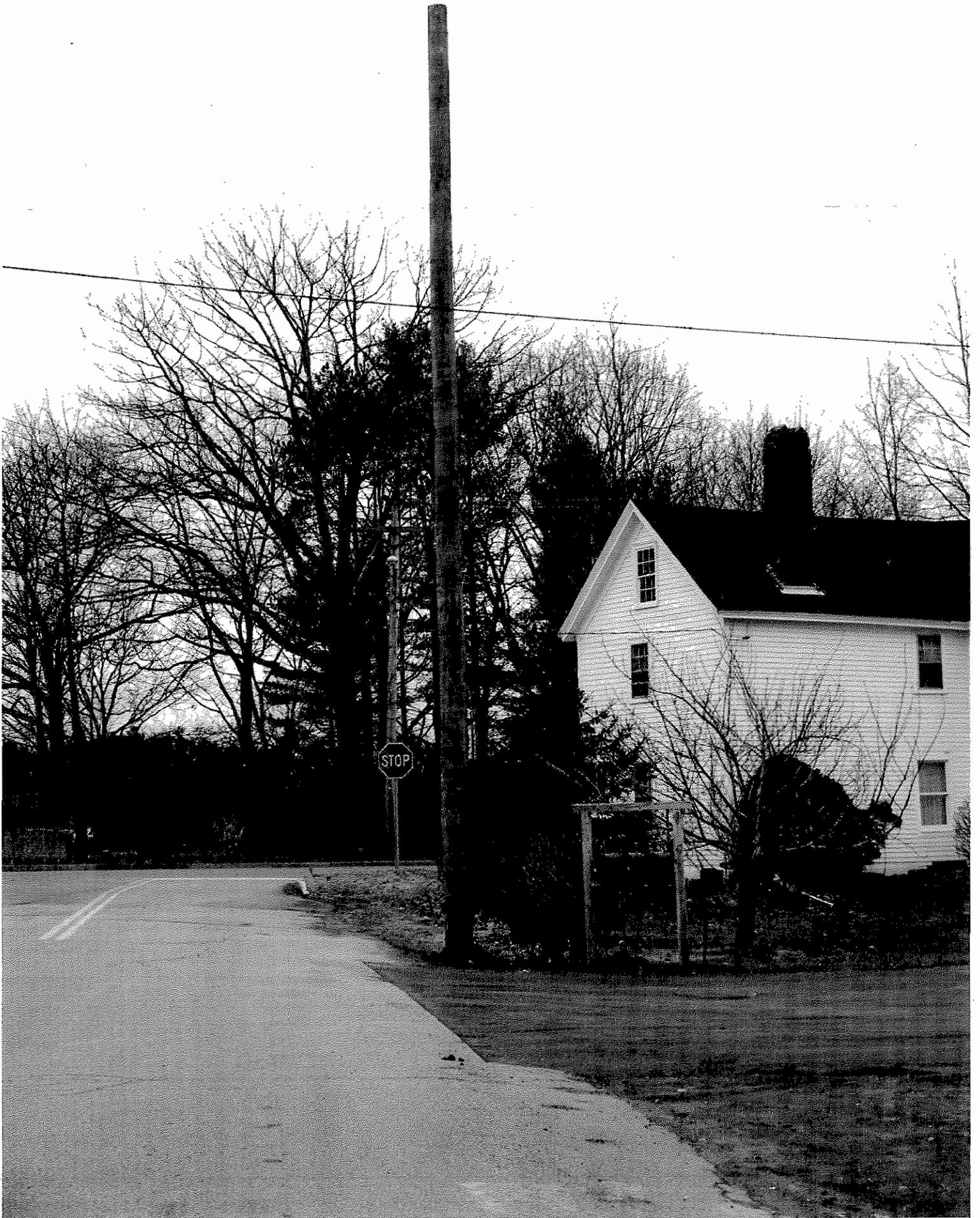
The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

Approved by City Council:











MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: March 26, 2012
RE: City Council Referral – Projecting Sign
Address: 60 State Street
Business Name: Lululemon Athletica
Business Owner: Carrie Penna

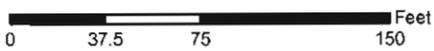


Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 18" x 18" (round)
Sign area: 1.8 sq. ft.
Height from sidewalk to bottom of sign: 9'5"
Maximum protrusion from building: 25.5 in.

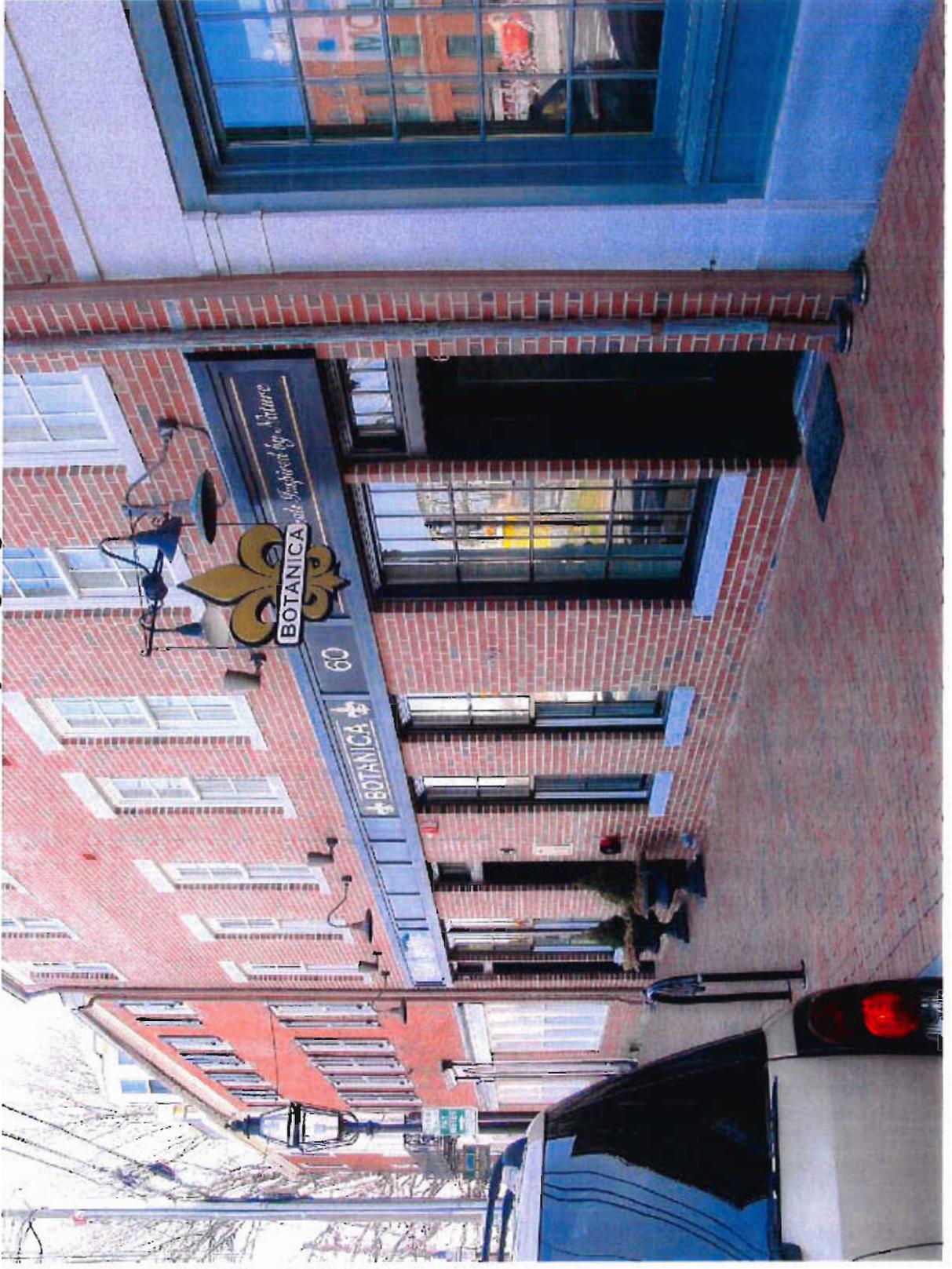
The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

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, shall 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.



Request for Projecting Sign License 60 State Street

Lululemon Athletica
60 State Street
1 Projecting Sign



The following dimensions must be provided :

H = Height of Sign (inches)

L = Length of Sign (inches)

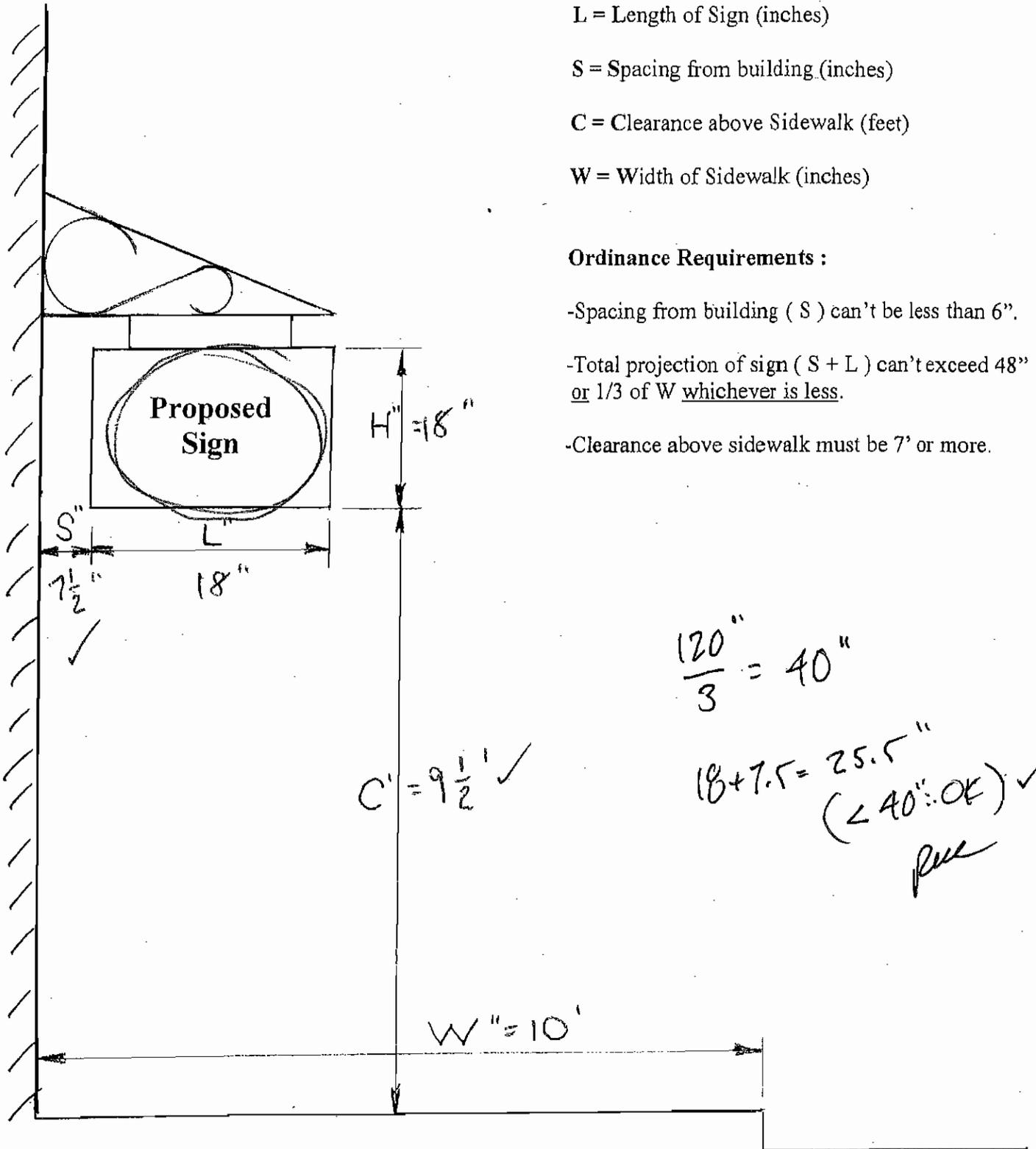
S = Spacing from building (inches)

C = Clearance above Sidewalk (feet)

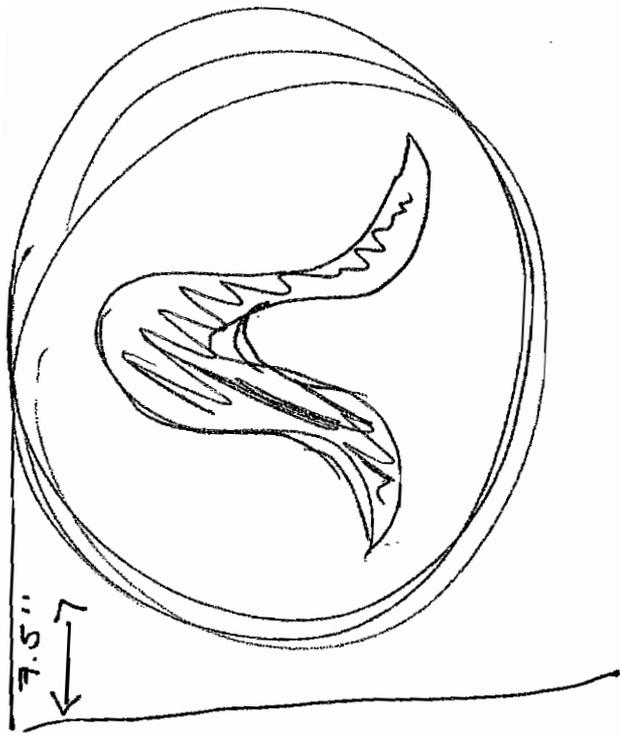
W = Width of Sidewalk (inches)

Ordinance Requirements :

- Spacing from building (S) can't be less than 6".
- Total projection of sign (S + L) can't exceed 48"
or $\frac{1}{3}$ of W whichever is less.
- Clearance above sidewalk must be 7' or more.



Sample Drawing to Accompany Projecting Sign Applications



Projecting

Dance, Sing

60

floss + Travel

wa d

NOUCAS LAW OFFICE
NOBLES ISLAND
500 MARKET STREET, SUITE 8
PORTSMOUTH, NEW HAMPSHIRE 03801
(603) 431-7164
FAX: (603) 431-7167



JAMES G. NOUCAS, JR.
ADMITTED TO PRACTICE IN NH & ME

jnucas@nucaslaw.com

March 23, 2012

John P. Bohenko
City Manager
Portsmouth City Hall
One Junkins Avenue
Portsmouth, NH 03801

Re: Cemetery Set Backs

Dear John:

I represent one of the owners of the General Porter Condominiums located at 32 Livermore Street in Portsmouth, New Hampshire. The condominiums abut a cemetery that lies between the Condominium's back lot line and the Wentworth Home.

My client would like to construct a garage along the rear boundary line of the Association property, abutting the cemetery. Upon researching the set back issue, we determined that Portsmouth does not have a cemetery set back regulation. However, there is a state statute providing for a 25 foot set back if there is no local regulation.

As is often the case, the state statute does not reflect the reality of boundaries and set backs in an old and historic community like Portsmouth. As is common in Portsmouth's South End, buildings abut this cemetery with little or no set back. Adding a garage along the rear boundary line of the Condominium property would be consistent with existing conditions.

Unfortunately, the state statute does not include a procedure to obtain a special exception. We believe this should be a matter of local control as allowed by the state statute. We, therefore, urge the City to review this issue and draft an appropriate local set back regulation applicable to all cemeteries in the City.

NOUCAS LAW OFFICE

John P. Bohenko

-2-

March 23, 2012

Major renovation and restoration of the property is underway consistent with Historic District requirements and commensurate with the property's status on the National Register of Historic Places. My client is similarly sensitive to issues arising from the property's proximity to the cemetery, and will act accordingly. The garage plans do not include any significant excavation. The plans call for a garage with a slab floor.

Please pass this letter along to the City Council with my client's request that the City review this matter and adopt an appropriate local cemetery set back ordinance. Should you require any further information, please do not hesitate to contact me. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'James G. Noucas, Jr.', written in a cursive style.

James G. Noucas, Jr.

JGN:tlk

cc: Robert P. Sullivan, Esq.



Livermore Street
&
Wentworth Street



NOUCAS LAW OFFICE
NOBLES ISLAND
500 MARKET STREET, SUITE 8
PORTSMOUTH, NEW HAMPSHIRE 03801
(603) 431-7164
FAX: (603) 431-7167

JAMES G. NOUCAS, JR.
ADMITTED TO PRACTICE IN NH & ME



jnucas@noucaslaw.com

March 23, 2012

John P. Bohenko
City Manager
Portsmouth City Hall
One Junkins Avenue
Portsmouth, NH 03801

Dear John:

As a follow-up to an article in the *Portsmouth Herald* about the Portsmouth Listens Sustainable Portsmouth Memorial Bridge dialogue, I received a call from Jim and Laurie Teetzel of Wilcox Industries. Wilcox Industries is a local manufacturer of tactical equipment for the United States Special Forces. Wilcox Industries recently donated \$25,000 to the Seacoast Emergency Response Team to meet their equipment needs.

Jim called to share their commitment to reinforcing the concept of the Memorial Bridge as a tribute to American Veterans. To honor that commitment Jim and Laurie are pledging \$25,000 towards the construction of a new tribute to American Veterans in Memorial Park.

The Teetzel's vision for this tribute is to create a local memorial. They want to work with the community to construct a fitting tribute with flags and a base constructed out of local materials such as granite. They suggest a local design competition with finalists selected by the community, and the winning design selected by a jury of local artists and community members.

The Teetzel's commitment reflects one of the primary observations of the PLSP Memorial Bridge dialogue. The Memorial Bridge is much more than just a "bridge" to pass over. The Memorial Bridge connects our communities in many other ways and for a variety of purposes. It is a "place". It is a lasting tribute to American Veterans. It is a unique and one of the few remaining places from which to observe our waterfront. It could be a place for art and to celebrate our communities. Through appropriate markers

NOUCAS LAW OFFICE

John P. Bohenko

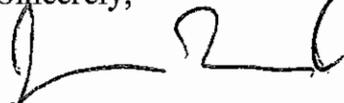
-2-

March 23, 2012

and events, it could be serve as another community platform for sharing our history and culture.

Please share the Teetzel's offer with the Mayor and City Council and provide guidance on how they can work with the City to make the Memorial Park Veterans tribute a reality. If you have any questions, please do not hesitate to give me a call. Thank you for your consideration.

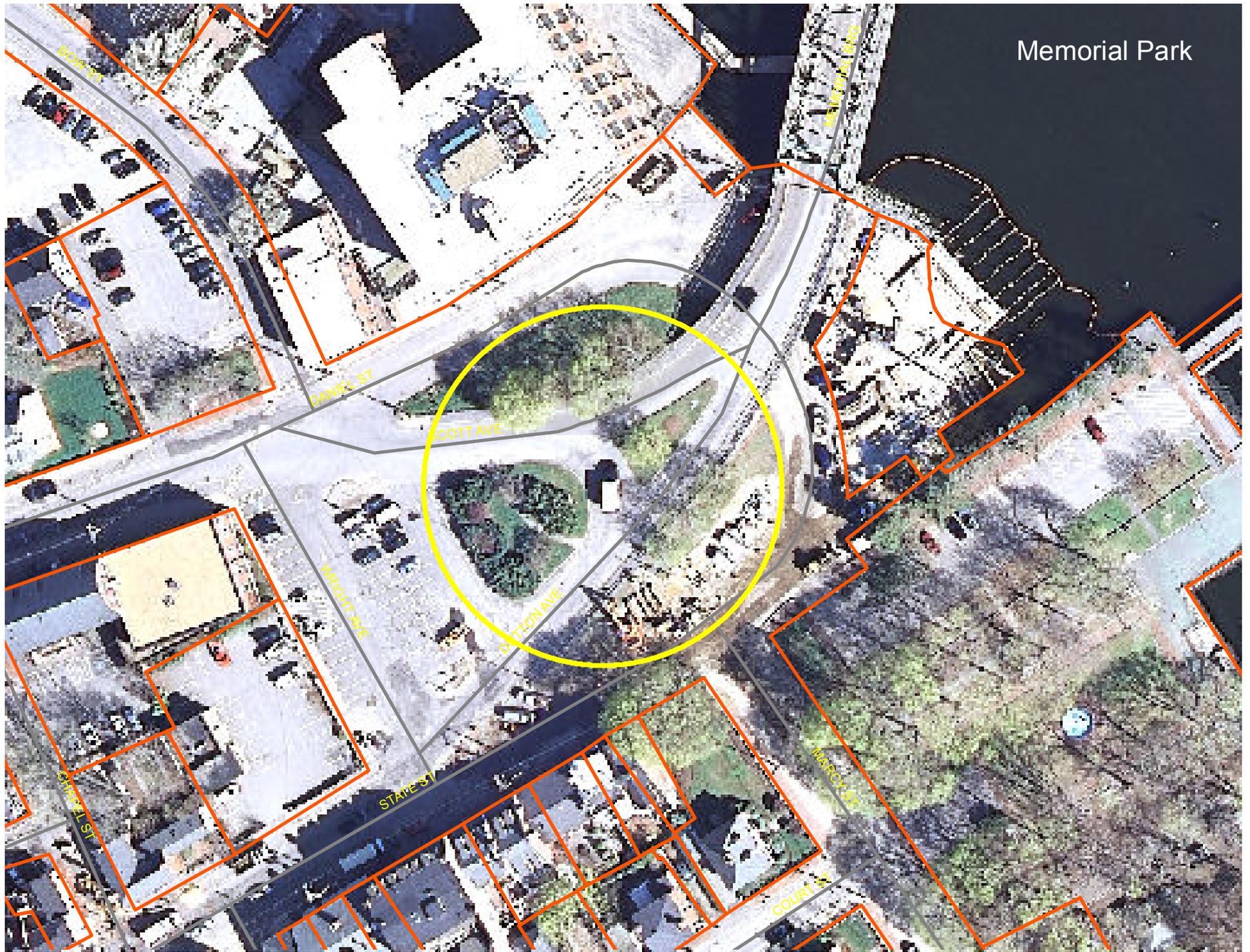
Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Noucas', with a stylized flourish at the end.

Jim Noucas

Portsmouth Listens Sustainable Portsmouth
Memorial Bridge/Transportation Committee

Memorial Park



**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

TO: Honorable Mayor Eric Spear and City Council Members
FROM: John P. Bohenko, City Manager 
DATE: March 27, 2012
SUBJECT: Naming of New Youth Recreational Facility

Attached is a letter from Carl Diemer, Recreation Board Chair, recommending the naming of the new Youth Recreational Facility be named the "Connie Bean Recreation Center."

In accordance with City Council Rule #44 – Naming of Municipal Buildings, Parks and Facilities, a work session needs to be held to deliberate concerning the request. Subsequent to the work session, the City Council can vote on the naming of the new Youth Recreational Facility. The City Attorney has advised me that the City Council may suspend its rules and proceed to vote on this matter without going to a work session.

The City Council has two options available for motions:

- 1) *move to establish a work session to discuss the naming of the Youth Recreational Facility as the Connie Bean Recreation Center*
- 2) *move to suspend the rules and act on the Recreation Board's Request (Two-thirds vote is required)*

cc: Carl Diemer, Recreation Board Chair
Rus Wilson, Recreation Director



CITY OF PORTSMOUTH

Recreation Department

March 12, 2012

Dear Mayor Spear, City Councilors, City Manager Bohenko,

At its January 18th meeting, the Portsmouth Recreation Board had a lengthy discussion on the relocation of the Connie Bean Center activities to the new recreation center being built on Parrott Avenue. With a unanimous vote, the Recreation Board would like to recommend to the City Council and the City Manager that the new recreation center on Parrott Avenue be named the "Connie Bean Recreation Center."

Please consider this letter a formal request from the Portsmouth Recreation Board to transfer the name of Connie Bean from the current facility on Daniel Street to the new facility on Parrott Avenue. Thank you for the consideration.

Sincerely,

Carl Diemer, Chairperson

Portsmouth Recreation Board



DEPARTMENTS OF THE ARMY AND AIR FORCE
JOINT FORCES HEADQUARTERS
NEW HAMPSHIRE ARMY NATIONAL GUARD
1 MINUTEMAN WAY
CONCORD, NH 03301-5807

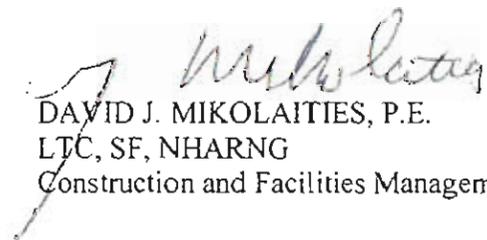
NGNH-FMO

21 March 2012

MEMORANDUM FOR Mr. Steve Parkinson, Director of Public Works, Department of Public Works, 680 Peverly Hill Road, Portsmouth, NH 03801

SUBJECT: Right of Way Access to National Guard Readiness Center on 803 McGee Drive

1. The New Hampshire Army National Guard (NHARNG) would like to initiate discussions regarding the acquisition of a portion of the Right of Way along Market Street. This Right of Way is adjacent to our existing readiness center located at 803 McGee Drive. The NHARNG is proposing to expand its existing motor pool to allow for additional military vehicle storage within our current property boundaries. In addition, we are looking to perform the following site improvements which occur within the City's Right of Way: improved site access along Market Street as well as additional parking for Army National Guard soldiers during their scheduled training days.
2. The NHARNG would also like to reiterate that this facility is available for community use on a case by case basis through the Adjutant General's Department. Several of our facilities throughout the state are used by local organizations for events such as Red Cross blood drives, food drives and other community related events. This facility has been underutilized in the past due to inadequate site access and parking, both of which we seek to improve.
3. The site was originally developed circa 1955 for the stationing of NHARNG soldiers. Circa 1980, Market Street was constructed by NHDOT in which a Right of Way was acquired for the roadway. NHDOT has since turned the land over to the city.
4. Please see the attached color rendering of our proposed site plan. We would appreciate the opportunity to discuss this with City staff at your earliest convenience.
5. Point of contact for this action is LTC David Mikolaities at (603) 227-1464 or email: david.mikolaities@us.army.mil.


DAVID J. MIKOLAITIES, P.E.
LTC, SF, NHARNG
Construction and Facilities Management Officer

NH ARMY NATIONAL GUARD
 MCGEE DRIVE
 PORTSMOUTH, NH
 PROPOSED SITE PLAN



Tighe & Bond
 Consulting Engineers
 Environmental Specialists
 177 Corporate Drive
 Portsmouth, New Hampshire 03801
 (603) 433-8818
 February 27, 2012 N-0923_Site_Plan_02-27-12

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: March 29, 2012
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on April 2, 2012 City Council Agenda

6:15 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.

.....
Items Which Require Action Under Other Sections of the Agenda:

1. **Public Hearing/Second Reading of Proposed Resolution and Ordinance Amendments:**

- 1.1 **Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 6, Article XVI, Section 6.16 – Magazine Subscription Solicitors by amending Section 6.1604: License Fee.** As a result of the March 19th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the aforementioned Ordinance amendment (see attached).

The Ordinance amendment reflects the following additional language:

“The fee for such license shall be determined on an annual basis by the City during its budget process.”

There is no reference to a License fee in the current Ordinance so the City is unable to charge a fee, which is currently listed in the Fee Resolution for \$50.00 per license. This is a housekeeping issue to bring the ordinance in line with the Fee Resolution and allow for the collection of the fee.

I would recommend the City Council move to pass second reading and schedule third and final reading on the proposed Ordinance amendment, at the April 16, 2012 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

- 1.2 **Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 5, Article VIII, Section 5.8 – Alarm Systems Monitored by the City by amending Section 5.802: Service Fee and Section 5.803: Permissible Unfounded Emergency Calls.** As a result of the March 19th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the aforementioned Ordinance amendment (see attached).

The current ordinance needs to be amended to reference the fee for false alarms. The fees are adopted each year during the budget adoption process through the Fee Resolution. This is a housekeeping issue.

As requested, the Police Department will make a short presentation regarding this matter.

I would recommend the City Council move to pass second reading and schedule a third and final reading on the proposed Ordinance amendment, at the April 16, 2012 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

- 1.3 **Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 6, Article VII, Section 6.7 – Dogs and Other Pets by amending Section 6.708: License.** As a result of the March 19th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the aforementioned Ordinance amendment (see attached).

The license and fee are in accordance with New Hampshire RSA 466. The Ordinance amendment reflects the following additional language:

“The fee for this license shall be set at the maximum amount permitted by state law.”

This allows for the local governing body to charge an additional \$1.00 for dog licenses, which will not be effective until the April 2013 licensing season. In addition, this allows ample time for notification to residents of the additional charge.

I would recommend the City Council move to pass second reading and schedule a third and final reading on the proposed Ordinance amendment, at the April 16, 2012 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

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

- 2.2 **Third and Final Reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance by the deletion of the terminology *Undesignated* throughout the Ordinance with the replacement of the terminology *Unassigned*.** As a result of the March 19th City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the aforementioned proposed Ordinance amendment (see attached). As part of the

budget presentation at the City Council retreat held on January 28, 2012, Finance Director, Judie Belanger described the new fund balance model in conformity with Governmental Accounting Standards Board (GASB) Statement No. 54.

As you know, the City currently has a Municipal Fund Balance Ordinance Chapter 1, Article XIV, Section 1.14 – which addresses the use and maintenance of the Undesignated portion of the fund balance. The new fund balance model changes the terminology of Undesignated Fund Balance to Unassigned Fund Balance. Therefore, the terminology change makes it necessary for the City to amend the current City ordinance to reflect the new terminology.

I would recommend the City Council move to pass third and final reading on the proposed Fund Balance Ordinance. Action on this matter should take place under Section IX of the Agenda.

Consent Agenda:

1. **Request for Approval of Pole License.** Attached under Section X of the Agenda is the following request for a PSNH Pole License Agreement (see attached memorandum from Tom Richter, Engineering Technician, Public Works Department):

- a) License to install/replace 5 poles located on Plains Avenue.

I would recommend the City Council move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes. Action on this matter should take place under Section X of the Agenda.

2. **Acceptance of Police Department Donations.** Attached under Section X of the Agenda is a memorandum, dated March 21, 2012, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief David J. Ferland, requesting that the City Council approve the following grants and donations:

- a. A donation in the amount of \$100.00 from former Commissioner Wm. Mortimer in memory of retired Portsmouth Police Captain Robert Roth.
- b. A donation in the amount of \$50.00 in support of the Portsmouth Police Honor Guard from Mr. Frank Mastan.

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 donations to the Portsmouth Police Department, as listed. Action on this matter should take place under Section X of the Agenda.

3. **Request for License to install a Projecting Sign.** Attached under Section X of the Agenda is the following request for a projecting sign license (see memorandum from Rick Taintor, Planning Director):

- Lululemon Athletica, owner of Carrie Penna for property located at 60 State Street

I would recommend the City Council move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute a License Agreement for this request. Action on this matter should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Report Back Re: Request of David Choate, III, Grubb & Ellis Northern New England, for an Amendment to Section 10.836.20 of the Zoning Ordinance Regarding Drive-through Lanes for Retail/Commercial Buildings Outside of the Central Business District.** As you will recall, at the February 6, 2012 City Council meeting, the Council referred the attached aforementioned request to the Planning Board for report back to the City Council. Mr. Choate's request that the City consider amending the Zoning Ordinance with respect to the number of drive-through lanes allowed. The Planning Board considered this request at its meeting on March 15, 2012 and voted to recommend the changes to the Zoning Ordinance as outlined in the attached memorandum from Rick Taintor, Planning Director.

I would recommend the City Council move accept the Planning Board's recommendation, and further, authorize the City Manager to bring back for first reading the proposed amendment at the April 16th City Council meeting.

2. **Request for a Parking Lot Agreement Re: Middle Street Baptist Church.** In an effort to ease parking constraints from the Middle School project, the Middle Street Baptist Church has agreed to allow the City to utilize 17 parking spaces in their parking lot for use by employees of the Portsmouth Library for another year. Use of the lot will be limited to Monday through Friday, 8:30 a.m. to 9:30 p.m. each day. The attached agreement will be for one year.

In exchange for use of the spaces, the City will pay the Church \$1,000 per year and manage snow plowing and removal for the lot. As you know, the City has designated the subject parking spaces for permit parking and installed a key-locked security gate in the existing chain link fence to allow access to the Library. Enforcement of the 17 spaces is conducted by Parking Enforcement in conjunction with Library staff, on an as-needed basis.

In the event that Church services (funerals, weddings, etc.) preclude the use of the spaces, 24-hour advance notice will be given by the Church to the Library Director. This occurred only once during the past year.

I would recommend the City Council move to approve a one-year License Agreement between the Middle Street Baptist Church and the City of Portsmouth, as presented, and further, authorize the City Manager to execute this Agreement.

3. **Report Back Re: Outdoor Boot Camp Proposal at Peirce Island.** As you will recall at the February 6th City Council meeting, the Council referred the attached request for an outdoor boot camp at Peirce Island to the Recreation Board and Peirce Island Committee for report back. The Recreation Board approved the request, and the Peirce Island Committee denied the request (see attached memorandums).

On March 17, 2012, Julie Bokar and Jeanne Carter re-submitted their request for Peirce Island for an early morning class on Tuesday and Thursday mornings 6:00 a.m. to 6:45 a.m. The Peirce Island Committee by unanimous vote has denied the request of use of the island by the Fuel Training Studio based on the long time policy of not having groups that charge fees to use the island.

Action on this matter is necessary.

4. **Request by Strawberry Banke Museum for Zoning Ordinance Amendment Relative to the Definition of "Museum".** Attached is a memorandum from Rick Taintor, Planning Director, regarding a request from Strawberry Banke Museum for an amendment to the definition of "museum" in the Zoning Ordinance. Specifically, it is requested that the provision excluding "commercial galleries for the sale of art" be removed from the definition. At its meeting on March 15, 2012, the Planning Board voted unanimously to recommend that the City Council amend the definition of "museum" as follows:

A non-profit permanent institution, open to the public, which acquires, conserves, researches, exhibits, and interprets objects having scientific, historical or artistic value. Museums may include exhibit and display areas, libraries and research areas, administrative offices, areas for constructing exhibits, and storage areas for museum materials, artifacts and objects. Accessory uses may include retail sales (but not including the regular sale of objects collected or displayed), food services for museum visitors or others, manufacturing for museum purposes, and events such as craft demonstrations, receptions, and periodic celebrations, **provided that all such accessory uses are incidental and subordinate to the primary non-profit museum use.**
~~Museums include galleries for the display of works of art, but do not include Commercial galleries for the sale of art work.~~

I would recommend the City Council move to accept the Planning Board's recommendation, and further, authorize the City Manager to bring back for first reading the proposed Zoning Ordinance amendment at its April 16, 2012 City Council meeting.

5. **Request of PSNH for Easement for Placement of Service at Prescott Park.** Representatives of Public Service of New Hampshire, Prescott Park Arts Festival, Trustees of Trust Funds and the Department of Public Works have been working to identify a means to provide improved electrical service for Prescott Park. The proposed new service includes the removal and upgrade of certain poles and lines along Marcy Street and the installation of a new transformer pad on Prescott Park property. PSNH is requesting an easement to install and service the new transformer pad. The location of the new transformer

pad is shown on the attached plan. The cost of the improved electrical service is to be paid for by Prescott Park Arts Festival not the City/Trustees.

The Trustees reviewed and approved the proposed new service at its meeting held on March 22, 2012.

I would recommend the City Council move to refer the PSNH easement request to the Planning Board for a report back.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on March 19, 2012. In addition, this now can be found on the City's website.
2. **Reminder of City Council Work Session.** This is a reminder that there will be a City Council Work Session, on Monday, April 9, 2012 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding a Quarterly Update on Wastewater Treatment.
3. **Joint Meeting of Economic Development Commission and Parking & Traffic Safety Committee.** For your information, there will be a joint meeting between the Economic Development Commission and the Parking and Traffic Safety Committee on Friday, April 6, 2012 at 7:30 a.m., in Conference Room A. Attached are a memorandum and an agenda.

MEMORANDUM

RECEIVED

MAR 23 2012

CITY MANAGER
PORTSMOUTH, NH

TO: John P. Bohenko, City Manager

FROM: Rick Taintor, Planning Director *R.T.*

DATE: March 23, 2012

RE: City Council Referral –
Request of David Choate, III, Grubb & Ellis Northern New England, for an amendment to Section 10.836.20 of the Zoning Ordinance regarding drive-through lanes for retail/commercial buildings outside of the Central Business District

The attached letter from David Choate was referred by the City Council to the Planning Board on February 6, 2012, for report back. Mr. Choate requests that the City consider amending the Zoning Ordinance with respect to the number of drive-through lanes allowed for a use. The Planning Board considered this request at its meeting on March 15, 2012, and voted to recommend the changes to the Zoning Ordinance outlined below.

Overview

Under current zoning, the number of drive-through lanes is based on the amount of floor area in the use served, and is capped at two drive-through facilities (windows, vacuum tubes, or ATMs) per use. These rules apply equally to financial institutions, pharmacies and food establishments. Mr. Choate has indicated that financial institutions typically have a smaller building footprint than pharmacies and food service establishments because their retail branches do not require much internal building space and, in turn, current banking industry models typically need two teller drive-through lanes and often prefer a separate ATM lane.

This referral to the Planning Board presented the Board with an opportunity to assess how to better manage the impacts of drive-throughs, while at the same time recognizing the particular economic development and business needs of financial institutions. The Zoning Ordinance changes recommended to the City Council by the Planning Board, combined with changes the Planning Board intends to make to its Site Plan Review Regulations, will accomplish the following:

1. Support the economic development needs of financial institutions by allowing one more drive-through lane (up to three) per financial institution, where a maximum of two drive-through lanes are currently allowed.
2. Streamline the permitting process for all drive-through facilities. Currently, applicants must obtain approvals from two boards for any drive-through land: they must first secure a special exception and possibly a variance from the Board of Adjustment, and then begin the site plan review process with the Planning Board. With the proposed changes, applicants will only need to obtain Planning Board approval for a drive-through facilities via a conditional use permit and site plan approval.

3. Provide increased protection for neighboring properties and residential neighborhoods with regard to noise, light and aesthetics by establishing standards for landscaping and screening of drive-through lanes.

Also, this will be applicable to all permitted uses, not just financial institutions, and will be a significant improvement over what is currently allowed under the City's zoning and land use regulations.

Background – Existing Zoning Ordinance Provisions

The Zoning Ordinance currently limits the number of drive-through lanes serving a single use in two ways, as follows:

10.836.20 Size of Facilities

10.836.21 No **drive-through facility** shall have more than two **drive-through lanes**.

10.836.22 No **drive-through facility** shall have more than one **drive-through lane** for each 5,000 square feet of **gross floor area** of the **principal use** that it serves.

"Drive-through facility" and "drive-through lane" are defined as follows:

Drive-through facility

A **building**, attached **structure** or portion thereof that provides products or services directly to a customer in a motor vehicle by means of a window or mechanical device.

Drive-through lane

A lane in which vehicles obtain service from transaction windows or devices at a **drive-through facility**.

Under the current standards, any use – for example, a bank, restaurant or pharmacy – would be allowed one drive-through lane for up to 5,000 sq. ft. of gross floor area and a second lane for up to 10,000 sq. ft. of gross floor area.

Requested Amendment

In his letter to the City Council, Mr. Choate stated that banks should be permitted at least three drive-through lanes regardless of the size of the bank. He also requested that the language of the ordinance be revised so that it is clear that the phrase "for each 5,000 square feet" is intended to mean "up to 5,000 square feet."

Analysis

Drive-through facilities may be classified into three categories based on use:

- Food service businesses such as restaurants and coffee shops generally include only one drive-through lane because of the need to deliver the product directly from a window in the building. These uses also raise the greatest concerns about traffic congestion and safety because their business tends to peak at certain times, including morning and evening rush hours, and therefore they tend to create longer queues of vehicles waiting for window service.
- Pharmacies may have more than one drive-through lane, but such uses typically contain at least 10,000 square feet of floor area and therefore meet the current requirement of no more than one drive-through lane per 5,000 square feet of floor area.
- Banks are able to support more than one drive-through lane because of the nature of the transactions: a teller is able to serve one customer through the window and additional customers using pneumatic (vacuum) tubes. Many banks also prefer to provide an additional lane for a drive-up ATM. Outside of downtowns and neighborhood business areas, branch banks tend to be smaller than 5,000 sq. ft. in area.

Based on the different requirements of these uses, it is possible to eliminate the floor area requirement altogether. It is important, however, to ensure that increasing the number of permitted drive-through lanes does not compromise the quality of the streetscape in terms of aesthetics and pedestrian comfort and safety. Therefore, it is recommended that any use incorporating multiple drive-through facilities be subject to specific standards and discretionary review by the Planning Board.

The Zoning Ordinance currently requires drive-through facilities to obtain a special exception from the Zoning Board of Adjustment but also requires that all drive-through facilities receive site plan approval by the Planning Board. Because the issues relating to drive-through uses are site issues (including aesthetics and traffic safety), it is appropriate to have the Planning Board responsible for the zoning permission as well as site plan review, which will allow for a more streamlined review process. Therefore, it is also recommended that the table of uses be amended to replace the special exception with a conditional use permit from the Planning Board.

Recommended Zoning Ordinance Amendments

At its meeting on March 15, 2012, the Planning Board voted unanimously to recommend the following changes in the Zoning Ordinance:

- (1) Amend Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, as follows:

Use	GB	GW	B	WB	OR
19.40 Drive-through facility , as accessory use to a permitted principal use	§ CU	§ CU	§ CU	N	§ CU

(2) Amend Section 10.836, Accessory Drive-Through Uses, as follows:

~~10.836.20~~ **Size of Facilities**

~~10.836.21~~ No **drive-through facility** shall have more than two **drive-through lanes**.

~~10.836.22~~ No **drive-through facility** shall have more than one **drive-through lane** for each 5,000 square feet of **gross floor area** of the **principal use** that it serves.

10.836.20 Performance Standards

10.836.21 **A drive-through canopy shall not project more than 26 feet from the principal building and shall be consistent with the architectural style of the building.**

10.836.22 **Illuminated menu boards or other signs associated with the drive-through facility shall be shielded from public streets and residential properties.**

10.836.30 Setbacks

10.836.31 All outdoor service facilities (including transaction windows, menu boards, speakers, etc.) shall be located a minimum of 100 feet from any residential zoning district, and 50 feet from any **lot line**.

10.836.32 All **drive-through lanes**, **bypass lanes**, and **stacking lanes** shall be located a minimum of 50 feet from any residential zoning district, and 30 feet from any lot line.

~~10.836.33~~ Menu boards shall be shielded from public **streets** and residential properties.

Proposed Amendments to Site Plan Review Regulations

In addition to recommending the above amendments to the Zoning Ordinance, the Planning Board also voted to schedule a public hearing on amendments to the Site Plan Review Regulations to address screening of drive-through lanes and any other design and performance standards that may appear appropriate. An initial recommendation is to insert a new subsection 3.6.5 in the Site Plan Review Regulations as follows:

3.6.5 Screening

Drive-through lanes shall be screened from public view with a fieldstone wall, or comparable structure approved by the Planning Board, to a height of at least three feet above grade, and an additional dense landscaping screen to a height determined by the Planning Board. Such

screening shall be continuous along the entire length where there are two or more drive-through lanes.

The Site Plan Review Regulations are adopted by the Planning Board and do not require City Council action.



XI. D.

January 27, 2012

received
1/30/12

Grubb & Ellis|Northern New England
500 Market Street, Suite 9
Portsmouth, NH 03801

603.433.7100 main
603.431.0028 fax
www.grubbellisnne.com
Independently Owned and Operated

Honorable Mayor and City Council
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Zoning Ordinance Section 10.836.20

Dear Mayor and City Council:

I would like to request that the Planning Board consider amending this section regarding drive-through lanes for retail/commercial buildings outside of the Central Business District. As currently worded, the section limits drive-throughs to a maximum of two lanes and each drive-through lane requires 5,000 square feet of gross floor area. This section of the ordinance is not realistic or appropriate for the following reasons:

1. Banks need at least 3 drive-through lanes (1 teller lane, 1 ATM lane and 1 bypass lane) for customer convenience and retail traffic flow.
2. Retail or commercial establishments that require more than 1 drive-through lane will usually not be 10,000 s.f. in size. Most will likely be under 5,000 s.f. and, although the Planning Director has interpreted this section to read "up to 5,000 s.f. of gross floor area is permitted one drive-through", the language in the ordinance is not clear in this regard.

Thank you for your consideration of this request and I look forward to further discussion on this issue with the Planning Board.

Sincerely yours,

GRUBB & ELLIS|NORTHERN NEW ENGLAND

A handwritten signature in black ink that reads "David F. Choate, III".

David F. Choate, III

DFC/ps

G:\Files from Priscilla's Computer\David\Drive-through Ordinance Letter

PARKING LOT USAGE/MAINTENANCE AGREEMENT

Middle Street Baptist Church, 18 Court Street, Portsmouth, New Hampshire (hereinafter "Church"), and the City of Portsmouth a municipal corporation with an address of 1 Junkins Avenue, Portsmouth, New Hampshire, (hereinafter "City"), hereby enter this agreement with respect to the parking lot owned by the Church (Map 127, Lot 2) (hereinafter "the Lot") for the purposes and under the terms and conditions contained herein.

1. This agreement shall commence in effect on April 1, 2012 and continue in effect until April 1, 2013.
2. During the period in which this agreement is in effect the 17 parking spaces in the lot shown on the attached plan shall be available at the direction of the City for the purpose of allowing employees of the Portsmouth Library to park.
3. Parking under this agreement shall be limited from Monday through Friday of each week and from the hours of 8:30 a.m. to 9:30 p.m. each day. Except, however, that by prior written notice delivered to the Library Director not less than twenty-four (24) hours in advance, the Church may have use of the seventeen (17) spaces for specific Church events during these hours up to eight (8) times per calendar year. Such use of the spaces by the Church beyond the eight (8) times shall be at the discretion of the City.
4. The City shall post and maintain signage in a manner to be approved by the Church to designate the 17 spaces for library employee parking. The signs shall include information about the hours and days when such employees are permitted to use the spaces.
5. The City shall have the authority to provide regular and consistent enforcement of its rules and regulations governing the use of these parking spaces during the times stated to ensure that the parking spaces are only being used by authorized permit holders.
6. The City shall install a key-locked security gate in the existing chain link fence in a manner subject to the reasonable approval of the Church. Keys to the gate shall be provided to the Church and to the Library employees. The City shall remove the security gate upon termination of the agreement and restore the existing chain link fence to its original character.
7. The City shall plow snow, apply salt and sand, and remove snow as necessary from the Lot in accordance with its normal practices for City parking lots.
8. Except as described in this agreement all other the use of the lot shall be under the control of the Church.

9. The City agrees to indemnify and hold the Church harmless with respect to any and all claims for liability arising out of any use of the parking which is sanctioned, arranged, sponsored or conducted by the City, to the extent and under the terms and conditions under which the City itself is entitled to indemnification from the New Hampshire Local Government Center, Property and Liability Trust, under the terms of its member agreement as it may be in effect from time to time.
10. In exchange for the foregoing the City shall pay to Church the total annual compensation of \$1,000.00, which shall be due no later than July 31 of each year of the agreement.
11. This agreement may be terminated by the Church in the event that the City fails to maintain its obligations under it, after the City has been given written notice of such failure and a thirty (30) day period to cure it.

For the City of Portsmouth

**For Middle Street Baptist Church,
Portsmouth, NH**

John P. Bohenko, City Manager

xxx, xxx

Dated: _____

Dated: _____

Pursuant to vote of the City Council
on _____.

Pursuant to vote of the Middle Street Baptist
Church Board of Trustees on
_____.

Ann Sharpe

-----Original Message-----

From: Fuel Training [mailto:jj@fueltrainingstudio.com]

Sent: Saturday, March 17, 2012 1:50 PM

To: John P. Bohenko

Subject: Re: Permit for Pierce Island

Hi John,

Thank you for your patience on this matter.

We would like to re-submit our permit for either Pierce Island or Prescott Park for just the early morning class on Tuesday and Thursday mornings 6-6:45 am. We would be happy to pay a permit fee as we do here in Newburyport. Ideally our start date would be April 2 but I believe you said that is the day of the next meeting.

Is the meeting open to the public? We would love to attend if that would be possible.

Originally Prescott Park agreed to this on a trial basis. Perhaps we could do 1 six week session and see how it goes?

Many towns and city's have fitness classes in public parks and public spaces. This type of program adds vitality and richness as well as instilling health and wellness to an already vibrant community.

We are considering possible expanding our business to Portsmouth. If we could offer an outdoor class and get a sense of the community it would help in our decision making process.

Thank you for considering us for a revised permit.

Julie Bokat and Jeanne Carter

(THE PEIRCE ISLAND COMMITTEE BY AN UNANIMOUS VOTE HAS
DENIED THE REQUEST OF USE OF THE ISLAND BY THE FUEL
TRAINING STUDIO BASED ON THE LONG TIME POLICY OF NOT
HAVING GROUPS THAT CHARGE FEES TO USE THE ISLAND.

AUTHORIZED BY CHAIRMAN STEVEN MARISON
AND WITNESSED BY RICHARD SMITH

(



CITY OF PORTSMOUTH

Recreation Department

RECEIVED

FEB 24 2012

CITY MANAGER
PORTSMOUTH, NH

City Manager Bohenkó,

2-16-12

The Recreation Board recently received the request of Fuel Training Studio to have 4 early morning and early evening exercise classes on Mondays and Wednesdays at Peirce Island from April through September. Since the Recreation Board will not meet for another month, the members were surveyed electronically for their input and the consensus was to recommend the City Council allow the use of Peirce Island for these classes with the following stipulations/concerns:

- Fuel Training Studio will provide adequate insurance and name the city as additional insured.
- Days/times and specific location of the classes be provided to the Recreation Director to work out any logistical concerns.
- Parking and classes to stay away from the open dog park area (for safety reasons). Wednesday evening classes to stay away from the pool and pool parking area (pool is open Wednesday evenings).
- The city retains the right to rescind permission if there are any issues.

Overall, the Board thought it would be a good use of the Island, provide additional security/presence during "off" hours and add additional active recreation to the Island.

For the Portsmouth Recreation Board,

Rus Wilson

Recreation Director

City of Portsmouth, N.H.

Outdoor Boot Camp Proposal

We are interested in the possibility of holding an Outdoor Fitness Class on Pierce Island two evenings and possibly two early mornings a week starting in April and continuing through September.

The class would start at 5:45-6:30 am and 6:30 -7:15 pm possibly on Mondays and Wednesdays. There would be approximately 5-30 people in the class at any given time. The first session would begin April 2nd-May 9th. If the interest is there we will continue six week sessions throughout the summer.

Class format consists of a stationary 5 minute warm-up at the beginning and the end of class. During class we do a variety of exercises that include push-ups, sit-ups, jumping jacks as well as many other types of drills. We try to move around as much as possible and try not to stay in one area the entire time. If there are already existing activities going on we try to move to other locations in order not to interfere.

We presently hold a Boot Camp class on the waterfront in Newburyport and have done so for the past five years. It's a great way to start your day and we have many followers who love to exercise while watching the sunrise and set. To learn more about us you can go to our website, fueltrainingstudio.com.

We look forward to hearing from you.

Julie Bokat and Jeanne Carter
Owners, Fuel Training Studio

M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *R.T.*
DATE: March 27, 2012
RE: Request by Strawberry Banke Museum for Zoning Ordinance Amendment
Relative to the Definition of "Museum"

In the attached letter dated January 27, 2012, Lawrence J. Yerdon and Rodney D. Rowland of Strawberry Banke Museum request that the City consider amending the definition of "museum" in the Zoning Ordinance. Specifically, it is requested that the provision excluding "commercial galleries for the sale of art" be removed from the definition.

Background

The definition of "museum" drafted in 2009 was intended to allow more flexibility for lot area without opening the Mixed Residence Office (MRO) district to retail uses. However, it is now apparent that the definition revision created an unintentional restriction on activities at Strawberry Banke.

Prior to the enactment of the revised Zoning Ordinance in December 2009, the following use was allowed in the MRO district:

Non-profit museums on lots greater than two (2) acres with exhibits, display and/or programs and associated activities and accessory uses including periodic celebrations, receptions, retail sales, food services for museum visitors or others, manufacturing for museum purposes, craft demonstrations, library and scholarly research, administrative offices, and storage of museum materials, artifacts, and objects. In order for a commercial food service type use to be established pursuant to this section, that use must conform to additional requirements as set forth in Article III. *[Emphasis added.]*

The above provision was likely written with Strawberry Banke in mind, as evidenced by the requirement that a museum be on a lot greater than two acres.

When the revised Zoning Ordinance was drafted, the minimum lot area requirement was eliminated and a new definition of "museum" was included which was intended to clarify the difference between a non-profit museum and a commercial use. The definition of "museum" in the current Zoning Ordinance is as follows:

A non-profit permanent institution, open to the public, which acquires, conserves, researches, exhibits, and interprets objects having scientific, historical or artistic value. Museums may include exhibit and display areas,

libraries and research areas, administrative offices, areas for constructing exhibits, and storage areas for museum materials, artifacts and objects. Accessory uses may include retail sales (but not including the regular sale of objects collected or displayed), food services for museum visitors or others, manufacturing for museum purposes, and events such as craft demonstrations, receptions, and periodic celebrations. Museums include galleries for the display of works of art, but do not include commercial galleries for the sale of art work. *[Emphasis added.]*

The requested zoning amendment, to allow a museum to include a commercial art gallery as an accessory use, is consistent with the intent of the Zoning Ordinance and the City's support for the continuing vitality of Strawberry Banke.

Recommended Zoning Ordinance Amendment

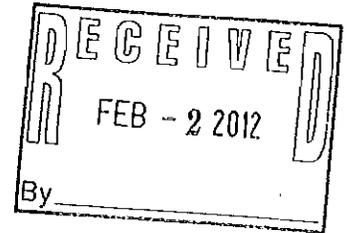
At its meeting on March 15, 2012, the Planning Board voted unanimously to recommend that the City Council amend the definition of "museum" as follows:

A non-profit permanent institution, open to the public, which acquires, conserves, researches, exhibits, and interprets objects having scientific, historical or artistic value. Museums may include exhibit and display areas, libraries and research areas, administrative offices, areas for constructing exhibits, and storage areas for museum materials, artifacts and objects. Accessory uses may include retail sales ~~(but not including the regular sale of objects collected or displayed)~~, food services for museum visitors or others, manufacturing for museum purposes, and events such as craft demonstrations, receptions, and periodic celebrations, **provided that all such accessory uses are incidental and subordinate to the primary non-profit museum use.** ~~Museums include galleries for the display of works of art, but do not include commercial galleries for the sale of art work.~~



January 27, 2012

Mr. John Ricci
Chair, Planning Board
1 Junkins Avenue
Portsmouth, NH 03801



Dear Mr. Ricci,

Strawbery Banke Museum would like to ask the Planning Board to consider a change to the definition of "museum" when it next brings forward changes to the Zoning Ordinance. Specifically, we would like the last sentence changed to remove the language prohibiting "commercial galleries for the sale of art."

The museum has, over the last few years, formed partnerships with galleries to help with seasonal shows in the Rowland Gallery. This gallery was built in 2008 and is the first space at SBM dedicated to changing art shows. Last year we featured a show titled "Painting Portsmouth" which featured over two dozens works of art (one was loaned to us from the City) from various owners and galleries across the northeast. This show would not have been possible without the help of The Banks Gallery and owner, Jamie LaFleur. His knowledge and connections were instrumental in identifying appropriate pieces of art and getting the owners to loan them for the show. The Banks Gallery maintains a space in one of our buildings that specializes in the sale of antique works of art.

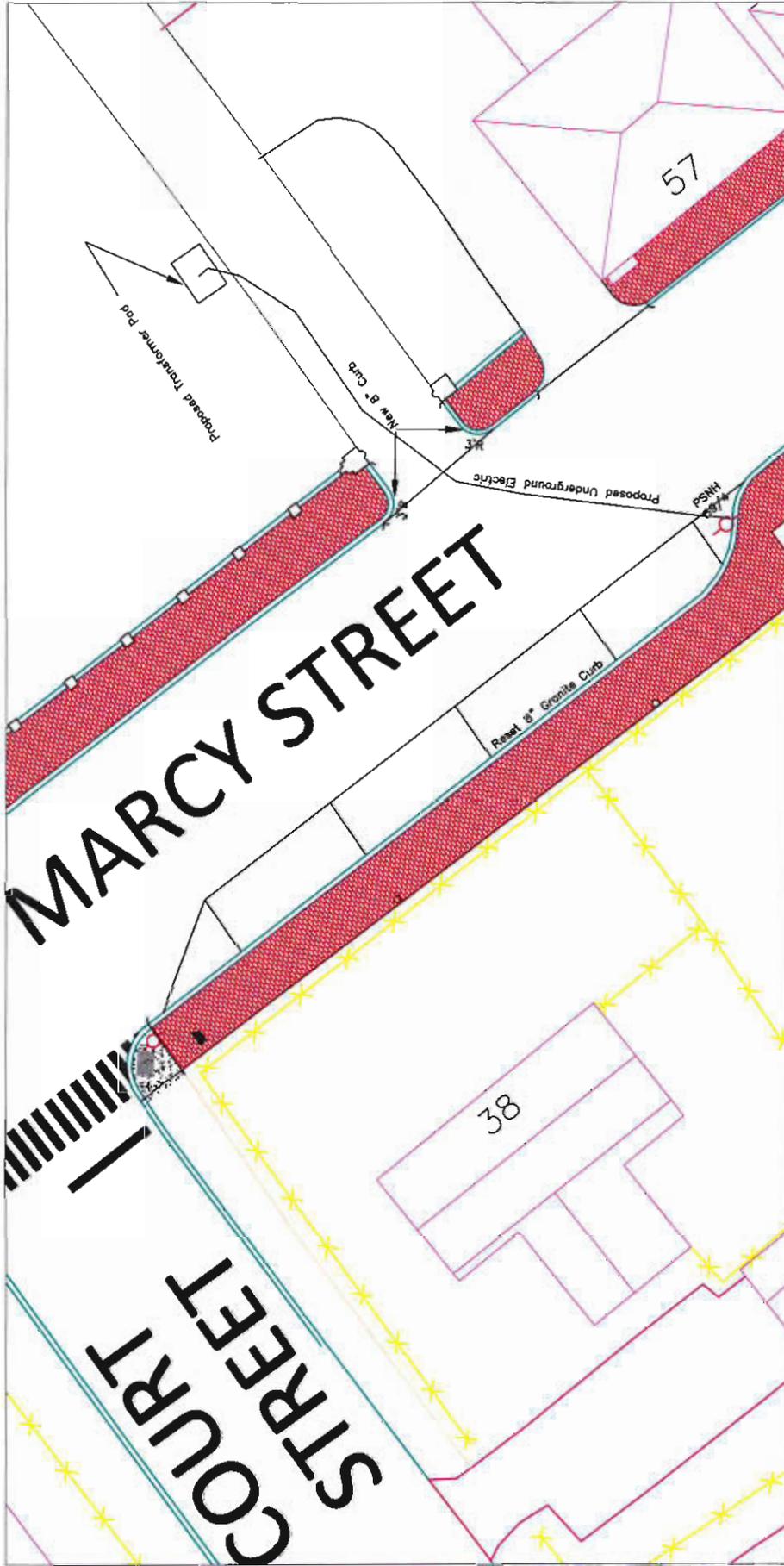
Strawbery Banke needs to continue this type of cooperative effort to ensure the highest quality of exhibit show. We believe changing exhibits are crucial to seeing repeat patronage from local and regional visitors.

Thank you for your consideration of this request. Please call Rodney Rowland should you have any questions.

Sincerely,


Lawrence J. Yerdon
President/CEO


Rodney D. Rowland
Director of Facilities



**SOUTH END SIDEWALK & ROAD
REPLACEMENT PROJECT**

LAYOUT PLAN

**DEPARTMENT OF
PUBLIC WORKS**

CITY OF PORTSMOUTH

NEW HAMPSHIRE

MARCH 2012



SCALE: 1"=20'

Run: 3/29/12
8:35AM

Event Listing by Date

Page: 1

Starting Date: 1/ 1/2012
Ending Date: 12/31/2012

Start End	Type Description	Location	Requestor	Vote Date
1/ 1/2012 1/ 1/2012	ROAD RACE	Little Harbour School Stu Simon is the contact for this event - 436-2014. This event begins at 11:00 a.m.	Great Bay Services	4/ 4/2011
2/13/2012 2/13/2012	CONCERT	Chestnut Street Vernis Jackson is the contact for this event.	African Burying Ground Committ	12/19/2011
3/11/2012 3/11/2012	ROAD RACE	Pease Tradeport Todd Hanson is the contact for this event. He can be reached at 436-2551. This event starts at 10:30 a.m.	St. Paddy's 5 Miler	3/15/2012
3/25/2012 3/25/2012	ROAD RACE	Portsmouth High School Donald Allison is the contact for this event. This event begins at Portsmouth High School to Route 1A South. The event begins at 11:00 a.m.	Eastern States 20 Mile	1/17/2012
4/14/2012 4/14/2012	ROAD RACE	Baptist Church - Miller Avenue Robert Sutherland, Jr. is the contact for this event. This event begins and ends at the Baptist Church on Miller Avenue. Race starts at 9:00 a.m.	St. John's Lodge - Out of Hibe	2/ 6/2012
4/14/2012 4/14/2012	WALK	Little Harbour School Heidi R. Roy, Development Manager is the contact for this event. This event begins and ends at Little Harbour School, from 10:00 a.m. to 2:00 p.m.	National Multiple Sclerosis So	12/19/2011
4/15/2012 4/15/2012	ROAD RACE	Pease Tradeport Olivia Kopri is the contact for this event. This event begins at approximately 11:00 a.m. This event starts and finishes at Martin's Point Health Care.	Sexual Assault Support Service	2/ 6/2012
4/15/2012 4/15/2012	WALK	City Hall Randy Eaton is the contact of this event. The event beings at City Hall and ends at Prescott Park, starting at 1:00 p.m.	Walk for Faith	12/19/2011
5/ 6/2012 1/ 3/2012	BIKE TOUR	Little Harbour School Kathryn M. Libby is the contact for this event. This event begins at 7:00 a.m. and ends at approximately 4:00 p.m.	American Lung Association	12/19/2011
5/ 6/2012 5/ 6/2012	FESTIVAL	Downtown Portsmouth Barbara Massar is the contact for this event. This event begins at Noon until 4:00 p.m.	Pro Portsmouth - Children's Da	1/18/2012
5/ 6/2012 5/ 6/2012	WALK	Lower Parking Lot of City Hall Barbara Kautz is the contact for this event (207-363-5833). This event begins at 10:00 a.m. and the walk starts at 2:00 p.m. and ends around 5:00 p.m.	AIDS Response Seacoast	1/17/2012
5/12/2012 5/12/2012	ROAD RACE	Pease Tradeport Kimberly McGlinchey and Deirdre Barrett are the ECO Club Advisors and they are the contacts for this event. The time of this event is 1:00 p.m. to 3:00 p.m.	Portsmouth High School ECO Clu	2/21/2012

Run: 3/29/12
8:35AM

Event Listing by Date

Page: 2

Starting Date: 1/ 1/2012
Ending Date: 12/31/2012

Start End	Type Description	Location	Requestor	Vote Date
5/12/2012 5/12/2012	ROAD RACE Deborah Peretz is the contact for this event. This event begins at 9:00 a.m.	Strawberry Banke	Susan G. Komen for the Cure	10/ 3/2011
5/19/2012 5/20/2012	BIKE TOUR Kelly Sicard is the contact for this event. Tel. (603)669-2411 ex. 120	Pease International Tradeport	Breathe New Hampshire	3/ 5/2012
5/19/2012 5/19/2012	ROAD RACE Doug Bates is the contact for this event. This event is part of the Greater Portsmouth Chamber of Commerce Road Race series. This event begins and ends at the YMCA on Peverly Hill Road.	YMCA - Peverly Hill Road	GPCC - YMCA	12/19/2011
5/27/2012 5/27/2012	ROAD RACE Jeanine Sylvester is the contact for this event. This event begins at 11:00 a.m.	Redhook Ale Brewery	Runner's Alley	2/ 6/2012
6/ 9/2012 6/ 9/2012	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Downtown Portsmouth	Pro Portsmouth - Market Square	1/17/2012
6/ 9/2012 6/ 9/2012	ROAD RACE Barbara Massar is the contact for this event. This is the Market Square Day Road Race that starts at 9:00 a.m. in Market Square.	Starts in Market Square	Pro Portsmouth - Market Square	2/17/2012
6/23/2012 6/23/2012	FESTIVAL This is a Summer in the Street Music Series. It begins at 5:00 p.m. to 9:30 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - summer in the	1/17/2012
6/30/2012 6/30/2012	FESTIVAL Barbara Massar is the contact for this event. This is Summer in the Streets event beginning at 5:00 p.m. to 9:00 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - Summer in the	1/17/2012
7/ 7/2012 7/ 7/2012	FESTIVAL Barbara Massar is the contact for this event. This is a part of the Summer in the Streets series that begins at 5:00 p.m. and ends at 9:30 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - Summer in the	1/17/2012
7/ 7/2012 7/ 7/2012	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race Series. It begins and ends at Little Harbour School at 9:00 a.m.	Little Harbour School	GPCC - Harbour Trail	12/19/2011
7/ 8/2012 7/ 8/2012	PARADE Contacts: Peter Somssich and Josh Denton		Welcome Home, Iraq Veterans Pa	3/19/2012
7/14/2012 7/14/2012	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in Street Series. It begins at 5:00 to 9:30 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - Summer in the	1/18/2012

Run: 3/29/12
8:35AM

Event Listing by Date

Page: 3

Starting Date: 1/ 1/2012
Ending Date: 12/31/2012

Start End	Type Description	Location	Requestor	Vote Date
7/15/2012 7/15/2012	ROAD RACE Brenda M. Blonigen is the contact of this event. Her cell number is (603) 475-4080	Pease Tradeport - Great Bay Community College	The Minuteman Fund	3/ 5/2012
7/21/2012 7/21/2012	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Streets begins at 5:00 p.m. to 9:30 p.m.	Downtown - Pleasant Street - between State Street	Pro Portsmouth - Summer in the	1/17/2012
7/28/2012 7/28/2012	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series that begins at 5:00 p.m. and ends at 9:30 p.m.	Downtown - Pleasant Street - between State Street	Pro Portsmouth - Summer in the	1/17/2012
8/ 2/2012 8/ 2/2012	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race series. It begins and ends at Peirce Island at 6:00 p.m.	Peirce Island	GPCC - Portsmouth Rotary Club	12/19/2011
8/ 4/2012 8/ 4/2012	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Street series which begins at 5:00 p.m. and ends at 9:30 p.m.	(Raindate)Downtown - Pleasant Street/State and Squ	Pro Portsmouth - Summer in the	1/17/2012
8/ 8/2012 8/ 8/2012	FESTIVAL Doug Bates is the contact for this event. This is the 2012 Greater Portsmouth Chamber of Commerce Annual Dinner "Celebrating Portsmouth Business".	Pleasant Street from State to Congress Street	Greater Portsmouth Chamber of	2/17/2012
9/ 9/2012 9/ 9/2012	BIKE TOUR Susanne Delaney or Catherine Keenan are the contacts for this event. This event begins and ends at Market Square.	Downtown	Portsmouth Criterium	12/ 6/2011
9/15/2012 9/15/2012	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race series - it begins at 9:00 a.m.	Little Harbour School	GPCC - BreastCancerStories.org	12/19/2011
9/15/2012 9/16/2012	TOUR Caroline Ampert (686-4338) and Nancy Pollard are the contacts for this event. This event begins on Saturday, September 15th from 9:00 a.m. to 1:00 p.m. and Sunday, September 16th - 11:00 a.m. to 3:00 p.m.	South End	Friends of the South End	2/ 6/2012
9/29/2012 9/29/2012	ROAD RACE Karen Butz Webb is the contact for this event. This event begins and ends at Portsmouth High School. the course starts at Portsmouth High School, left onto South Street, right onto Middle Street, bear right to Court Street, right onto Marcy Street back to South and finishing at the PHS.	Portsmouth High School	Project Safety	2/21/2012
10/13/2012 10/13/2012	ROAD RACE Doug Bates is the contact for this event. This event is the for the Community Child Care and it is part of the Road Race series. This event begins at 9:00 a.m.	Little Harbour School	GPCC - Community Child Care	12/19/2011
11/11/2012 11/11/2012	ROAD RACE Jay Diener, Co-Race Director is the contact for this event. This race begins and ends at Portsmouth High School.	Portsmouth High School	Seacoast Half Maranthon	3/20/2012

Run: 3/29/12
8:35AM

Event Listing by Date

Page: 4

Starting Date: 1/ 1/2012
Ending Date: 12/31/2012

Start End	Type Description	Location	Requestor	Vote Date
11/22/2012 11/22/2012	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race Series. The event begins at 8:30 a.m.	Prescott Park	GPCC - Seacoast Rotary Club -	12/19/2011



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
(603) 431-2000

TO: PARKING AND TRAFFIC SAFETY COMMITTEE (PTS) AND ECONOMIC DEVELOPMENT COMMISSION (EDC)

FROM: JOHN P. BOHENKO, CITY MANAGER
KEN SMITH, CHAIR, PARKING AND TRAFFIC SAFETY COMMITTEE
EVERETT EATON, CHAIR, ECONOMIC DEVELOPMENT COMMISSION

DATE: MARCH 29, 2012

SUBJECT: ~~JOINT MEETING OF PTS AND EDC ON PARKING PRICING & SUPPLY ISSUES~~

On April 6, 2012 there will be a joint meeting of the Parking and Traffic Safety Committee (PTS) and the Economic Development Commission (EDC). The purpose of the meeting is to present the Parking Omnibus process and the Guiding Parking Principles adopted by the City Council on March 19th; present the highlights of the Parking Supply and Demand Analysis recently completed for the City by Nelson Nygaard; and have a facilitated discussion on parking pricing and supply issues.

Included with this memorandum is an agenda for the meeting and a copy of the Parking Omnibus Process and the Guiding Parking Principles. Both these documents stem from the City's effort to move forward in a comprehensive manner on downtown parking issues.

In order to assist with the development of the comprehensive Parking Omnibus, the City has hired John Burke on a short-term basis to identify, evaluate and recommend parking supply and demand management strategies consistent with the City Council-adopted Guiding Parking Principles. John is a registered professional engineer (PE) and Certified Administrator of Public Parking (CAPP) with more than 25 years of experience in the parking and transportation sector.

John has worked with a broad variety of communities to address parking supply and demand issues and, as many of you know, served as Portsmouth's Parking and Transportation Director from 1999 to 2005. As a result, he is very familiar with the evolution of the City's parking system having worked with the City to expand off-street surface parking through shared lot agreements; modify parking rates and regulations to address parking system demands; increase parking meter reliability and revenue through operational and preventive maintenance improvements; implement the seasonal trolley; and manage the planning, design and construction of the 240-space design build expansion of the High Hanover Parking Facility.

CC: Cindy Hayden, Deputy City Manager
Rick Taintor, Planning Director
Steve Parkinson, DPW Director
Jon Frederick, Parking and Transportation Director
Nancy Carmer, Economic Development Manager
John Burke, Parking Consultant, PE, CAPP



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
(603) 431-2000

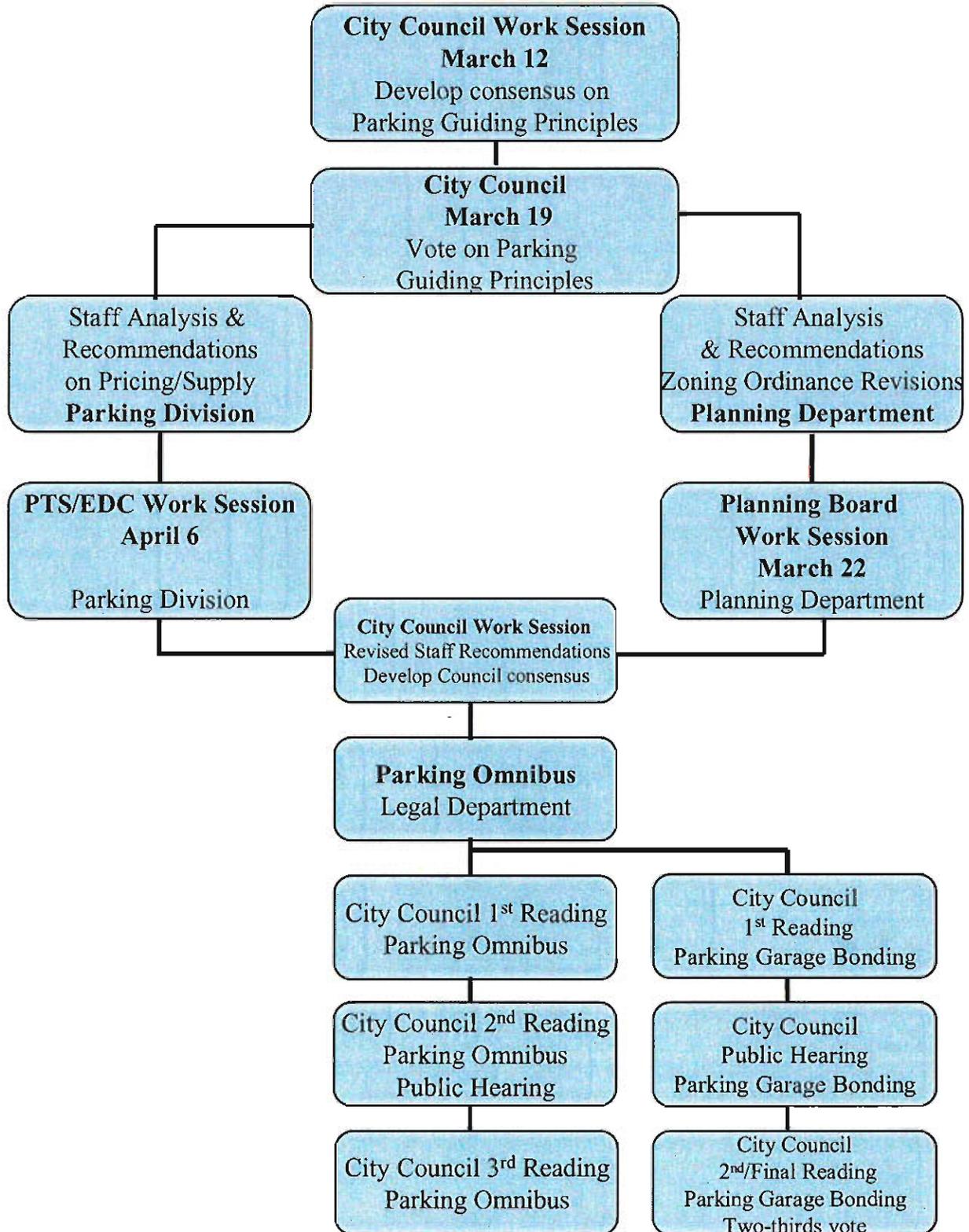
JOINT WORK SESSION **WITH THE ECONOMIC DEVELOPMENT COMMISSION AND** **PARKING AND TRAFFIC SAFETY COMMITTEE**

DATE: FRIDAY, APRIL 6, 2012
LOCATION: EILEEN DONDERO FOLEY COUNCIL CHAMBERS
TIME: 7:30 AM
SUBJECT: PARKING PRICING AND SUPPLY ISSUES

A G E N D A

- 7:30 a.m. – 7:40 a.m. Welcome and Introduction – City Manager
- 7:40 a.m. – 8:00 a.m. Presentation
- Overview of Guiding Parking Principles - Jon Frederick, Parking and Transportation Director
 - Key Findings from Nelson Nygaard Parking Supply and Demand Analysis – Rick Taintor, Planning Director & Jon Frederick, Parking and Transportation Director
- 8:00 a.m. – 9:00 a.m. Facilitated Discussion on Parking Pricing and Supply Issues – John Burke, PE, CAPP, Parking Consultant
- 9:00 a.m. Adjournment

Parking Omnibus Process



REVISED
“FOOD FOR THOUGHT” GUIDING PARKING PRINCIPLES
FOR CENTRAL BUSINESS DISTRICTS

MARCH 14, 2012

Parking Supply Solutions versus Parking Management Solutions:

Supply: There are too few spaces. Someone should build more.

Management: We need to optimize use of existing parking resources by changing pricing, time limits and wayfinding approach.

Overall Principles: **A balanced mix of retail/restaurant, office, and residential uses is key to downtown vitality.**

A downtown parking supply that is convenient, viable and central to downtown destinations is key to the short-term and long-term health of the City’s retail, restaurant and office economy.

1. Insuring an adequate supply of parking for retail/restaurant and office users in the downtown is primarily a City responsibility.
2. Parking for new downtown residential development is primarily a private responsibility with residents wanting convenient parking right where they live.
3. We need to plan for future reuse, redevelopment and full occupancy of buildings in the Central Business Districts. If it is too difficult, expensive or unpleasant to find parking, retail/restaurant/cultural destination customers may prefer to visit elsewhere and offices may prefer to locate elsewhere.
4. The City should strive to play a lead role in developing and managing parking facilities:
 - Parking management and supply decisions are interconnected and a comprehensive, unified approach to decision-making is needed.
 - The value of private parking facilities should be recognized as a resource. These resources are not part of the public parking supply under the City’s long-term control and opportunities to manage private lots are limited.

5. Address peak parking demand needs in order to avoid perfect Friday/Saturday night storm when residents/customers can't find parking:
 - Manage parking at the garage (for example, flat rate pricing for special events).
 - Increase the supply of convenient parking.
6. Parking should support economic development including businesses (office, retail, restaurant) and visitors/customers.
7. The parking garage should be priced and managed so that it has high occupancy more frequently (improve utilization of what we've got).
8. The primary reason for parking revenues is to be able to provide an adequate supply of safe, convenient parking. Pricing structures should be simple and easy for customers to understand.
9. Parking management strategies should recognize that there is a difference between the needs of long-term parkers who may be more likely to use the garage or use parking immediately adjacent to downtown, and short-term parkers running a quick errand.
10. Price and manage more desirable on street parking spaces to favor users who are highly motivated to use them. Give customers and residents the option to stay and pay.
11. Information on parking options should be easily accessible to parking users, including through technology options.
12. Parking planning should take a comprehensive, sustainable and big picture approach by taking a broad range of costs and benefits into account when making decisions.
13. All parking resources should place value on aesthetics, security, accessibility and user information.
14. Consider ways to incentivize use of "remote parking"¹.
15. Surface parking lots should be located at the periphery of the downtown and should not be allowed to create a "dead zone" barrier to comfortable pedestrian movement.
16. Parking management programs should take into consideration hospitality industry workers.²

¹ For the purposes of this document, "remote parking" is defined as the study area boundary of the January 2012 Nelson Nygaard *Parking Supply and Demand Analysis Final Report*; this includes, for example, the leased Masonic Lot and the South Mill Pond parking lot, which are both beyond the one-quarter mile, 5 minute walking radius from Market Square.

17. Incentives for residents should be provided at the parking garage, but shouldn't compromise best practices.²
18. Parking resources should be provided to support downtown activity (streets are for people as well as cars) and should therefore be designed and located in such a manner that recognizes the following:
 - Parking resources should enhance – not detract from – downtown vitality, walkability and the pedestrian experience;
 - Parking resources should accommodate pedestrians (bump-outs, plazas), bicycles (bike parking) and transit (space to pull over);
 - Parking structures should be incorporated into the commercial streetscape; and
 - The needs of an aging population should be taken into account when it comes to parking.
19. Parking strategies should be revenue neutral.
20. Parking management plans should recognize the short-term parking needs of retail and hospitality industry for loading zones.
21. Encourage public transit and other transportation modes, but recognize strong customer/resident preference for personal vehicle use as well as very limited regional public transit infrastructure.

² It should be noted that the parking system currently has 165 free on street spaces (no meters) and 352 free off street spaces (Masonic Lot, South Mill, Parrott Avenue, Prescott Park), for a total of 517 free spaces.



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume' along with this application

Committee: CONSERVATION Commission

MAR 0 6 2012
Renewing applicant

Name: Rich DiPentima Telephone: 603-559-9765

Could you be contacted at work? YES/NO - If so, telephone # N/A

Street address: 16 DUNLIN WAY

Mailing address (if different): _____

Email address (for clerk's office communication): rdipentima@gmail.com

How long have you been a resident of Portsmouth? 13 years

Occupational background:

- Deputy Public Health Director, Manchester (NH) Health Dept. 1998-2006
- Chief Epidemiology NH Div. Public Health Services, 1994-1998
- Chief Environmental Health, Manchester (NH) Health Dept. 1991-1994
- Asst. Dir. Public Health, NH Div. Public Health Services, 1984-1991

Would you be able to commit to attending all meetings? YES NO after my legislative tenure is complete.

Reasons for wishing to continue serving: I AM VERY INTERESTED AND CONCERNED ABOUT PROTECTING PORTSMOUTH'S UNIQUE QUALITY OF LIFE. I SUPPORT RESPONSIBLE AND RESPECTFUL GROWTH IN OUR COMMUNITY. GOOD STEWARDSHIP IS NECESSARY TO PRESERVE THE BEST OF PORTSMOUTH FOR FUTURE GENERATIONS.



Please list any organizations, groups, or other committees you are involved in:

NH Legislature
South Church
Kittery Point Yacht Club

Please list two character references not related to you or city staff members:

- 1) John Sutherland, 8 Dunlin Way, Portsmouth, NH 03801 431-2494
Name, address, telephone number
- 2) John Gregg, 69 Hunking St, Portsmouth, NH 03801 433-3304
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

- 1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
- 2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
- 3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
- 4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
- 5. Application will be kept on file for one year from date of receipt.

Signature: [Signature] Date: 3/6/12

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4-1-2015
Annual Number of Meetings: N/A Number of Meetings Absent: N/A
Date of Original Appointment: 12/19/01

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume' along with this application

MAR 1 6 2012

Committee: CONSERVATION COMMISSION Renewing applicant

Name: PETER VANDER MARK Telephone: 603 498 0942

Could you be contacted at work? YES/NO If so, telephone # _____

Street address: 86 RIDGES CT PORTSMOUTH NH

Mailing address (if different): _____

Email address (for clerk's office communication): Pvdmark@bu.edu

How long have you been a resident of Portsmouth? 24 YEARS

Occupational background:

JOURNALIST + TEACHER

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to continue serving: _____

FIRST TERM WAS LESS THAN A YEAR, WOULD LIKE TO CONTINUE.



Please list any organizations, groups, or other committees you are involved in:

SOUTH EAST LAND TRUST
SEACOAST LOCAL

Please list two character references not related to you or city staff members:

1) DAVID KREMPELS 603 422 0731
Name, address, telephone number
2) JAMISON FRENCH 603 436 8154
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

- 1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
- 2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
- 3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
- 4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
- 5. Application will be kept on file for one year from date of receipt.

Signature: Peter Vawter Date: 3-14-12

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 7/1/15
Annual Number of Meetings: _____ Number of Meetings Absent: _____
Date of Original Appointment: 10/3/11

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume' along with this application

Committee: PEO LP

MAR 1 4 2012
Renewing applicant

Name: Laura Montville Telephone: 603 433-2284

Could you be contacted at work? YES/ NO - If so, telephone # same

Street address: 40 Brackett Rd, Ports,

Mailing address (if different): _____

Email address (for clerk's office communication): lauramontville@gmail.com

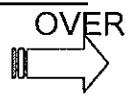
How long have you been a resident of Portsmouth? 20 years

Occupational background:

Business/Organization Development Consultant

Would you be able to commit to attending all meetings? YES/ NO

Reasons for wishing to continue serving: I like the mission to support small business



Please list any organizations, groups, or other committees you are involved in:

Please list two character references not related to you or city staff members:

- 1) Jody Gittell 498-1305
Name, address, telephone number
- 2) Laurie McCray 817-1903
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: J. J. Minicelli Date: 3/14/12

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: _____

Annual Number of Meetings: _____ Number of Meetings Absent: _____

Date of Original Appointment: 3/18/2002

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.

MAR 1 6 2012

Committee: Portsmouth Economic Development Loan Program **Renewing applicant**

Name: Steven H. Berg Telephone: 509 433 7461

Could you be contacted at work? YES NO If so, telephone # 603-433-4494

Street address: Ten Ashland Street, Portsmouth, NH 03801-3515

Mailing address (if different): Same

Email address (for clerk's office communication): shbergnh@gmail.com

How long have you been a resident of Portsmouth? 24 Years

How long do you plan to reside in Portsmouth? Forever

Occupational background (attach resume if there is not enough space provided):

Real Estate Appraiser and Consultant since 1986.

Real Estate Sales 1985

Bank Commercial Credit Analyst 1984

Would you be able to commit to attending all meetings? YES NO

Reasons for wishing to continue serving: I believe that I contribute positively and

wish to continue to do so.

OVER

Please list any organizations, groups, or other committees you are involved in:

Past Chair, New Hampshire Real Estate Appraiser Board
Affiliate Member, Strafford County Board of Realtors
City of Portsmouth Zoning Board of Appeals (Former Member)
Associate Instructor, Appraisal Institute
Portsmouth Housing Endowment Fund Advisory Committee (Member)
Workforce Housing Coalition (Past Member)
Portsmouth Economic Development Loan Committee (Member)
Commercial and Investment Board of Realtors (Member)

Please list two character references not related to you:

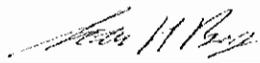
- 1) Nancy Carmer
Name, address, telephone number

- 2) David Moore
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. this reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. the Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. this application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. if this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.

***Note: You will be removed from the Board/Commission if you miss three meetings in a calendar year.*

Signature:  Date: March 7, 2012 (nb 1/1805)

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: _____

Annual Number of Meetings: _____ Number of Meetings Absent: _____



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.
Please submit resume' along with this application.

EdS

JAN 20 2012

Committee: HDC (AIDE WISE) Sustainability Initial applicant

Name: ROBERT COOK Telephone: 828 1311

Could you be contacted at work? YES NO If so, telephone # 603 828 1311

Street address: 117 BURLINGHAM Portsmouth NH 03801

Mailing address (if different): SAME AS ABOVE

Email address (for clerk's office communication): NGISEDAC@GMAIL.COM

How long have you been a resident of Portsmouth? 11 YEARS

Occupational background:

TRAINED AS AN ARCHITECT

BEFORE ARCHITECTURE I STUDIED HISTORY

LONG INTEREST IN CITY HISTORY & PRESERVATION

DESIGNED AND APPROVED ARCHITECTURAL STUDIOS P.L.C.

Please list experience you have in respect to this Board/Commission:

Presented Project for March 2011 - 534 STATE
PORTSMOUTH, NH



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO SPOKE W MEMBER

Would you be able to commit to attending all meetings? YES/NO YES

Reasons for wishing to serve: TO ASSIST IN THOUGHTFUL DEVELOPMENT WITH THE DEVELOPMENT OF THE CITY OF PORTSMOUTH & ITS HISTORIC CONTEXT

Please list any organizations, groups, or other committees you are involved in:

WARREN HOUSE
SPRAW BEN BANKS PROPERTIES COMMITTEE

Please list two character references not related to you or city staff members:

1) CHARLES LASSEN PORTSMOUTH NH 603 479 1510
Name, address, telephone number

2) INMATHA CLARK PORTSMOUTH NH 603 498 6936
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Robert A Leuker Date: 18 JUN 2012

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

Robert A. Cook

ARCHITECTURAL EXPERIENCE

Adapt Design, Portsmouth, NH 2009-Present
Principal of a small design firm that focusing in design for sustained living. Focus on residential and small commercial; responsibilities include all aspects of running a small firm including marketing, project design and construction administration.

JSA Architects Portsmouth, NH 2000- 2008
Performed work that included production and coordination of construction documents, research and development of design ideas and technologies, material research, construction administration and client management. Managed and supervised junior office employees in the production of drawing sets and various other tasks.

BMA Architectural Group Amherst, NH 1999-2000
Performed work that included construction documentation, presentation drawings and construction administration

Robert F. Jackson & Associate Architects, Amherst, NH 1989-1995
Residential and small commercial design, construction documentation, presentation drawings and construction administration

TEACHING EXPERIENCE

Guest Lecturer, Isles of Shoals Historic and Research Association Conference, Star Island, NH 2010-2011
Presented original research and led a walking tour, with island curator, on the history and evolution of Star Island Architecture. Star Island is one of the nine Isles of Shoals in both New Hampshire and Maine.

Wentworth Institute of Technology, Boston, MA Fall 2009
Adjunct Faculty in Architecture teaching architectural drawing

Boston Architectural College, Boston, MA 2006 – 2009 2011
Adjunct Faculty in both graduate and undergraduate Architecture in studio, drawing, thesis , and theory lecture classes

Guest Lecturer, Boston Public Library- Seminar for teachers on the arts, Boston, Mass Summers 2005-07
Prepared and lectured on Architectural history for Baron Educational Consulting.

CULTURAL EXPERIENCE

Currier Art Museum Manchester, NH 1991 – Present
Tour Guide of the Frank Lloyd Wright designed Zimmerman House

Historic New England, Lincoln and Newbury, Ma 1994-2008 & 2010
Tour Guide at the Gropius House, Spencer Pierce Little Farm and Coffin House

ORGANIZATIONAL EXPERIENCE

Portsmouth Historic Society, Portsmouth, NH, 2003-2008
Trustee, Building Committee Chair, Building Committee Member and Committee Member to develop old Portsmouth City Library into Discover Portsmouth Center

Warner House Association, Portsmouth, NH 2011
Board of trustees and building and ground committee

Strawbery Banke Building Committee, Portsmouth, NH 2011
Assists with diverse aspects associated with the buildings and grounds of Strawbery Banke.

EDUCATION

Boston Architectural College, Boston, MA 2008-Present
Enrolled in Sustainable Building Design & Construction Certificate Program

Savannah College of Art and Design, Savannah, GA 1998
Master of Architecture

University of New Hampshire, Durham NH, 1991-1995
Various Continuing Education classes in Architecture, sculpture and art history

Harvard GSD- Career Discovery Program, Cambridge MA, Summer 1990

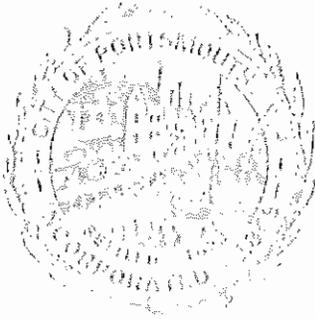
Plymouth State College, Plymouth, NH
Bachelor of Arts – History, Minors in Geography, Art History and Political Science 1988

PERSONAL

Skills: Hand drawing, AutoCAD, SketchUp, Photoshop, Excel, and other Microsoft based programs

Awards: Eagle Scout, Alpha Rho Chi Award, and Honorable Mention in “The Emerging Professionals”- Guest House/Studio Design Competition, 2004

117 Burkitt Street Portsmouth, NH 03801 (603) 828-1311 Email:ngiseda@gmail.com



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.
Please submit resume' along with this application.

NOV 02 2011

Committee: Traffic + safety Committee

Initial applicant

Name: Shelley Saunders

Telephone: 603-957-8880

Could you be contacted at work? YES/ NO If so, telephone # above ↑

Street address: 15 Oak St Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): ssaunders11@myfairpoint.net

How long have you been a resident of Portsmouth? 17 years

Occupational background:

Wine Sales - New England - over 10 years
Current → Snyders pretzel / Cape Cod chip
Supplier rep - sales
Covering - NH ME VT

Please list experience you have in respect to this Board/Commission:

- outside sales, Traveling for over 15 years in NH
- Portsmouth resident for 17 years + many more
to me, I have a 5 year old Daughter

Resume Attached .



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO NO

Would you be able to commit to attending all meetings? YES/NO NO

Reasons for wishing to serve: Longtime Portsmouth resident
that would like to get more involved
in my community.

Please list any organizations, groups, or other committees you are involved in:

None -

Please list two character references not related to you or city staff members:

- 1) Jason Fernald, 17 Oak St, Portsmouth, NH # 603-591-6853
Name, address, telephone number
- 2) Mark Sabina, current manager -
Hyannis, MA # 774-487-0415
Name, address, telephone number

See
Back for
more
references

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: [Signature]

Date: 10-21-11

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

Shelley Saunders

15 Oak Street, Portsmouth, New Hampshire 03801
603-957-8880 ssaunders11@myfairpoint.net

Dedicated, enthusiastic, and goal-oriented professional, interested in pursuing advancement within the consumer products industry, to continue the promotion of skills, knowledge, and leadership in consumer product sales and marketing. Demonstrate strong record of success in meeting and exceeding sales objectives by applying effective professional sales techniques; as well as by developing strategies and solutions that generate revenue growth.

Core competencies include:

- ♦ Relationship-building skills with customers, team members, and high-level personnel; with established reputation in successful account dealings through persuasive communication and strong deal-closing abilities
- ♦ Excellent verbal and interpersonal skills; works well as individual producer or team member to achieve sales objectives
- ♦ High motivation with dynamic background, wine supplier and key account manager, as well as in-depth negotiating experience across multiple channels.

<i>Key Account Management</i>	<i>Budget Development and Management</i>	<i>National Accounts, ad activity</i>
<i>Inventory Control</i>	<i>Communication and Interpersonal Skills</i>	<i>Chain Grocery Buyer calls</i>
<i>Control and Sales Analysis</i>	<i>Pricing and Incentive writing</i>	<i>Technically proficient</i>

PROFESSIONAL EXPERIENCE-NEW

Snyders-Lance Inc-July 2011 to Current

Field Sales Manager, Mass Accounts NH ME VT

Wal-Mart/Target's/Military

-Manage Michaud Distributors and their 7 District Manager

-Manager all Wal-Mart/Target/Military business, from promotions, maintaining pricing and helping Michaud sales force sell in secondary and mandatory displays

7/12/11 to Present

NEWMAN WINE & SPIRITS ▪ West Conshohocken, PA

Regional Sales Manager-New England and NY

- 2010-2011

- ♦ Assumed full responsibility in defining strategies and developing business plans for New England and New York
- ♦ Demonstrated exceptional performance in exceeding company objectives with an average of more than 500 cases of wine sold per month (from a previous cold territory)
- ♦ Executed expertise in developing, initiating, and managing key account programs, resulting to profit increases
- ♦ Vastly contributed in producing the first-ever sale of Newman Wines in Maine through a partnership with Hannaford Grocery

FOSTERS WINE ESTATES ▪ Napa, CA

Regional Sales Manager—NH, ME, VT

2006-2010

- ♦ Utilized outstanding managerial skills in overseeing 3 states and 6 distributors with more than 125,000 cases of wine generated per year
- ♦ Acquired 2,100 cases of wine sold into Whole Foods in Portland, Maine in 12 month time frame, that established new revenue streams
- ♦ Produced and increased 45% sales in the chain grocery sector by partnering with Hannaford Grocery, Shaw's Grocery, Price Choppers and Market Basket NH grocery stores.

BAREFOOT WINERY ▪ Santa Rosa, CA

New England Regional Sales Manager

2000-2005

- ♦ Gained recognition as the top-selling salesperson of Barefoot Reserve wines for five years in a row

App- for board of Traffic + Safety Shelley Saunders

To whom it may concern:

For the past four years it has been my great pleasure to work with Shelley Saunders. In that period of time, Shelley was instrumental in our achievement of Marvin Shanken's *Impact Magazine* Hot Brand award for growth in 2004 over 2003. During that time period Barefoot saw 58% growth and finished the year just under 600 thousand cases. Barefoot's stellar growth was recognized by E&J Gallo when they acquired the brand in January 2005. We simply could not have done it without Shelley's skyrocketing sales. Her ability to grow the brand in her territory significantly influenced our success.

Shelley single-handedly developed the brand from an unknown to a major player in New England. Sales were on a downward trend in Maine, New Hampshire, Rhode Island and Vermont; had leveled off in Connecticut and Massachusetts was had three Trader Joe accounts when Shelley took over the New England territory. Shelley turned that all around. We now have major authorizations and region-wide growth. She sells more Barefoot Reserve wine than any other territory in the country. She did it by building great relationships, putting in tons of travel, solicitation and building of big displays, rides with distributor's reps, and many tasting events.

Shelley used the latest technologies to stay on top of the reorder patterns of his retailers. This vigilance resulted in a very high rate of retention. She parlayed her superior customer service to expand the line and achieve quantity buys.

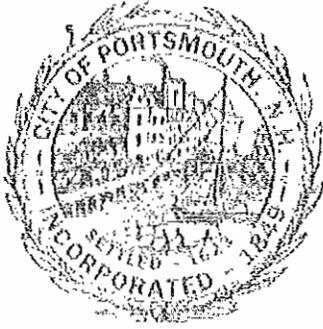
Shelley demonstrated tireless tenacity and got the job done. She demonstrated an impeccable work ethic. Shelley works long hours and does what it takes to get the job done. She is a creative and imaginative sales professional of the highest degree. Shelley has done it all from kick offs to chain presentations. She has the proven ability to initiate change and stimulate growth in the marketplace.

Shelley was well liked and developed a reputation for success, achievement and customer service within the industry. She showed herself to be an enthusiastic, effective, respectful, team player. I will miss Shelley professionally and personally and would hire her again in an instant!

Sincerely,

Michael Houlihan

FEB 28 2011



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

*Instructions: Please print or type and complete all information.
Please submit resume' along with this application.*

EAD

Committee: Building Code of Appeals + ZBA Initial applicant

Name: David M. Rheume, P. E. Telephone: 603-319-8039

Could you be contacted at work? YES/NO If so, telephone # Cell 603-498-6654

Street address: 18 McDonough Street Portsmouth NH 03801

Mailing address (if different): Same as above

Email address (for clerk's office communication): dave.rheume@comcast.net

How long have you been a resident of Portsmouth? 15 years

Occupational background:

1989 to Present: Portsmouth Naval Shipyard, Portsmouth NH

See attached resume for additional details.

Registered Professional Engineer in NH since 1993

Please list experience you have in respect to this Board/Commission:

In my various positions at PNSY as both an engineer and
engineering manager I am constantly called upon to review
and interpret various code requirements as they apply to
specific situations. I am familiar with the NEC as it applies
to industrial equipment.

OVER
➔

Have you contacted the chair of the Board/Commission to determine the time commitment involved? (YES) NO

Would you be able to commit to attending all meetings? (YES) NO

Reasons for wishing to serve: Serving on the board will allow me
to use my expertise as a registered professional engineer
to give something back to my city and to help make a positive
impact on its future, as I hope to live here many more years.

Please list any organizations, groups, or other committees you are involved in:

See attached resume.

Please list two character references not related to you or city staff members:

1) George Melchior 1061 South St Portsmouth 207-252-7018
Name, address, telephone number

2) Jack Holzman 115 Nathaniel Dr Portsmouth 207-451-7988
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 2/28/11

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

David M. Rheume, P. E.

Home 603-319-8039 | Cell 603-498-6654
18 McDonough Street
Portsmouth NH 03801
dave.rheume@comcast.net

Professional Registration

Registered Professional Engineer, State of New Hampshire, 1993 to present
License No. 8632

Education

2010 | Master of Science in Organizational Leadership
Southern New Hampshire University, Manchester NH

- Cumulative GPA: 4.0 on 4.0 scale

1988 | Bachelor of Science in Mechanical Engineering
University of New Hampshire, Durham NH

Work Experience

January 1989 - Present | Portsmouth Naval Shipyard
Portsmouth NH 03804-5000

9/2010 - Present | Production Engineering and Facilities Superintendent

- Lead a group of three managers and 25 engineers and technicians
- Responsible for facilities and capital equipment that supports submarine overhaul mission
- Manage over \$75 M in buildings and capital equipment procurement/modernization annually

6/2008 - 9/2010 | Deputy Director for Lifting and Handling

- Second in command of department of 250+ personnel

1/2003 - 6/2008 | Chief Engineer for Lifting and Handling Technical Div.

- Led a group of two branch head managers and 25 engineers and technicians
- Technically responsible for all aspects of lifting and handling using cranes and rigging, including lifts of radioactive materials

7/1998 - 1/2003 | Branch Manager for Lifting and Handling Technical Div.

1/1989 - 7/1998 | Engineer/Senior Engineer for Crane Maintenance

Professional Affiliations and Volunteer Work

- Volunteer and supporter, Sexual Assault Support Services, Portsmouth NH
- Volunteer, Seacoast Family Food Pantry, Portsmouth NH
- Member, American Society of Mechanical Engineers, since 1988

Portsmouth Resident since 1995



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume' along with this application

Committee: Conservation Commission Renewing applicant EAD

Name: Mary Ann Blanchard Telephone: 603-436-7008

Could you be contacted at work? YES/NO - If so, telephone # _____

Street address: 34 Harrison Avenue Portsmouth

Mailing address (if different): _____

Email address (for clerk's office communication): maryannblanchard@gmail.com

How long have you been a resident of Portsmouth? 45 years

Occupational background:

Portsmouth Sub. Teacher, Former Police Commissioner, Library
Trustee, Trustee Strawberry Brook, State Representative 18 years,
12 years on House Recreation & Dev. Comm., 6 years House Finance.
Sponsored water resources legislation for many years

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to continue serving: I am currently the Vice
Chair of the Commission. I think it's important
natural resources work for Portsmouth and it's a
complex regulatory environment that requires
a learning curve - I have served for several terms

OVER
➡

Please list any organizations, groups, or other committees you are involved in:

Portsmouth Garden Club

member, Summer Rd Member NH Forest Society

Please list two character references not related to you or city staff members:

1) Lea Aschliman 314 Middle St.

Name, address, telephone number

2) Alan Sturges, Creek Farm, Little Harbor Rd.

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Mary Ann Sturges

Date: March 5, 2012

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4/1/2015

Annual Number of Meetings: 13 Number of Meetings Absent: 0

Date of Original Appointment: 5/1/2006

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article II, Section 7.229 – **GENERAL PROVISIONS** of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.229: GENERAL PROVISIONS

E. COMPLIANCE WITH STATE AND FEDERAL LAW

Every owner and holder of a taxi medallion shall operate at all times in compliance with all applicable state and federal law, including but not limited to provisions relating to the proper designation of employees as compared to independent contractors, worker's compensation, federal income tax withholding, and social security. The business records of each owner or medallion holder demonstrating compliance with this provision shall be made available on demand for review by City officials engaged in the enforcement of this ordinance.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Jane Shouse, Planning Department *JMS*
SUBJECT: Planning Board Minutes
DATE: March 16, 2012

Please be advised that the approved minutes from the December 15, 2011 Planning Board meeting are now available on the City's website for your review.

MEMORANDUM

TO: John P. Bohenko, *City Manager*
FROM: Liz Good, *Planning Department*
SUBJECT: *Conservation Commission Minutes*
DATE: March 15, 2012

Please be advised that the approved minutes from the February 8, 2012 Conservation Commission meeting are now available on the City's website for your review.