

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, AUGUST 5, 2013 TIME: 7:00PM

AGENDA

- 6:00PM – ANTICIPATED “NON-MEETING” WITH COUNSEL REGARDING LITIGATION – RSA 91-A:2 I (c)

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

PRESENTATIONS

1. Transportation Issues e.g. COAST, Satellite Parking, Wayfinding, Bicycle Friendly Community, etc.
2. Update Re: Sagamore Bridge Replacement

- V. ACCEPTANCE OF MINUTES – JULY 15, 2013

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 5 – DIMENSIONAL AND INTENSITY STANDARDS ARE HERE BY AMENDED AS FOLLOWS:

- SECTION 10.531 – TABLE OF DIMENSIONAL STANDARDS – BUSINESS AND INDUSTRIAL DISTRICTS, MAXIMUM STRUCTURE DIMENSIONS – STRUCTURE HEIGHT, CBA 45’ OR 3 STORIES, WHICHEVER IS LESS; CBB 45’ OR 3 STORIES, WHICHEVER IS LESS;
- SECTION 10.535 – EXCEPTION TO DIMENSIONAL STANDARDS IN THE CENTRAL BUSINESS DISTRICTS, BY INSERTING A NEW SECTION 10.535.13: INCREASED BUILDING HEIGHT BY CONDITIONAL USE PERMIT

(The public hearing will be continued until the August 19, 2013 City Council meeting)

- B. RESOLUTION FOR BOND AUTHORIZATION OF UP TO \$5,750,000 FOR FY14 CITY IMPROVEMENTS

- CITYWIDE FACILITIES CAPITAL IMPROVEMENTS - \$1,000,000
- CITYWIDE SIDEWALK RECONSTRUCTION PROGRAM - \$800,000
- MCDONOUGH STREET AREA IMPROVEMENTS - \$400,000

- GATEWAY IMPROVEMENTS–EXIT 7 - \$550,000
 - STREET PAVING, MANAGEMENT AND REHABILITATION - \$2,500,000
 - ISLINGTON STREET IMPROVEMENTS - \$500,000
- C. RESOLUTION FOR BOND AUTHORIZATION OF UP TO \$10,000,000 FOR THE PEIRCE ISLAND WASTEWATER TREATMENT PLANT UPGRADES
- D. RESOLUTION FOR BOND AUTHORIZATION OF UP TO \$3,500,000 PEASE WASTEWATER TREATMENT PLANT UPGRADES

VIII. APPROVAL OF GRANTS/DONATIONS

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

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, are here by Amended as follows:
- Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, Maximum Structure Dimensions – Structure Height, CBA 45' or 3 Stories, which ever is less; CBB 45' or 3 Stories, which ever is less;
 - Section 10.535 – Exception to Dimensional Standards in the Central Business Districts, by Inserting a New Section 10.535.13: Increased Building Height by Conditional Use Permit
- (Sample motion – move to table second reading until the August 19, 2013 City Council meeting)***
- B. Adoption of Resolution for bond authorization of up to \$5,750,000 for FY14 City Improvements
- Citywide Facilities Capital Improvements - \$1,000,000
 - Citywide Sidewalk Reconstruction Program - \$800,000
 - McDonough Street Area Improvements - \$400,000
 - Gateway Improvements–Exit 7 - \$550,000
 - Street Paving, Management and Rehabilitation - \$2,500,000
 - Islington Street Improvements - \$500,000
- (Sample motion – move to adopt a Bond Resolution for City Improvements in the amount of up to \$5,750,000.00)***
- C. Adoption of Resolution for bond authorization of up to \$10,000,000 for the Peirce Island Wastewater Treatment Plant Upgrades ***(Sample motion – move to adopt a Bond Resolution for Peirce Island Wastewater Treatment Plant Upgrades in the amount of \$10,000,000.00)***

- D. Adoption of Resolution for bond authorization of up to \$3,500,000 Pease Wastewater Treatment Plant Upgrades (**Sample motion – move to adopt a Bond Resolution for Pease Wastewater Treatment Plant Upgrades in the amount of up to \$3,500,000.00**)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Police Department Donations:
- Police Honor Guard in memory of Retired Captain Kerry Plaisted by former Commissioner William Mortimer - \$100.00
 - Police Explorer Cadets from Wentworth-Coolidge Commission Inc. - \$100.00
- (Anticipated action – move to approve and accept the donations, as listed, to the Portsmouth Police Department)**
- B. *Acceptance of Donation from Liberty Mutual Insurance Re: African Burying Ground Committee:
- Liberty Mutual Insurance - \$1,000.00
- (Anticipated action – move to authorize the City Manager to accept and expend a \$1,000.00 donation from Liberty Mutual Insurance for fundraising soft costs related to the African Burying Ground Project)**
- C. Letter from Jill McFarland, St. Patrick School, requesting permission to hold an annual 5k Road Race on Saturday, March 15, 2014 at 9:00 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- D. Letter from Jay Diener, Seacoast Half Marathon, requesting permission to hold the 8th annual Seacoast Half Marathon on Sunday, November 10, 2013 **(Anticipated action – move to refer to the City Manager with power)**

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Mark Ayotte, requesting the City return all rights and privileges to him as an abutter (9 Garden Street) from their current property line to the centerline of both Garden Street and Colonial Avenue **(Sample motion – move to refer to the Planning Board for report back)**
- B. Letter from Valerie Rochon, Greater Portsmouth Chamber of Commerce and Assiah Russell, Chair, Retail Committee, requesting permission to hold the Summer Daze Sidewalk Sale for five days, August 29, 2013 through September 2, 2013 with the placement of sale racks outside and against their shops during retail hours, 10:00 a.m. until at least 8:00 p.m. **(Participating shops to date: Flower Kiosk, Puttin' on the Glitz, Hazel, Tugboat Alley, Kilwins, City Shoes and Le Club Boutique)**
- C. Letter from Barbara Archibald requesting permission to have a Flash Dance/Flash Mob outside Poco's Restaurant on Saturday, September 7, 2013 from 1:30 p.m. – 2:00 p.m.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. Public Hearing of Proposed Ordinance:
 - 1.1 Public Hearing and Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards are here by Amended as follows:
 - Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, Maximum Structure Dimensions – Structure Height, CBA 45’ or 3 Stories, which ever is less; CBB 45’ or 3 Stories, which ever is less;
 - Section 10.535 – Exception to Dimensional Standards in the Central Business Districts, by Inserting a New Section 10.535.13: Increased Building Height by Conditional Use Permit ***(Action on this matter should take place under Section IX of the Agenda)***
2. Public Hearings and Adoption of Proposed Resolutions:
 - 2.1. Resolution for Bond Authorization of up to \$5,750,000 for FY14 City Improvements
 - Citywide Facilities Capital Improvements - \$1,000,000
 - Citywide Sidewalk Reconstruction Program - \$800,000
 - McDonough Street Area Improvements - \$400,000
 - Gateway Improvements–Exit 7 - \$550,000
 - Street Paving, Management and Rehabilitation - \$2,500,000
 - Islington Street Improvements - \$500,000***(Action on this matter should take place under Section IX of the Agenda)***
 - 2.2. Resolution for bond authorization of up to \$10,000,000 for the Peirce Island Wastewater Treatment Plant Upgrades ***(Action on this matter should take place under Section IX of the Agenda)***
 - 2.3. Resolution for bond authorization of up to \$3,500,000 Pease Wastewater Treatment Plant Upgrades ***(Action on this matter should take place until Section IX of the Agenda)***

City Manager's Items Which Require Action

1. Rock Street Parking Garage Lot Proposed License Agreement for Shared Parking
2. Proposed Omnibus Parking Ordinance
3. Proposed Amendments to the School Clerical Employees' Collective Bargaining Agreement in accordance with the Memorandum of Agreement and the School Custodial Supervisors' Union Collective Bargaining Agreement in accordance with the Memorandum of Agreement to Change to SchoolCare Re: Health Insurance
 - a) School Clerical Employee's Memorandum of Agreement
 - b) School Custodial Supervisors' Union Memorandum of Agreement
4. Proposed Application to National Parks Service Re: Doble Center
5. Proposed Outside Area Service Agreement for British Beer Company
6. Proposed Additional Areas Re: Form-Based Zoning
7. Report Back Re: Letter of Request for Amendment to License Agreement between Priscilla Semprini, Trustee of the Priscilla Semprini Revocable Trust 2010, 300 New Castle Avenue and the City of Portsmouth

Informational Items

1. Events Listing
2. Comments to Environmental Protection Agency Re: Draft MS4 Stormwater Permit

B. MAYOR SPEAR

1. Appointment to be Considered:
 - Stephen Scott Gerrato – Taxi Commission (Taxicab Representative)
2. Letter from Tammy Wright, Clerk of the New Hampshire Senate, requesting the City appoint a representative to serve on the Projected Sea Level Rise and other Coastal and Coastal Watershed Hazards
 - Steve J. Miller, Conservation Commission Chair
3. Resignations:
 - Anthony Blenkinsop from the Planning Board effective at the end of the August 15, 2013 meeting
 - T. Stephen McCarthy from the Portsmouth Housing Authority effective August 1, 2013

C. COUNCILOR NOVELLINE CLAYBURGH

1. *The Worth Lot (*Sample motions – (1) move to suspend the rules in order to take this matter up (two-thirds vote required for suspension of the rules), (2) move to authorize the City Manager to study the feasibility of adding two levels to the current Worth Lot, one underground and one above the current level. Also, investigate the cost of adding a green space to the roof to a recreation area for all to enjoy*)

D. COUNCILOR LOWN

1. Report Re: Sustainability Committee
2. 50 “Sustainable Tips”

E. COUNCILOR SMITH

1. *Free Holiday Parking Period (*Deferred from the July 15, 2013 City Council meeting (Sample motion – move to set the 2013 Holiday Parking from December 16, 2013 through January 1, 2014)*)
2. Parking and Traffic Safety Committee Action Sheet and Minutes of the July 11, 2013 meeting (*Sample motion – move to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting of July 11, 2013)*)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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


INFORMATIONAL ITEMS

1. Notification that the Board of Adjustment Minutes of the May 21, 2013 meeting are available on the City’s website for your review
2. Notification that the Planning Board Minutes of the March 21, 2013, March 28, 2013, April 18, 2013 and May 2, 2013 meetings are available on the City’s website for your review
3. Notification that the Site Review Technical Advisory Committee Minutes of the April 30, 2013, June 4, 2013 and July 2, 2013 meetings 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 1, 2013
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on August 5, 2013 City Council Agenda

6:00 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. **Transportation Issues e.g. COAST, Satellite Parking, Wayfinding, Bicycle Friendly Community, etc.** On Monday evening, Juliet Walker, City's Transportation Planner and Rad Nichols, Executive Director of COAST, will make a presentation to the City Council regarding the City's Transportation Initiatives. The topics will include public transportation, off-street parking access and connections, wayfinding, bicycle & walking friendly communities' designations, and complete streets.
2. **Update Re: Sagamore Bridge Replacement.** Peter Rice, Director of Public Works, will present a brief update on the Sagamore Bridge Replacement Project.

The project involves the replacement of the NH Route 1A Bridge (Br. No. 198/034) over Sagamore Creek, and minor improvements to the sections of NH Route 1A approaching the bridge from the north and south. The new bridge replaces the Sagamore Creek Bridge which was constructed in 1941.

The replacement bridge is a new variable-depth steel girder bridge approximately 418 feet long between abutments, and 42.5 feet wide. The bridge includes two 12-foot travel lanes, two 5-foot paved shoulders for bicycles, and one fully-accessible 5.5-foot sidewalk. Approach roadway improvements involve new curbing and sidewalks, drainage facilities, and replacement of the watermain that crosses the existing bridge.

The Bridge is anticipated to be out of service from October 2013 to December 1, 2014. However, the final construction schedule will be established once a contractor is selected.

The estimated cost of this project is \$8 million of which the City pays 20% \$1.6 million.

Items Which Require Action Under Other Sections of the Agenda:

1. Public Hearing of Proposed Ordinance:

- 1.1 **Public Hearing and Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5 – Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, Maximum Structure Dimensions – Structure Height, CBA 45’ or 3 Stories, whichever is less; CBB 45’ or 3 Stories, whichever is less, and Section 10.535 – Exception to Dimensional Standards in the Central Business Districts, by inserting a New Section 10.535.13: Increased Building Height by Conditional Use Permit.** On Thursday, July 18, 2013, the Planning Board began, but did not complete, its review of the building height ordinance which had been referred to it by the City Council on June 17, 2013. The anticipation of the City Council was that the Planning Board report back would be received by the Council in a manner timely to allow public hearing and second reading at the August 5, 2013 City Council meeting. The Planning Board will conduct a work session on August 1, 2013 regarding the ordinance. Therefore, the earliest that the Planning Board could actually vote a recommendation to the City Council would be at the Planning Board meeting of August 15, 2013. Thus, the earliest that the City Council would be able to receive and act upon the Planning Board recommendation would be at the Council meeting of August 19, 2013.

I requested a procedural recommendation from the Legal Department concerning the manner in which the Council might deal with the foregoing timing issues.

The Legal Department’s recommendation is that the City Council open its scheduled public hearing on the ordinance at the Council meeting of August 5, 2013 and hear any public comment which might be received at that time. However, subsequent to the receipt of public comment on August 5, 2013, the City Council should move to continue the public hearing and second reading of the proposed ordinance until the Council meeting of August 19, 2013. At that time, the Council should reopen the public hearing and receive any further public comment which might be offered. The Council might then consider the public comment which has been offered as well as the recommendation which it should have received from the Planning Board by that time to make its decision on second reading of the ordinance.

It may be necessary to adjust this recommendation depending upon what action is taken by the Planning Board on August 15, 2013.

I would recommend the Mayor open the public hearing regarding this matter, and continue the public hearing until the August 19, 2013 City Council meeting. Further, I would recommend that second reading be tabled until the August 19, 2013 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

2. **Public Hearings and Adoption of Proposed Resolutions:**

2.1 **Public Hearing and Adoption of Proposed Resolutions for Bond Authorization for FY14 City Improvements.** As a result of the July 15, 2013 City Council meeting, under Section IX of the Agenda, I am bringing back for a public hearing and adoption the proposed Bonding Resolutions for FY14 City Improvements. The following list identifies three separate resolutions:

A. **Resolution for bond authorization of up to \$5,750,000 for FY14 City Improvements.**

- **Citywide Facilities Capital Improvements - \$1,000,000:** *(page II-44 and II-45 of Budget Booklet FY14, which are attached)*

The Public Works Department has the maintenance responsibilities for all municipal facilities. These facilities are wide ranging and serve multiple uses. Due to age and usage, many facilities are in need of updating in order to continue their availability to the general public and the programs conducted within.

The Public Works Department staff will identify the renovations and improvements required at each facility. This project is being set up so that the expenditures are utilized over a three-year time frame.

- **Citywide Sidewalk Reconstruction Program - \$800,000:** *(page II-63 and II- 64 of Budget Booklet FY14, which are attached)*

This program relies on a management program and is funded on a two-year schedule to address the need to upgrade existing sidewalk surfaces on a priority basis. The sidewalk inventory consists of over 50 miles of sidewalks, made from asphalt, concrete, brick or stone. Some \$20,000,000 of reconstruction work is required to bring these to standard. Reconstruction is based upon need and is coordinated with other street improvements.

- **McDonough Street Area Improvements - \$400,000:** *(page II-68 of Budget Booklet FY14, which is attached)*

This project is at the request of the Islington Creek Neighborhood Association to have new sidewalks and traffic calming measures installed throughout the McDonough Street Area. The main purpose of this project is to enhance safety for the residents and others who travel through this area on foot, by bicycle and motor

vehicle. This area is a mixed use of residential, commercial and industrial uses sandwiched between Islington Street and the North Mill Pond. The work will include water, sewer, storm drainage, paving, curbing and associated landscaping constructed in a phased approach that began in FY10.

- **Gateway Improvements-Exit 7 - \$550,000:** *(page II-72 of Budget Booklet FY14, which is attached)*

This project is a continuation of phased improvements along the Market Street right-of-way as it extends from the I-95 to Deer Street. Some of the proposed improvements are part of a cooperative effort between the City and NHDOT to improve the I-95 Exit 7 interchange (currently ongoing) and to provide safe pedestrian and bicycle travel along the road. The first phase of this project from Deer Street to Russell Street is complete and included streetscape and traffic calming improvements such as widened concrete sidewalks with a brick detail, installation of new historic street lights, landscaping, new granite curb and roadway paving. In addition to these improvements, a transportation grant enabled the City to construct a sidewalk and bike lane along the north side of the gateway. The next phase involves design and construction of improvements from the I-95 Exit 7 interchange to the Route 1 Bypass Bridge. This will be followed by successive alternating design and construction phases of improvements until the streetscape is complete.

- **Street Paving, Management and Rehabilitation - \$2,500,000:** *(page II-73 and II-74 of Budget Booklet FY14, which are attached)*

In 1993 the City funded a *Pavement Management Study* to implement a *Pavement Management Program*. This program produces a report showing existing conditions for each publicly owned street priority ranking for best dollar investment and has the ability to show "What If" scenarios and estimated project costs. These scenarios are also able to project future street conditions based upon various levels of expenditures. An expenditure of \$1,250,000 per year over the next twenty years would greatly improve street conditions. The indicated expenditures are capital costs to implement the improvements over a two-year period with all work lasting 20 years.

- **Islington Street Improvements - \$500,000:** *(page II-75 of Budget Booklet FY14, which is attached)*

The *Islington Street Improvement Action Plan* was completed in 2009 with the goal of improving the appearance of Islington Street in the area between Maplewood Avenue and Rt. 1 Bypass. This project involved development of a plan for capital improvements, regulatory strategies and non-regulatory public/private approaches

to revitalization. The streetscape will be enhanced in a coordinated way as properties are improved through the site review process.

The funding was approved in FY 2013 for final design plan of the first section of improvements starting at Congress Street with construction scheduled for FY 2014.

B. **Resolution for bond authorization of up to \$10,000,000 for the Peirce Island Wastewater Treatment Plant Upgrades:** *(Page II-78 of Budget Booklet FY14, which is attached)*

This is the first phase of bonding for the proposed Wastewater Treatment Plant at Peirce Island, which is estimated to cost \$63,000,000. The project identifies the need for a new wastewater treatment facility to bring the City into compliance with the secondary treatment standards of the new wastewater discharge permit. The City has completed a wastewater master plan and technology verification pilot study which outlines the necessary compliance program. Phase I of this resolution is for permitting, design and the initial construction phase including the demolition of existing structures and the relocation of the main power line.

C. **Resolution for bond authorization of up to \$3,500,000 Pease Wastewater Treatment Plant Upgrades:** *(Page II-79 of Budget Booklet FY14, which is attached)*

This project addresses capital needs at the Pease Wastewater Treatment Facility. Parts of this plant date back to the original 1950's construction and are beyond their useful life. In addition, the Plant's NPDES discharge permit is up for renewal and this item anticipates additional capital needs which may result from a new permit.

I would recommend that the City Council move the following motions:

- 1) *Move to adopt a Bond Resolution for City Improvements in the amount of up to \$5,750,000.*
- 2) *Move to adopt a Bond Resolution for Peirce Island Wastewater Treatment Plant Upgrades in the amount of up to \$10,000,000.*
- 3) *Move to adopt a Bond Resolution for Pease Wastewater Treatment Plant Upgrades in the amount of up to \$3,500,000.*

Please note that adoption of bonding resolutions requires two-thirds vote of the City Council. Action on this matter should take place under Section IX of the Agenda.

Consent Agenda:

1. **Acceptance of Police Department Donations.** Attached under Section X of the Agenda is a memorandum, dated July 10, 2013, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following donations:
 - a. A donation of \$100 in support of the Portsmouth Police Honor Guard in memory of Retired PPD Captain, Kerry Plaisted, by Commissioners Wm. Mortimer.
 - b. A donation in the amount of \$100 in support of the Police Explorer Cadets from the Wentworth-Coolidge Commission, Inc.

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

I would recommend the City Council move to approve and accept the donations, as listed, to the Portsmouth Police Department. Action on this matter should take place under Section X of the Agenda.

2. **Acceptance of Donation from Liberty Mutual Insurance Re: African Burying Ground Committee.** The City has received a donation of \$1,000 from Liberty Mutual Insurance. These funds have been donated in appreciation of the City's participation in the Liberty Mutual Insurance Serve with Liberty Volunteer Program.

For the second year in the row, volunteers from Liberty Mutual offices in the area performed a full day of community service on several different landscaping, painting and trails projects for the City. I recommend that these funds be accepted and expended to assist the African Burying Ground Committee with soft costs related to fundraising activities.

I would recommend the City Council move to authorize the City Manager to accept and expend a \$1,000 donation from Liberty Mutual Insurance for fundraising soft costs related to the African Burying Ground project. Action on this matter should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Rock Street Parking Garage Lot Proposed License Agreement for Shared Parking.** The Heinemann Company, a division of Houghton Mifflin Harcourt is a publisher of professional resources and a provider of educational services for teachers, kindergarten through college. With 120 employees, Heinemann is one of the largest local companies operating within walking distance to downtown. Recently, the company has experienced significant growth and is outgrowing the existing office space at the Kearsarge Mill. In an effort to retain the firm at its current location and to accommodate future growth, the building owner, Kearsarge Mill Unit Owners Association, has worked with the company

to devise a plan to add 4,500 square feet to the building. The parent company has agreed to remain at the expanded site provided that there is more parking for the employees beyond the parking that currently exists on site. Failing this, the company may be moved out of state by the parent company.

Heinemann employees currently park in the surface lots in front and back of the building. The building owner provides Heinemann 56 spaces on its property. In 2006, to accommodate growth, the City and the building owner entered into a parking agreement in which Heinemann employees use 18 parking spaces on City property behind the building. In turn, the owner allows use of 18 parking spaces in its front parking lot for use by the public from 6 PM to 8 AM during weekdays and at all times during the weekend. The total number of parking spaces available to Heinemann employees from this agreement is 74.

With the recent demolition of the Rock Street Garage adjacent to the Heinemann offices, it has been the City's intention to create a surface parking lot with 30-40 spaces at that site. In that there is a need for additional parking for Heinemann employees and for residents after business hours, the City and the building owner have discussed a shared parking arrangement to accommodate the parking needs of Heinemann workers during the work day. It also provides for the City to gain additional neighborhood parking on the Heinemann lot during weekday evenings and on weekends.

Under the proposed shared parking arrangement, The City would pave and install lighting at the Rock St. lot by October 1st which is when the Kearsarge Mill office addition will be complete. The Rock St. lot would be available for Heinemann employees from 8AM to 6 PM on weekdays. In turn, the Kearsarge Mill Unit Owners Association will maintain and plow the Rock St. lot and also make available its 74-space surface lot for the neighborhood/public to park between the hours of 6PM and 8AM during the week and at all times during the weekend. This will create a total of approximately 104-114 parking spaces during non-business hours and weekends between both the Rock St. lot and the Heinemann lot. The agreement term would mirror the Heinemann office lease with the Kearsarge Mill owner which would expire in 2019 (see attached agreement). Urban Development Action Grant (UDAG) would be used to fund the proposed improvements to the Rock Street lot.

The EDC recently met with representatives of Heinemann and Kearsarge Mill Unit Owners Association and has endorsed the shared parking proposal in order to retain the company in Portsmouth. Attached is a letter from EDC Chair Everett Eaton recommending the City Council enter into a license agreement for shared parking. Also attached is a map of the area and draft license agreement.

I would recommend the City Council move to authorize the City Manager to enter into a license agreement with The Heinemann Company and Kearsarge Mill Unit Owners Association for shared parking at the Rock Street Garage lot.

2. **Proposed Omnibus Parking Ordinance.** On March 20, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Parking Ordinance, which authorized the Parking Committee to modify City parking regulations as appropriate. This Ordinance revision has made the City more responsive to the changing parking needs of the downtown.

Before the new procedure was approved, it required three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. The process from when a request was received to when the sign was changed often took 3 months or longer to complete.

Under this procedure, the process is streamlined. The Parking and Traffic Safety Committee takes formal action, presents the action to the City Council in the form of monthly meeting minutes, and implements the action only after the City Council adopts the meeting minutes. The public hearing process is still accomplished, but only after the action has been in place for one year, or less, as the Council deems appropriate. This way, the Council and the public have the benefit of seeing how the recommended parking change worked before formally adopting it.

This procedure also benefits the City by fostering a continuing dialogue and analysis of downtown parking issues. The Parking and Traffic Safety Committee meets monthly to monitor on-street and off-street parking utilization data and operations. The recommended actions that result from these meetings are made in the context of a comprehensive review of current parking conditions.

Attached are proposed changes to Chapter 7, Vehicles, Traffic Parking Omnibus Ordinances that were either implemented by the Parking and Traffic Safety Committee for testing during the last year or are a part of ongoing improvements to the Vehicles, Traffic and Parking Ordinance and are forwarded to the City Council for approval as an Omnibus Ordinance. The changes are highlighted in red. I am requesting that the City Council bring back the proposed Ordinance for first reading at the August 19th City Council meeting.

I would recommend that the City Council move to authorize the City Manager to bring back for first reading the proposed Parking Omnibus Ordinance at the August 19th City Council meeting.

3. **Proposed Amendments to the School Clerical Employees' Collective Bargaining Agreement in accordance with the Memorandum of Agreement and the School Custodial Supervisors' Union Collective Bargaining Agreement in accordance with the Memorandum of Agreement to Change to SchoolCare Re: Health Insurance.** As you will recall, during the budget process, the City Council requested that the City approach the unions again and see if they would reconsider changing from HealthTrust to SchoolCare. In keeping with their directive, I instructed Dianna Fogarty, Human Resources Director, to contact all union presidents and ask them if they would be interested in learning more about SchoolCare. Two unions responded. They were the School Custodial Supervisors and the School Clericals.

Attached are the Memorandum of Agreements with each of these unions outlining the terms and conditions for agreeing to accept SchoolCare. They are as follows:

- Employees will pay a co-pay of 14% for all plans.
 - Change the Dental Plan from Northeast Delta Dental to Cigna and increase the annual amount of coverage from \$750 to \$1,500.
 - Extend their contract for an additional year expiring on June 30, 2015.
- a) **School Clerical Employee's Memorandum of Agreement.** There are 30 employees in the clerical group with a savings of \$54,158.11 for FY '14. The rolling COLA, retirement, FICA and Medicare for FY '15 will be \$25,336.45.

I would recommend the City Council move to approve the proposed amendment to the School Clerical Employees' Collective Bargaining Agreement in accordance with the Memorandum of Agreement, as presented.

- b) **School Custodial Supervisors' Union Memorandum of Agreement.** There are 10 employees who would change as part of the custodian supervisors' union. This includes the maintenance and security staff. The savings in FY '14 would be \$28,497.48. We would again save at least this amount for FY '15. The cost to give a rolling COLA plus retirement, Medicare and FICA would be \$13,331.53.

I would recommend the City Council move to approve the amendment to the School Custodial Supervisors' Union Collective Bargaining Agreement in accordance with the Memorandum of Agreement, as presented.

4. **Proposed Application to National Parks Service Re: Doble Center.** As you are aware, the City staff has been working with the members of our Congressional delegation to determine the implications of the federal government's recent changes to the disposal process involving the Paul A. Doble Army Reserve Center. As you may recall, the City Council voted to pursue a public benefit conveyance for the property from the National Parks Service in April 2008. Since that time, a number of developments and discussions about recreation needs in the City have taken place, including the completion of a Recreation Needs Study and the closure of the Senior Center. At this time, and in consultation with the delegation and representatives from the National Parks Service and the U.S. Army, it appears that City can take additional steps to better ensure that it will received the Doble Center by submitting a Public Benefit Conveyance Application to the National Parks Service (NPS). This step will give the City more leverage in its efforts to acquire the property and demonstrate that the property has long been anticipated to come to the City and is needed to meet community needs.

The benefits of acquiring this property now and for the future for a recreation reuse are numerous. This City has various recreation needs including a needed senior center and, in the long-term, a multi-purpose, multi-generational recreation facility that was identified in the Recreation Needs Study and the City's Capital Plan. The Doble property can be converted to a Senior Center within approximately six months. In addition, the

3.4 acre site presents various opportunities to meet recreation needs in the future, including a new community center. Given these community needs and the immediate opportunity to ensure the City receives this property, I believe it is prudent at this time to submit an application to NPS to receive the property at no cost via a public benefit conveyance for a recreation use (Senior Center).

Again, we believe this action now will help to further strengthen the City's position as it advocates for receiving the property and communicating our readiness and long held plans to receive it under the BRAC disposal process.

I would recommend the City Council move to authorize the City Manager to apply for a public benefit conveyance from the National Parks Service for the Paul A. Doble Army Reserve Center.

5. **Proposed Outside Area Service Agreement for British Beer Company.** The British Beer Company is the operator of a restaurant along Portwalk Place which is a private street that the City maintains easements over. Attached is a letter from the British Beer Company requesting an Area Service Agreement for tables and chairs. This Agreement is similar to the other five Area Service Agreements that we have throughout the City and limits hours of operation and dictates operating conditions for the area within the Service Agreement. This Agreement is unique in that the property itself is owned by Portwalk Development and as such, there is no fee associated with this Agreement. The Agreement does, however, require that the applicant provide insurance with the City listed as additional insured.

I would recommend the City Council move to authorize the City Manager to enter into an Area Service Agreement with the British Beer Company.

6. **Proposed Additional Areas Re: Form-Based Zoning.** As you will recall, at the June 3, 2013 City Council meeting, there was a discussion regarding a request to expand the study areas for form-based zoning. The City Council asked that staff look into the following areas to expand (see attached map):

- 1) The "Northern Tier" at the edge of the downtown between the railroad tracks and North Mill Pond;
- 2) An area on the opposite side of the Maplewood Avenue bridge;
- 3) The Islington Street corridor with expanded areas at the north and south ends.

At the meeting on June 3rd, the City Council asked that any action on this matter be delayed until the August 5, 2013 City Council meeting. At this time, City staff would recommend that this matter be continued until after the initial study areas are completed to determine if form-based zoning should be expanded to the aforementioned areas.

As you will recall, the cost of this additional work is estimated at \$97,000.

I would recommend that the City Council move to table this item until the September 19, 2013 City Council meeting.

7. **Report Back Re: Letter of Request for Amendment to License Agreement between Priscilla Semprini, Trustee of the Priscilla Semprini Revocable Trust 2010, 300 New Castle Avenue and the City of Portsmouth.** As you will recall, at the July 15th meeting, the City Council referred the attached letter from Zachary Taylor, Director of Operations at Riverside and Pickering Marine Contractors, requesting a minor amendment to the aforementioned License Agreement. Attached is a memorandum from Robert Sullivan, City Attorney that will serve as his report back on this matter. In his review, he has indicated that this is primarily a policy determination for the City Council which does not present significant legal issues. Accordingly, it is his recommendation that if the City Council wishes the Semprini Trust to construct a dock, he would suggest the following motion:

That the City Manager be authorized to negotiate and execute an amendment to the Revocable License Agreement with the Priscilla Semprini Revocable Trust of 2010 in accordance with the request presented to the Council to allow a dock to be constructed attached to City land on New Castle Avenue.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on July 15, 2013. In addition, this now can be found on the City's website.
2. **Comments to Environmental Protection Agency Re: Draft MS4 Stormwater Permit.** The Environmental Protection Agency (EPA) has revised the 2008 draft New Hampshire small "General Permit for Stormwater Discharges From Small Municipal Separate Storm Sewer Systems" (MS4 Stormwater Permit) and has re-issued a new draft permit (2013 draft permit) for public comment. A Public Hearing was held on March 14, 2013 at the New Hampshire Department of Environmental Services Pease Field Office in Portsmouth New Hampshire. At that time, Steve Parkinson presented comments with respect to the City's concerns with the draft permit. Final comments of the draft permit are due on August 15, 2013. Following the close of the written comment period, we anticipate that the Regional Administrator will issue a final permit decision in late 2013.

Written comments are currently being developed by City staff together with the assistance of a consultant who reviewed the draft permit on our behalf. In addition, a separate formal comment submittal will be prepared and submitted under separate cover from a group of more than 30 New Hampshire communities being represented by the law firm Sheehan, Phinney, Bass and Green. Their comments will focus on the legal aspects of the draft permit. We will forward a copy of both documents to you once they have been completed.

As our comments will note, and also presented in previous correspondence and presentations to City Council (including a Stormwater 101 public presentation on December 11, 2011), meeting these new draft permit requirements as written will require

a significant financial and time commitment from the City and its staff. Our consultant has estimated that the overall budget effect of the draft permit requirements will cost the City approximately \$3.5 million over the five years of this permit. We will be presenting additional information in the coming months to City Council regarding these costs and the funding options as part of the next phase of our Water and Wastewater Rate Study being performed by Municipal & Financial Services Group. We anticipate incorporating the cost of compliance in the FY15 budget.