

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 11, 2012 TIME: 6:00PM

AGENDA

- 6:00PM – WORK SESSION REGARDING UPDATE ON WASTEWATER TREATMENT

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

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. ACCEPTANCE OF MINUTES – MAY 7, 2012

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

A. *Acceptance of Donation Re: NH Fish & Lobster Festival - \$500.00 (*Sample motion – move to accept the donation for the NH Fish & Lobster Festival, as presented*)

B. *NH Community Planning Grant Application (*Sample motion – move to authorize the City Manager to apply for, accept and expend a \$50,000.00 grant from the New Hampshire Community Planning Grant Program for the purpose of developing local regulations that foster sustainable community development*)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. First Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 11, Section 10.1115 - Off-Street Parking Provisions in the Downtown Overlay District

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

A. Request for Approval of Pole License to install/replace 1 pole located on Constitution 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*)

- B. Acceptance of Police Department Donations:
- Donation from Mr. & Mrs. Lamontagne for the Portsmouth Police Explorers - \$200.00
 - Donation from Ms. York for the Portsmouth Police Explorers - \$50.00
- (Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as listed)***
- C. *Acceptance of Donations Re: Welcome Home, Iraq Veterans Parade
- Harold Whitehouse - \$25.00
 - The Nancy N. Clayburgh Rev Trust - \$25.00
 - Optima Bank & Trust - \$100.00
 - Daniel K. Poling Chapter 992 VVA - \$100.00
 - The Portsmouth Democratic City Committee - \$100.00
 - William A. and Cynthia M. Duncan - \$500.00
- (Anticipated action – move to accept the donations for the Welcome Home, Iraq Veterans Parade, as presented)***
- D. Letter from David Hallowell requesting permission to hold the 13th Annual Portsmouth Maritime Folk Festival on Saturday, September 29th and Sunday, September 30th
(Anticipated action – move to refer to the City Manager with power)
- E. Request for License from Andrea Rossetto, owner of Dolce Freddo Gelato for property located at 90 Fleet Street for 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 Andrea Rossetto, owner of Dolce Freddo Gelato for 1 projecting sign at property located at 90 Fleet Street and, further, authorize the City Manager to execute License Agreements for this request)***

Planning Director's Stipulations:

- ***The licenses shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of the projecting signs, 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 signs, 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***
- F. Letter from Virginia Skevington, AIRWalk, requesting permission to hold the second annual fundraising walk on Saturday, October 20, 2012 ***(Anticipated action – move to refer to the City Manager with power)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Petra & Christopher Barstow requesting permission to replace front steps and retaining walls in front of their property located at 528 Dennett Street (***Sample motion – move to refer to the Planning Board for report back***)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. Consideration of First Reading of Proposed Resolution and Ordinance Amendments:
 - 1.1 First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 11, Section 10.1115 - Off-Street Parking Provisions in the Downtown Overlay District (***Action on this matter should take place under Section VIII of the Agenda***)

City Manager's Items Which Require Action

1. Request to Establish a Work Session Re: Connie Bean Center
2. Report Back Re: Request from Julie Bokar and Jeanne Carter, Fuel Training Studio, for permission to hold outdoor fitness classes on Peirce Island

Informational Items

1. Events Listing
2. 2011 Assessment Review
3. Reminder of Work Session Re: Parking Omnibus Proposal

B. MAYOR SPEAR

1. *Committee for Evaluation of City Manager
2. *Reports (*Postponed from the May 21st City Council meeting*)

C. COUNCILOR NOVELLINE CLAYBURGH

1. *Report on Elderly Services (*Postponed from the May 21st City Council meeting*)

D. COUNCILOR KENNEDY

1. *Report on Elderly Services – Verbal/Discussion (*Postponed from the May 21st City Council meeting*)

E. COUNCILOR COVIELLO

1. Bike Corrals – Letter from Peter Egelston of The Portsmouth Brewery (*Postponed from the May 21st City Council meeting*)

F. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes of May 10, 2012 (*Sample motion – move to approve and accept the action sheet and minutes of the May 10, 2012 Parking and Traffic Safety meeting*)

G. COUNCILOR THORSEN

1. Historic District Commission Council Representative

H. COUNCILOR COVIELLO AND COUNCILOR DWYER

1. City Council Rule 23 – Committee Nominations (*Postponed from the May 21st City Council meeting*)

XII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

**Indicates Verbal Report*


INFORMATIONAL ITEMS

1. Notification that the Zoning Board of Adjustment Minutes of March 20, 2012 and March 27, 2012 meetings are available on the City's website for your review
2. Notification that the Zoning Board of Adjustment Minutes of the April 17, 2012 meeting are available on the City's website for your review
3. Notification that the Planning Board Minutes of the February 16, 2012 meeting are available on the City's website for your review
4. Notification that the Planning Board Minutes of the March 22, 2012 meeting are available on the City's website for your review
5. Notification that the Planning Board Minutes of the April 19, 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 OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: June 7, 2012
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on June 11, 2012 City Council Agenda

Work Session:

1. **Update on Wastewater Treatment.** As you will recall, on April 9, 2012, City Staff and consultants presented the 1st "City Council Briefing and Public Input session regarding wastewater facilities and programs". On Monday evening at 6:00 p.m., the second Wastewater Facilities and Programs Briefing will be given.

In keeping with the agenda established at the first meeting, the City Council and public will be updated on wastewater regulatory framework and issues; collection system/long-term control plan work; Mechanic Street Pump Station update; wastewater treatment piloting status and funding updates.

Exhibits and information presented at the meeting are included in the City Council notebooks that will be available.

Acceptance of Grants/Donations:

1. **Acceptance of Donation Re: NH Fish & Lobster Festival.** The City has received a donation in the amount of \$500.00 from Tighe&Bond to support the New Hampshire Fish and Lobster Festival. This will be half of the City's match to the \$1,000.00 funding support from the Division of Ports and Harbors.

I would recommend the City Council move to accept the donation for the NH Fish & Lobster Festival, as presented. Action on this matter should take place under Section VII of the Agenda.

2. **NH Community Planning Grant Application.** The City has the opportunity to apply for a NH Community Planning Grant (CPG), which provides competitive matching grants for communities to create local regulations that foster sustainable community

development. The CPG Program is funded by a grant from the U.S. Department of Housing and Development and is administered by the New Hampshire Housing Finance Authority. A community may apply for up to \$50,000 in grant funds for a two-year project, and must provide a local match of at least 25% in the form of cash plus in-kind services, with a maximum of \$12,500 in cash match required, which would come from capital funds that have already been appropriated for the Master Plan. The grant program requires that proposed regulations be submitted to the City Council prior to June 30, 2014, but funding is not contingent on such regulations actually being enacted. In order to submit a grant application to the Community Planning Grant Program, evidence of City Council authority to apply for, accept and expend program funding is required.

I would recommend the City Council move to authorize the City Manager to apply for, accept and expend a \$50,000 grant from the New Hampshire Community Planning Grant Program for the purpose of developing local regulations that foster sustainable community development. Action on this matter should take place under Section VII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. Consideration of First Reading of Proposed Resolution and Ordinance Amendments:

1.1 First Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance, Article 11, Section 10.1115 - Off-Street Parking Provisions in the Downtown Overlay District. At the May 21, 2012 City Council meeting, the City Council voted to accept the recommendation of the Planning Board regarding proposed amendments to the Zoning Ordinance for off-street parking provisions in the Downtown Overlay District and authorized the City Manager to bring back for first reading the attached proposed Ordinance amendments. Also, attached is a memorandum from Rick Taintor, Planning Director, outlining the proposed amendments to the Zoning Ordinance, Section 10.1115 – Off-Street Parking Provisions in the Downtown Overlay District. The recommended amendments would make the following changes to the Zoning Ordinance:

- Eliminate off-street parking requirements for all nonresidential uses.
- Change the residential parking requirement to 1.5 parking spaces per dwelling unit.
- Eliminate the option to make a payment in lieu of providing required off-street parking.

I would recommend the City Council move to pass first reading of the proposed Ordinance amendments, as presented, and schedule second reading and public hearing for the June 25th City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

Consent Agenda:

1. **Acceptance of Police Department Donations.** Attached under Section IX of the Agenda is a memorandum, dated May 24, 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 donations:
 - a. A donation in the amount of \$200.00 from Mr. and Mrs. Lamontagne in support of the Portsmouth Police Explorers.
 - b. A donation in the amount of \$50.00 in support of the Portsmouth Police Explorers from Ms. York.

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 IX of the Agenda.

2. **Acceptance of Donations Re: Welcome Home, Iraq Veterans Parade.** The City has received the following donations totaling \$850.00 to support the Welcome Home, Iraq Veterans Parade:

➤ Harold Whitehouse	\$ 25.00
➤ The Nancy N. Clayburgh Rev Trust	\$ 25.00
➤ Optima Bank & Trust	\$100.00
➤ Daniel K. Poling Chapter 992 VVA	\$100.00
➤ The Portsmouth Democratic City Committee	\$100.00
➤ William A. and Cynthia M. Duncan	\$500.00

I would recommend the City Council move to accept the donations for the Welcome Home, Iraq Veterans Parade, as presented. Action on this matter should take place under Section IX of the Agenda.

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

- Andrea Rossetto, owner of Dolce Freddo Gelato for property located at 90 Fleet 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 IX of the Agenda.

City Manager's Items Which Require Action:

1. **Request to Establish a Work Session Re: Connie Bean Center.** As you may recall, the City Council voted at the June 6, 2011 meeting to dispose of the Connie Bean Center by sale or long-term lease. As you will also recall, the Council held a work session on disposal of the Connie Bean Center on March 12, 2012 to review building history and existing conditions; redevelopment challenges, opportunities and goals; and proposed schedule and next steps. I am requesting the City Council establish a work session for Monday, June 25, 2012 at 6:00 p.m., regarding this matter.

I would recommend the City Council move to establish a work session for Monday, June 25, 2012 at 6:00 p.m., regarding the disposal of the Connie Bean Center.

2. **Report Back Re: Request from Julie Bokar and Jeanne Carter, Fuel Training Studio, for permission to hold outdoor fitness classes on Peirce Island.** At the April 2, 2012 City Council meeting, the Council considered a request from Julie Bokar and Jeanne Carter of Fuel Training Studio to use Peirce Island for a 6:00 a.m. to 6:45 a.m. class on Tuesdays and Thursdays with participants paying a fee to participate in the Outdoor Boot Camp fitness classes. On April 2, 2012 the City Council voted to approve this request for a trial period of 6 weeks with a report back to the City Council. The classes began May 8th and are scheduled to conclude June 14th. The [attached e-mail correspondence of June 5, 2012 from Julie Bokar and Jeanne Carter](#) requests that they be allowed to continue their 6:00 a.m. to 6:45 a.m. fitness classes on Peirce Island on Tuesdays and Wednesdays from June 19, 2012 through July 26, 2012. Ideally, they would like to continue through the fall.

The Recreation, Police and Public Works Departments, as well as the Chair of the Peirce Island Committee, have indicated they have heard of no concerns during the first 5 weeks of the 6-week trial period. One Portsmouth resident who has been participating in the fitness classes has indicated she is very supportive of the classes being able to continue and that the instructors are very professional and appreciative of the opportunity to hold these fitness classes on the Island.

I would recommend the City Council move to grant approval for this request for the period of June 19, 2012 through July 26, 2012.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on May 21, 2012. In addition, this now can be found on the City's website.

2. **2011 Assessment Review.** For your information, attached is a letter from Stephan Hamilton, Director of Property Appraisal Division, Department of Revenue Administration (DOR), regarding the 2011 Assessment Review. As you can see, DOR reported that the City has met all of the guidelines as recommended by the Assessing Standards Board. The City Assessor's Office is commended for their "attention to detail, thoroughness, periodic review, integrity and hard work, and further, stand out as an excellent example for other communities to follow".

3. **Reminder of Work Session Re: Parking Omnibus Proposal.** This is a reminder that a City Council Work Session is scheduled for Monday, June 18, 2012 at 6:30 p.m., regarding the parking omnibus proposal.