

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 21, 2013 TIME: 7:00PM

AGENDA

- 6:30PM – ANTICIPATED “NON-MEETING” WITH COUNSEL REGARDING 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. Recognition of Art Students
2. Update on Wayfinding Project – Juliet Walker and Glenn Swantak, Principal, MERJE

- V. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this meeting)*

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

(There are no grants/donations on for approval this meeting)

- VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Third and final reading of Ordinance amending Chapter 8, Article III, “Street Trees,” is hereby deleted in its entirety and replaced with the following amendment to Chapter 1 Article IV by creating a Trees & Public Greenery Committee and the adoption of a new Article III entitled Portsmouth Urban Forestry Ordinance of Chapter 8
- B. Third and final reading of Ordinance amending Chapter 7, Article II, Section 7.222 – Maximum Number of Taxicabs amended to increase the number of medallions from twenty-five (25) to twenty-eight (28)
- C. Third and final reading of Ordinance amending Chapter 7, Article X, Section 7.1000 E – Towing – Tow Zones – Limited Parking Areas: City Streets – be amended that any vehicle or object remaining in the same location in any uncontrolled on-street parking space for more than 24 hours in the Central Business Districts A and B as bounded and shown on the City of Portsmouth Zoning Map, or more than 72 hours in any other location in the City, may be removed in the manner provided in Section 7.1000 D

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Donald Allison, Eastern States 20 Mile Race, requesting permission to hold the annual Eastern States Race on Sunday, March 31, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Lt. Erin Rischawy, The Salvation Army, requesting permission to place “Christmas Kettles” in Market Square beginning November 11, 2013 through December 24, 2013 ***(Anticipated action – move to refer to the City Manager with power)***
- C. *Acceptance of Donation to the Coalition Legal Fund
 - Town of New Castle - \$500.00***(Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)***
- D. Letter from Tiffany McKenna, A Safe Place, requesting permission to hold a candle light vigil on Thursday, October 24, 2013 from 6:00 p.m. – 7:00 p.m. at the Vaughan Mall ***(Anticipated action – move to refer to the City Manager with power)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Jessica Brazean, Families First Health and Support Center and Cross Road House, requesting permission to hold a Memorial on December 19, 2013 at 5:30 p.m. in Market Square to bring awareness of homelessness to our community
- B. Letter from Josh Andrews, Runner’s Alley, requesting permission to hold the NH Veterans Day 1 Miler on Saturday, November 15, 2014 at 10:00 a.m.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

- 1. Third and Final Reading of Proposed Ordinance Amendments:
 - 1.1 Third and Final Reading of Ordinance amending Chapter 8, Article III, “Street Trees,” is hereby deleted in its entirety and replaced with the following amendment to Chapter 1 Article IV by creating a Trees & Public Greenery Committee and the adoption of a new Article III entitled Portsmouth Urban Forestry Ordinance of Chapter 8 ***(Action on this matter should take place under Section VIII of the Agenda)***
 - 1.2 Third and Final Reading of Ordinance amending Chapter 7, Article II, Section 7.222 – Maximum Number of Taxicabs amended to increase the number of medallions from twenty-five (25) to twenty-eight (28) ***(Action on this matter should take place under Section VIII of the Agenda)***

- 1.3 Third and Final Reading of Ordinance amending Chapter 7, Article X, Section 7.1000 E – Towing – Tow Zones – Limited Parking Areas: City Streets – be amended that any vehicle or object remaining in the same location in any uncontrolled on-street parking space for more than 24 hours in the Central Business Districts A and B as bounded and shown on the City of Portsmouth Zoning Map, or more than 72 hours in any other location in the City, may be removed in the manner provided in Section 7.1000 D (**Action on this matter should take place under Section VIII of the Agenda**)

City Manager's Items Which Require Action

1. Request for First Reading on Proposed Amendments to the Zoning Ordinance, Article 6 – Overlay District, Section 10.630 – Historic District
2. Request for First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning), and Miscellaneous Conforming Amendments
3. Report Back Re: Historic District Commission Request for Funding to Develop Design Review Tools
 - a) 3-D Model for Building in Downtown Portsmouth
 - b) Building Design Guidelines
 - c) Update the Historic Survey of the Historic District
4. Request to Authorize African Burying Ground Expenditures from the Trust
5. Parking Lot Usage/Maintenance Agreement with Isles of Shoals Steamship Company, Inc.

Informational Items

1. Events Listing
2. Canvass of the Vote

B. MAYOR SPEAR

1. Appointments to be Voted:
 - John Bosen – Reappointment to the Economic Development Commission
 - Joshua Cyr – Reappointment to the Economic Development Commission
 - Michael Barker – Planning Board
 - Justin Finn – Planning Board
2. Resignation
 - Michael Barker from the Taxi Commission

C. ASSISTANT MAYOR LISTER

1. *Status of New and Existing Surface Lots

New Lots

- 299 Vaughan Street – 90 Spaces
- Heinemann Lot on Rock Street – 110 Spaces
- Federal Building on weekends – 33 Spaces
- City Hall Lot on weekends – 166 Spaces
- Isles of Shoals Lot (Winter only) – 51 Spaces

Total New Spaces: 450 Spaces

Existing Lots

- The Masonic Lot on Miller Avenue – 61 Spaces
- CCC Church on Market Street Extension – 93 Spaces
- South Playground – 90 Spaces
- Parrott Avenue – 186 Spaces
- Sheraton Lot – 40 Spaces
- Middle Street Baptist (staff only) – 17 Spaces
- Bridge Street – 63 Spaces
- Worth Lot – 87 Spaces
- Wright Avenue – 38 Spaces

Total Existing Spaces: 675 Spaces

These spaces are listed on the website at www.ParkPortsmouth.com. There are a total of 1,125 spaces available for use.

D. COUNCILOR KENNEDY

1. *Street Sweeping

E. COUNCILOR NOVELLINE CLAYBURGH & COUNCILOR SMITH

1. *Fee Committee Report Back Re: Fee for Registration Permit

F. COUNCILOR LOWN

1. *Sustainability Committee Update

XII. MISCELLANEOUS/UNFINISHED BUSINESS


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

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

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: October 17, 2013
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on October 21, 2013 City Council Agenda

6:30 p.m. – Non-meeting with counsel.

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

.....
Presentation:

1. **Update on Wayfinding Project.** On Monday evening, Juliet Walker, Transportation Planner, and Glenn Swantak, Principal, MERJE, will give an update to the City Council regarding the Wayfinding Project.

Items Which Require Action Under Other Sections of the Agenda:

1. **Third and Final Reading of Proposed Resolution and Ordinance Amendments:**
 - 1.1 **Third and Final Reading of Proposed Ordinance amending Chapter 8, Article III, "Street Trees," is hereby deleted in its entirety and replaced with the following amendment to Chapter 1, Article IV by creating a Trees & Public Greenery Committee and the adoption of a new Article III entitled Portsmouth Urban Forestry Ordinance of Chapter 8.** As a result of the October 7th City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the attached proposed Ordinance.

In preparing the amendment to the pending ordinance regarding the Trees and Public Greenery Committee suggested by Councilor Dwyer, the Legal Department became aware of an issue which should be corrected at third reading of that ordinance. Specifically, the form of the ordinance which has gone to the first two readings is from an early draft which established the committee as having seven (7) voting members. However, after concern expressed by the members of the existing Committee at that time, the proposed ordinance was amended prior to submission to the Council to create a nine (9) voting member committee (see item number 1 in Attorney Robert Sullivan's memorandum addressed to my office dated August 26, 2013) copy attached. Somehow the 7 member version of the ordinance was reintroduced into the system. Thus, the ordinance which has now gone to two readings for the Council needs to have one sentence amended by suspension of the rules at third reading. A motion which would accomplish that result is as follows:

1) *Move to suspend the rules and amend Section 1.412 of the proposed ordinance to read as follows:*

The Committee shall consist of ~~seven (7)~~ nine (9) voting members including the following: City Manager or designee; Tree Warden or designee; the Public Works Foreman in charge of tree maintenance; and ~~four~~ six (6) individuals with an interest in trees and public greenery; and,

2) *Move to pass third and final reading on the proposed Ordinance, as amended.*

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

1.2 **Third and Final Reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.222 – Maximum Number of Taxicabs amended to increase the number of medallions from twenty-five (25) to twenty-eight (28).** As a result of the October 7th City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the attached proposed Ordinance.

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

1.3 **Third and Final Reading of Proposed Ordinance amending Chapter 7, Article X, Section 7.1000 E – Towing – Tow Zones – Limited Parking Areas: City Streets - be amended that any vehicle or object remaining in the same location in any uncontrolled on –street parking space for more than 24 hours in the Central Business Districts A and B as bounded and shown on the City of Portsmouth Zoning Map, or more than 72 hours in any other location in the City, may be removed in the manner provided in Section 7.1000 D.** As a result of the October 7th City Council meeting, under Section VIII of the Agenda,

I am bringing back for third and final reading the **attached proposed Ordinance and map delineating area to be covered.**

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

Consent Agenda:

1. **Acceptance of Donation to the Coalition Legal Fund.** The Town of New Castle has donated funds in the amount of \$500.00 to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

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

City Manager's Items Which Require Action:

1. **Request for First Reading on Proposed Amendments to the Zoning Ordinance, Article 6 – Overlay Districts, Section 10.630 - Historic District.** On October 9th 2013, the Historic District Commission (HDC) voted to request the City Council schedule first reading of several proposed amendments to the Zoning Ordinance. The proposed amendments make the following changes:
 1. Include a provision to allow for limited administrative approvals by City staff for very small projects such as field changes or minor changes to a previously approved Certificate of Approval. The purpose of this amendment is to reduce the HDC's caseload and thereby to free up meeting time and resources for reviewing larger, more complex projects.
 2. Require applicants to submit electronic copies of plans, rendering and other application material for all projects requesting approval from the HDC. The purpose of this amendment is to enable the Planning Department to post such plans and associated materials on the City's web site for public viewing in advance of the meeting, and to facilitate presentations at work sessions and public hearings.
 3. Require large projects (over 10,000 sq. ft. of new floor area) to submit an electronic or physical model of the proposed building. The purpose of this amendment is to assist the HDC and the public to evaluate the height and scale of the proposed building within the context of the surrounding neighborhood.

4. Include a provision to allow the HDC to approve small projects through a Consent Agenda process. The purpose of this amendment is to help expedite the review of small projects and free up meeting time and resources for the review of larger, more complex applications.

Nick Cracknell, Principal Planner, will be making a presentation on this matter on Monday evening.

I have attached a copy of the proposed Ordinance for your review.

I would recommend the City Council move to authorize the City Manager to bring back for first reading the proposed amendments to the Zoning Ordinance, as presented, at the November 18, 2013 City Council meeting, and further, to refer the proposed amendments to the Planning Board for recommendation.

2. **Request for First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning), and Miscellaneous Conforming Amendments.** As you know, the Planning Department and the City’s consultants, Town Planning and Urban Design Collaborative (TPUDC) have been working throughout 2013 on a “form-based zoning” study for a large portion of the Central Business District and adjacent areas. Consideration of the form-based zoning approach is in response to growing concern among residents that the scale and style of new developments are not fitting into the downtown’s historic character. Compared to the City’s existing Zoning Ordinance, form-based zoning places more emphasis on the forms of buildings (versus their use) and their relationship to the street and to each other.

This project began with a detailed building-by-building analysis of the study area, including an inventory of lot and building dimensions and architectural features. In June, TPUDC led a design charrette at which many residents, property owners and City officials contributed their concerns, ideas and suggestions. Since then, the staff and consultants have worked through several drafts of the proposed ordinance, and the Planning Board has reviewed the ordinance in two work sessions. The current draft of the ordinance incorporates comments from the Board’s work session on October 10. In order to keep this process moving forward, the Planning Board will hold a public hearing on the proposed ordinance on Thursday, October 24.

The proposed ordinance is based on the design character of the places that people have grown to love in downtown Portsmouth and seeks to reflect these attributes so new buildings and developments fit in better to the surrounding context. The goal of this effort is to create zoning regulations that encourage development that not only respects the historic character, but actually strengthens and enhances that character by filling in holes in the urban fabric with high-quality buildings.

The attached proposed ordinance being requested for first reading at the November 18th City Council meeting, is referred to as “character-based” zoning in order to emphasize

this focus on encouraging development that fits into the City's historic character. As presented to you in the attached draft, the ordinance consists of two parts: the text of a new Article 5A (to be inserted between the existing Articles 5 and 6), and a set of tables, maps and illustrations that are referred to throughout the text of the ordinance. These prominent graphic elements are a distinguishing feature of the proposed ordinance, and of form-based zoning in general. During the drafting process, the text and graphic elements have been separated in order to facilitate editing, but ultimately, these elements will be integrated into a single document for ease of use by residents, developers and City staff and officials.

The proposed ordinance consists of six major sections (with their associated graphics) and an appendix, as follows:

Section 10.5A10 – General describes the purpose and intent of the Character Districts, their relationship to other parts of the Zoning Ordinance and to other local land use regulations, and how to use the ordinance.

Section 10.5A20 – Regulating Plan establishes the special Zoning Map for the Character Districts, including maps of “special requirements” that fine-tune the zoning to the existing and proposed character of individual streets, blocks and lots. This section will contain the three maps that together constitute the Regulating Plan.

Section 10.5A30 – Development Plans and Projects sets forth the procedures for applying for and obtaining land use approvals in the Character Districts, including the relationship to existing requirements and procedures in the rest of the Zoning Ordinance and the Site Plan Review Regulations.

Section 10.5A40 – Character Districts, Civic Spaces and Municipal Districts establishes the three new Character Districts and sets forth the specific standards applicable in each District. Integral to this Section are the tables and illustrations of Character District Standards (Illustrations 10.5A42.10A-C and Tables 10.5A42.10A-C).

Section 10.5A50 – Development Standards itemizes the specific standards that must be addressed in any development, and modifies the use standards and off-street parking and loading requirements.

Section 10.5A60 – Definitions provides new definitions for terms that either appear only in this Article or are used in this Article differently than in other parts of the Zoning Ordinance.

Appendix A – Architectural Standards and Guidelines lists mandatory *standards* and recommended *guidelines* for development within the Character Districts. These standards and guidelines are to be used by the Historic District Commission in its review of development projects.

The proposed Character-Based Zoning ordinance is very different from the existing Zoning Ordinance in its format and structure, and initially it appears to be more complex. However, it is also more explicit in its standards for physical development, and its use of graphics should make it easier to apply in the long run.

Along with the proposed Article 5A, I will also bring back for first reading a set of “conforming amendments” to other sections of the Zoning Ordinance:

- Adding references to the new Character Districts in the listing of Zoning Districts (Sec. 10.410), the description of the Downtown Overlay District (Sec. 10.641.10) and the listing of Sign Districts (Sec. 10.1230);
- Incorporating into the Zoning Map, by reference, the Regulating Plan maps, along with two other maps that describe areas subject to special zoning regulations;
- Adding a cross-reference in Article 15 to definitions in the new Article 5A.

The proposed “conforming amendments” also include several substantive changes to the off-street parking provisions of the Downtown Overlay District: parking setbacks from certain streets are reduced from 30 feet to 24 feet, the list of such streets is expanded, and the setback requirement is changed to apply only to above-ground parking areas (i.e., off-street parking in basement levels would not have to be set back from the street).

For your information, the Planning Board is preparing to hold a public hearing on this proposed ordinance on Thursday, October 24th at 7:00 p.m.

Rick Taintor, Planning Director, will be making a presentation on this matter on Monday evening.

I would recommend the City Council take the following actions:

1. *Move to authorize the City Manager to bring back for first reading the attached Ordinance dealing with form-based zoning, which is entitled Character Districts, at the November 18, 2013 City Council meeting, and further, to refer the proposed amendments to the Planning Board for recommendation.*
2. *Move to authorize the City Manager to bring back for first reading the attached Ordinance dealing with conforming amendments at the November 18, 2013 City Council meeting, and further, to refer the proposed amendments to the Planning Board for recommendation.*
3. **Report Back Re: Historic District Commission Request for Funding to Develop Design Review Tools.** As you will recall, at the joint Work Session of the City Council and Historic District Commission on August 19, 2013, the HDC discussed several proposed tools that it believes will be of assistance as it carries out its responsibilities under the Zoning Ordinance. Following that Work Session, the HDC has refined its

concepts and researched costs, and has voted to request funding to develop three new tools to assist in its design review responsibilities:

1. 3-D Model for Building in Downtown Portsmouth: In the past ten years, the Historic District has witnessed several major commercial and residential development projects. These projects have involved large buildings that both fill the lot and maximize the building height allowed under the Zoning Ordinance. In reviewing these development proposals, the HDC has had to rely exclusively on plans, elevations and renderings submitted by the applicant in order to assess and determine whether the proposed building volume and height is appropriate for the site. The wide variability in both the quality and effectiveness of these submission materials has made the evaluative process challenging, and it is clear that better information is needed for the HDC to adequately fulfill its design review responsibilities.

As one response to this need for information, the HDC proposes to engage an outside consultant to develop an electronic three-dimensional model of existing buildings in the core commercial areas of the downtown area, using the City's Geographic Information System and extensive database as the foundation. City staff will provide the baseline data to the consultant and will assist with implementation and management of the system. The scope for the proposed project includes modeling approximately 215 buildings, applying texturing to the models (images showing the exterior features of the building) and providing technical assistance to integrate the models into the City's GIS. Once this modeling project is complete, City staff will be able to insert compatible electronic models of new major development proposals into the City's model for review and analysis. Estimated cost: \$50,000.

2. Building Design Guidelines: The HDC is proposing to develop a set of detailed Design Guidelines to assist in the preservation of Portsmouth's historic buildings by providing technical guidance to residents and their contractors in planning changes and additions to their homes. The Guidelines will be created by a consultant under contract with the City, working with the HDC and Planning Department staff.

The proposed Design Guidelines document will expand on guidelines prepared in the 1970s for new construction and building additions in the Historic District. The document will identify the major architectural styles in the City, illustrated with photographs of actual Portsmouth buildings; and will include detailed examples of both historically appropriate and inappropriate building changes. While the focus will be on maintaining and restoring historic buildings within the Historic District, the information contained in the Design Guidelines will also be useful to owners of older buildings outside the District.

By highlighting the design and detailing of the styles, the Guidelines will serve to increase public awareness of the quality and diversity of Portsmouth's historic

homes and in turn assist in their preservation. Products will include hard copies of the Design Guidelines document that will be available free to the property owners within the District, and a digital editable version of the Guidelines for the City website and future printing. Estimated cost: \$50,000.

3. Update the Historic Survey of the Historic District: In 1982, the Portsmouth Advocates completed an historic survey of properties in the Historic District. The survey inventoried and assessed all 850 properties in the District and rated each structure as either “focal,” “contributing” or “non-contributing.” The HDC regularly uses this information in its review of applications for Certificates of Approval.

In 1995, the original Historic District was expanded down Middle Street to Middle Road, down Islington Street to Dover Street, and along Dennett Street to Walker Street. In 2009, the District was further expanded along Islington Street to the Brewery District and along Middle Street to South Street, along with a small extension on New Castle Avenue. These two expansions added approximately 170 properties to the District, and increase of 20 percent. Unlike the original Historic District, the properties added in the 1995 and 2009 expansions of the District were never reviewed using a standardized historic assessment and rating system.

The HDC is proposing that an historic survey comparable to the 1982 survey be conducted for approximately 200 properties: the 170 properties that have been added to the Historic District since 1982, and about 30 additional properties that are currently being considered for inclusion in the District along Richards Avenue, Summer Street and Austin Street. Detailed historic district survey forms would be developed for each structure, documenting its age, historic name, rating, architectural style, materials and any specific features. A consultant under contract with the City would update the survey data working with the HDC and Planning Department staff. Estimated cost: \$50,000.

Each of these projects would involve developing a Request for Proposals and selecting a consultant. It is anticipated that the electronic modeling project would be completed in 4-6 months after consultant selection, and that the other two projects could be completed in 6-8 months. The total funding for this project is estimated at \$150,000 (see attached Resolution).

In accordance with Section 7.14 of the City Charter, move to establish a public hearing and adoption at the November 18, 2013 City Council meeting to appropriate \$150,000 for the following purposes as stated above from the unassigned fund balance:

1. *Computer Model of Downtown Buildings*
2. *Historic District Design Guidelines*
3. *Historic Survey Update*

4. **Request to Authorize African Burying Ground Expenditures from the Trust.** As you are aware, the African Burying Ground Committee and its Community Volunteers have made exciting progress on the campaign to raise the needed funds to construct the African Burying Ground Memorial Park – We Stand in Honor of Those Forgotten.

Moving forward, the African Burying Ground Committee has recommended contracting with Jerome Meadows to continue fabrication of the sculptural components of the African Burying Ground to ensure – when the site work begins – that the sculptural elements are ready to be installed. This is necessary due to the long lead time the artwork fabrication requires. Recently, Mr. Meadows completed work on the entry piece sculpture and the African Burying Ground Committee has recommended moving forward with the next piece: the community figures encircling the burial vault.

The cost of this sculptural element is \$82,000 and sufficient funding is available within the Trust to cover this expense. As a reminder, this is the element that will include the phrases from the artist’s poem *We Stand in Honor of Those Forgotten*.

*I stand for the Ancestors Here and Beyond
I stand for those who feel anger
I stand for those who were treated unjustly
I stand for those who were taken from their loved ones
I stand for those who suffered the middle passage
I stand for those who survived upon these shores
I stand for those who pay homage to this ground
I stand for those who find dignity in these bones*

The African Burying Ground Trust specifies the manner in which these funds can be expended.

In accordance with the Trust terms, I recommend that the City Council move to authorize the City Manager to request funds from the African Burying Ground Trust in the amount of \$82,000 in order to ensure the project artwork is available at the time of project construction.

5. **Parking Lot Usage/Maintenance Agreement with Isles of Shoals Steamship Company, Inc.** The City is seeking a trial parking lot usage/maintenance agreement with the Isles of Shoals Steamship Company, Inc., with the consent of the Pease Development Authority, Division of Ports and Harbors, to allow downtown employees the opportunity to purchase parking permits issued by the City to use 51 parking spaces at the parking lot located at 315 Market Street. The trial agreement will allow permit holders to park in the lot from November 1, 2013 through March 31, 2014 from Monday through Sunday. No overnight parking will be allowed. The City will maintain the lot during the term of the trial agreement and the City will pay the Isles of Shoals Steamship Company, Inc. at the end of the term with the net parking permit revenues. The Parking and Traffic Safety Committee’s Action Sheet and Minutes of February 14, 2013 as submitted to the City Council indicated “No Further Action” due to the required approval

of the Port Authority. The Pease Development Authority Board of Directors approved and authorized the Isles of Shoals Steamship Company, Inc. to enter into a parking agreement with the City by vote dated March 14, 2013. The City staff has reviewed the attached draft [Parking Lot Usage/Maintenance Agreement](#) and recommends that the City enter into a trial agreement consistent with the terms of the attached draft.

I would recommend the City Council move to authorize the City Manager to negotiate and enter into a trial [Parking Lot Usage/Maintenance Agreement](#) with the Isles of Shoals Steamship Company, Inc., as described in the Agreement.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on October 7, 2013. In addition, this now can be found on the City's website.
2. **Canvass of the Vote.** For your information, the Canvass of the Vote is on Thursday, November 7, 2013.