

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, AUGUST 20, 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

PRESENTATIONS

1. Presentation to Retiring Deputy City Manager Cindy Hayden
2. Report Back Re: Senior Services in Portsmouth and Various Recommendations for Interim Programming

V. ACCEPTANCE OF MINUTES – AUGUST 6, 2012

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARING

- A. TO RECEIVE PUBLIC COMMENT ON THE PETITION OF COMMERCE WAY LLC FOR A CONDITIONAL LAYOUT OF THE EXISTING, PRIVATELY OWNED COMMERCE WAY, A COMPLETE RECONSTRUCTION OF THE ROAD AND A BETTERMENT ASSESSMENT, BASED UPON LINEAR FEET OF ROAD FRONTAGE, TO BE CHARGED AGAINST CERTAIN PROPERTIES ABUTTING OR SERVED BY THE RECONSTRUCTED ROAD IN ACCORDANCE WITH RSA 231:28-33. SAID PROPERTY IS SHOWN ON ASSESSOR PLAN 216 AND LIES WITHIN THE OFFICE RESEARCH DISTRICT. AT THE HEARING, THE APPLICANT WILL PRESENT TO THE COUNCIL, THE DETAILS OF THE PROPOSED CONSTRUCTION, AND ESTIMATED COSTS THEREOF, AND THE ANTICIPATED BETTERMENT ASSESSMENT TO BE CHARGED TO EACH AFFECTED OWNER

VIII. APPROVAL OF GRANTS/DONATIONS

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

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A.1. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Tanner Court (***Sample motion – move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment, as presented, at the September 4, 2012 City Council meeting***)

Consolidated Parking Supply and Demand Omnibus Ordinances:

- A. Third and final reading of Ordinance Chapter 7, Article I, Section 7.102 – Parking Meter Zones – Increase the Rate for Parking at all Metered Spots on City Streets and in Off-Street Lots to \$1.50 Per Hour and Increase the Maximum Time at which an Automobile could Remain at a Metered Spot on the Street or in a Metered Lot from Two (2) to Three (3) Hours
- B. Third and final reading of Ordinance amending Chapter 7, Article IV, Section 7.402 – Off-Street Parking Areas – Areas Established, Designated and Described – Allows the City Council to set the fee for parking in the High Hanover Garage either by means of the budget process as is currently done, or by vote of the City Council at any time. (Adoption of this ordinance would allow the City Council to set the parking rate in the parking garage by vote of the Council. It is anticipated that the Council would then set the rate at \$0.75 per hour, “except, however, there shall be no fee for the first hour in which any vehicle shall park in the facility”)
- C. Third and final reading of Ordinance amending Chapter 7, Article I, Section 7.105 – Parking – Deletion of existing language “*All on-street metered parking shall be at the rate of \$1.00 per hour for a maximum of two hours. This rate*”, remaining language unchanged from existing. (Adoption of this ordinance would consolidate the ordinance provisions relating to the rate for parking in on-street and off-street lots.)

Sample motions:

- 1) ***Move to pass third and final reading on the consolidated Parking Supply and Demand Ordinances A thru C, as presented; and,***
- 2) ***Move that the City Council hereby establishes the parking fee at the High Hanover Parking Facility to be at the rate of \$0.75 per hour, except, however, there shall be no fee for the first hour in which any vehicle shall park in the facility***

If the City Council wishes to provide Sunday parking for free for residents the following motion would be necessary:

- 1) ***Move that the parking fee at the High Hanover parking facility be at no cost for any time in which a vehicle has been parked in the facility on a Sunday when it is demonstrated to the garage attendant in accordance with standards to be promulgated by the City Manager that either the driver or the owner of the vehicle is a resident of the City of Portsmouth***

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Request for License from Kenneth Hooper, owner of National Electrical Manufacturers for property located at 22-28 Deer 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 Kenneth Hooper, owner of National Electrical Manufacturers for a projecting sign at property located at 22-28 Deer 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***

- B. Request for License from Federal Savings Bank, for property located at 1 Market Square 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 Federal Savings Bank, for a projecting sign at property located at 1 Market Square 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***

C. *Acceptance of Donations to the Coalition Legal Fund

- Town of Hebron - \$1,000.00
- Town of Grantham - \$1,000.00

(Anticipated action – move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Martin Cameron requesting \$3,000.00 - \$5,000.00 to support the World War 1 Marker Site with funding from the Connie Bean Center Fund Distribution

XII. 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 Ordinance Amendment to Chapter 7, Article III, Section 7.330 – No Parking – Tanner Court ***(Action on this matter should take place under Section IX of the Agenda)***
2. Public Hearing
 - 2.1 Public Hearing Re: Commerce Way Conditional Road Layout and Betterment Assessment
3. Third Reading of Proposed Ordinance Amendments:
 - 3.1 Third and Final Reading Re: Parking Supply and Demand Omnibus Ordinances ***(Action on this matter should take place under Section IX of the Agenda)***

City Manager's Items Which Require Action

1. Rezoning of 143 Daniel Street (Connie Bean Center)
2. Request to Approve City Manager's Designee to Planning Board

3. Report Back Regarding Workforce Housing Coalition's Rock Street Garage Design Charrette Proposal
4. Funding for Implementation of Interim Senior Services Programming

Informational Items

1. Events Listing

B. MAYOR SPEAR

1. Appointment to be Considered:
Trees and Public Greenery Blue Ribbon Committee
 - Dennis Souto to the Trees and Public Greenery Blue Ribbon Committee
2. Appointment to be Voted:
Mayor's Blue Ribbon Committee on Sustainable Practices
 - Andrew (Drew) Stadterman to the Committee on Sustainable Practices
3. Resignation – June Rogers from Trees and Greenery Blue Ribbon Committee
4. Reauthorization of the Blue Ribbon Committee on Transportation Policy

C. COUNCILOR SMITH

1. Parking and Traffic Safety Committee – Michael Coffey

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 Conservation Commission Minutes of the July 11, 2012 meeting are available on the City's website for your review
2. Notification that the Historic District Commission Minutes of the May 30, 2012 meeting are available on the City's website for your review
3. Notification that the Historic District Commission Minutes of the June 6, 2012 meeting are available on the City's website for your review
4. Notification that the Site Review Technical Advisory Committee Minutes of the July 31, 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: August 16, 2012
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on August 20, 2012 City Council Agenda

6:00 p.m. – City Council photograph.

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.

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Presentations:

1. **Presentation to Retiring Deputy City Manager Cindy Hayden.** On Monday evening, a presentation will be made to retiring Deputy City Manager Cindy Hayden. Cindy has worked for the City for the past twenty years and was appointed as Deputy City Manager in 2004.

During her tenure with the City, Cindy has been instrumental in the development and implementation of the Master Plan and in management of several important community development projects including the African Burying Ground initiative, improvements to the Atlantic Heights and Maple Haven neighborhoods, implementation of the Peirce Island Master Plan, redevelopment of Connors Hospital, Lafayette School, Osprey Landing and multiple city wide park improvements. In short, the City is a much better place to live, play, work and grow older because of her skillful planning and community development skills. We wish Cindy the best in the future.

2. **Report Back Re: Senior Services in Portsmouth and Various Recommendations for Interim Programming.** **Enclosed on the inside cover of your packet is a report** to the City Council regarding Senior Services in Portsmouth and Various Recommendations for Interim Programming. The Staff Committee that worked on this report include Rus Wilson, Recreation Director; Mary Ann List, Library Director; David Moore,

Community Development Director and Special Projects Manager; and Adam Cannon, Assistant Projects Manager for Community Development.

On Monday evening, the Staff Committee will be making a presentation to the City Council on this report. Subsequent to the presentation, I will be asking the City Council to provide the necessary funding to implement these interim recommendations regarding senior services. For your information, the entire report is available on the City's Website.

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 Ordinance Amendment to Chapter 7, Article III, Section 7.330 – No Parking – Tanner Court.** Attached under Section IX of the Agenda is a first reading of a proposed Ordinance Amendment to Chapter 7, Article III, Section 7.330 – No Parking – Tanner Court. First Reading of the proposed Ordinance is requested by the Parking and Traffic Safety Committee Minutes of May 10, 2012. This ordinance would make parking adjustments on Tanner Court made necessary by the redevelopment project at 51 Islington Street.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment, as presented, at the September 4, 2012 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

2. **Public Hearing.**

- 2.1 **Public Hearing Re: Commerce Way Conditional Road Layout and Betterment Assessment.** At the July 16, 2012 City Council meeting, the Council voted to schedule a public hearing on August 20, 2012 on the petition from Commerce Way LLC for a Conditional Road Layout and Betterment Assessment in accordance with the process described in RSA 231:28.

The Conditional Road Layout process as described in state statutes RSA 231:28 *Conditional Layout for Existing Private Rights of Way* and RSA 231:29 *Betterment Assessments Against Abutters and Those Served*, is a mechanism by which the cost of improvements to a private roadway is financed by a general obligation bond issued by the city and repaid by assessments on the private property owners served by the road (in this case, the building owners along Commerce Way). 100% of the bond and road improvement costs are paid by abutting property owners. Security for the bond repayment is in the form of liens against the abutting properties which have the same status as a property tax lien. At this time, the cost of the road improvements is estimated to be \$1,600,000.00.

To date, the following procedural steps have been accomplished in accordance with the referenced statutes:

- March 12, 2012 Commerce Way LLC submits Petition for Conditional Layout
- March 19, 2012 City Council accepts Petition and refers to Planning Board for recommendation
- April 19, 2012 Planning Board reviews Petition and makes recommendation to City Council to proceed with Conditional Road Layout
- May 7, 2012 City Council accepts Planning Board recommendation and votes to proceed with Petition with contingencies
- July 16, 2012 City Council votes to proceed with the Conditional Road Layout and Betterment Assessment process and to establish a public hearing on August 20, 2012 in accordance with RSA 231:28-33.
- July 17, 2012 Notice of August 20, 2012 Public Hearing is sent to abutters and to benefitting property owners in accordance with RSA 231:28.

At the public hearing on August 20, 2012, the City's Public Works Director and Commerce Way LLC's engineer from Tighe and Bond will provide a detailed presentation on the conditional road layout including estimated costs of the road improvements.

Following the public hearing, there is a ten day period in which abutters may object to the process.

If a majority of abutters object to the Conditional Road Layout and Betterment Assessment, the process is abandoned. If a majority of abutters do not object, the City Council accepts the Petition and moves forward with the standard process to issue a general obligation bond. After this step is completed, the City proceeds with solicitation of bids and the construction of the proposed road improvements. At an appropriate time, the road will be conveyed by deed to the City and will become a city street.

If there are no objections received from abutters, I will be asking the City Council to proceed with first reading at the September 4th City Council meeting regarding an estimated \$1,600,000.00 of bonding for these road improvements.

3. **Third Reading of Proposed Ordinance Amendments:**

- 3.1 **Third and Final Reading Re: Parking Supply and Demand Omnibus Ordinances.** As a result of the August 6th City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached consolidated Parking Supply and Demand Ordinances A thru C.

As you know, at the City Council's June 18th work session, John Burke, PE, CAPP made a presentation regarding recommended Parking Supply and Demand Strategies (*see attached report [Parking Supply and Demand Strategies, May 2012](#)*). Based on the Council's discussion, I directed staff to prepare the **attached changes** to the parking ordinances for first reading. In summary, those changes are as follows:

- Increase all 2-hour time limits on-street to 3 hours.
Annual projected revenue impact: -\$61,000
 - Increase the price of all on-street parking to \$1.50 per hour.
Annual projected revenue impact: +\$458,950
 - Maintain High Hanover Parking Facility at \$0.75 per hour and initiate 1st hour free program.
Annual projected revenue impact: -\$343,750
- TOTAL NET ANNUAL PROJECTED REVENUE IMPACT: \$ 54,200

A synopsis of what each of the ordinances seeks to accomplish is as follows:

A. Section 7.102 PARKING METER ZONES

If adopted this ordinance would increase the rate for parking at all metered spots on City streets and in off-street lots to \$1.50 per hour and increase the maximum time at which an automobile could remain at a metered spot on the street or in a metered lot from two (2) to three (3) hours, except for areas where ordinances expressly state otherwise (eg. four (4) hour areas).

B. Section 7.402 AREAS ESTABLISHED, DESIGNATED, AND DESCRIBED

If adopted this ordinance would allow the City Council to set the fee for parking in the High Hanover Garage either by means of the budget process as is currently done, or by vote of the City Council at any time. As a footnote to this ordinance there is a motion which could be passed by the Council subsequent to the adoption of the ordinance which would set the

parking rate in the parking garage at \$0.75 per hour, “except, however, there shall be no fee for the first hour in which any vehicle shall park in the facility”

C. 7.105 PARKING

Because current City ordinances list the on-street parking rate and time limit in two different locations it is proposed that regardless of whether the Council selects any of the alternatives listed above or takes no action regarding meter rates, one of the ordinances listing fees and times should be deleted from the ordinance book. The purpose of this is to avoid duplication, confusion and the possibility in the future that the City might have inconsistent ordinances. This ordinance if adopted would delete one of the places in which fees and time limits are listed, for that purpose.

If the City Council passes third and final reading regarding the aforementioned Ordinance changes, it would be necessary as part of its action to move as a separate motion:

- Move that the City Council hereby establishes the parking fee at the High Hanover Parking Facility to be at the rate of \$0.75 per hour, except, however, there shall be no fee for the first hour in which any vehicle shall park in the facility.

[See attached memorandum from Robert Sullivan, City Attorney.](#)

In addition, if there is a request to allow free parking for residents on Sunday and if the City Council wishes to include this proposal, the additional motion would be as follows:

- Move that the parking fee at the High Hanover parking facility be at no cost for any time in which a vehicle has been parked in the facility on a Sunday when it is demonstrated to the garage attendant in accordance with standards to be promulgated by the City Manager that either the driver or the owner of the vehicle is a resident of the City of Portsmouth.

Therefore, the City Council would move the following motions:

- 1) Move to pass third and final reading on the consolidated Parking Supply and Demand Ordinances A thru C, as presented; and,*
- 2) Move that the City Council hereby establishes the parking fee at the High Hanover Parking Facility to be at the rate of \$0.75 per hour, except, however, there shall be no fee for the first hour in which any vehicle shall park in the facility.*

If the City Council wishes to provide Sunday parking for free for residents the following motion would be necessary:

I) Move that the parking fee at the High Hanover parking facility be at no cost for any time in which a vehicle has been parked in the facility on a Sunday when it is demonstrated to the garage attendant in accordance with standards to be promulgated by the City Manager that either the driver or the owner of the vehicle is a resident of the City of Portsmouth.

Action on this matter should take place under Section LX of the Agenda.

Consent Agenda:

1. **Acceptance of Donations to the Coalition Legal Fund.** The City has received the following checks donating funds to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

➤	Town of Hebron	\$1,000.00
➤	Town of Grantham	\$1,000.00

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

2. **Request for Licenses to install Projecting Signs.** Attached under Section X of the Agenda are the following requests for projecting sign licenses (see attached memorandums from Rick Taintor, Planning Director):

- Kenneth Hooper, owner of National Electrical Manufacturers for property located at 22-28 Deer Street
- Federal Savings Bank for property located at 1 Market Square

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

City Manager's Items Which Require Action:

1. **Rezoning of 143 Daniel Street (Connie Bean Center).** At its August 6th meeting, the City Council voted to sell the Connie Bean Center at 143 Daniel Street. As a result, it is necessary to change the zoning designation of the property to allow for appropriate private redevelopment and reuse. As with all properties owned or leased by the City, the property is currently in the Municipal zoning district. It is recommended that the

property be rezoned from Municipal to Central Business B (CBB), and also that it be included with the Downtown Overlay District (DOD). [See attached map.](#)

Therefore, I would recommend the City Council move to refer the proposed Zoning Map amendments to the Planning Board for report back to the City Council.

2. **Request to Approve City Manager's Designee to Planning Board.** As you know, Deputy City Manager Cindy Hayden has been serving as the City Manager's designee to the Planning Board since early 2004. As you also know, Cindy will be retiring at the end of this month and will be leaving the Planning Board as my designee. In accordance with the City ordinance, the City Manager serves as the representative to the Planning Board or, the City Manager's designee as ratified by the City Council. My intent is to designate incoming Deputy City Manager David Allen to serve as my representative to the Planning Board effective September 1, 2012.

Therefore, I request that the City Council move to approve the City Manager's recommendation to designate incoming Deputy City Manager David Allen as the City Manager's designee to the Planning Board effective September 1, 2012.

3. **Report Back Regarding Workforce Housing Coalition's Rock Street Garage Design Charrette Proposal.** As you may recall, in May of this year Workforce Housing Coalition Executive Director Lisa Henderson submitted a [letter attached](#) requesting that the City participate in a design charrette of the Rock Street Garage for re-development as workforce housing. The letter also sought a small amount of funding to support this effort. At the May 21, 2012 City Council meeting the Council voted to refer this matter to staff for a report back and recommendation. The staff subsequently met with Lisa and members of her organization to further discuss her request and also held an additional meeting with property owners in that neighborhood to help identify the best scope of effort for the design charrette. Based on those discussions, the Workforce Housing Coalition has submitted the [attached letter dated August 13, 2012](#) indicating that they would like their proposed design charrette to focus on the Rock Street garage and the properties located immediately adjacent and, further, indicates that those property owners have agreed to participate in the charrette. In order to support the cost of the charrette the Workforce Housing Coalition is seeking \$500 in City funding to be combined with contributions from other interested parties. Assuming Council support for the Workforce Housing Coalition's proposal, I will be asking City staff to work with the Workforce Housing Coalition on the charrette.

I would recommend the City Council move to authorize the City Manager to work with the Workforce Housing Coalition on a design charrette for the Rock Street garage and appropriate \$500 in UDAG funding to support the Workforce Housing Coalition's Rock Street Garage design charrette.

4. **Funding for Implementation of Interim Senior Services Programming.** As recommended in the report regarding senior services in Portsmouth, I would ask the City Council to:

1) Authorize the City Manager to expend funds from the General Fund Contingency in the amount of \$29,054.00 for hiring of a part-time senior services coordinator and \$10,000.00 to provide for other programs as outlined in the report.

2) Authorize the City Manager to expend \$43,500.00 from the Parking and Transportation Fund for the expansion of senior transportation by one day and the purchase of a new senior van at a 50% cost which will be cost-shared with Wentworth Connections.

I would recommend the City Council move to authorize the aforementioned request for supplemental funding of senior services for FY2013.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on August 6, 2012. In addition, this now can be found on the City's website.