

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, JULY 14, 2014 TIME: 7:00 PM

## AGENDA

- 6:00PM – AN 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

### PRESENTATION

1. Cynthia Scarano, Executive Vice President, Pan Am Railways Re: Sea-3 Terminal  
NHDOT Chief of Design Services – Melodie Esterberg  
NHDOT Rail and Transit Administrator – Michelle “Shelly” Winters  
NHDOT Railroad Inspector – John Robinson  
Peter Britiz, City’s Environmental Planner/Sustainability Coordinator

- V. ACCEPTANCE OF MINUTES – APRIL 7, 2014

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant from the Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation for Restoration of the Kearsarge Fire Pumper - \$15,000.00 (***Sample motion – move to approve and accept the grant from the Our New Hampshire Heritage – a fund of Northeast Auctions, as advised fund within the New Hampshire Charitable Foundation, as submitted***)

- VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 15, Definitions, Section 10.1530 – Terms of General Applicability, are hereby amended by adding the following new term and definition: Building Footprint – The horizontal area of a lot covered by the building, excluding (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios

- B. First reading of Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):
- Assessors Map 163, Lots 33, 34 and 37;
  - Assessors Map 165, Lots 1, 2 and 14
  - Assessors Map 172, Lots 1 and 2;
  - Assessors Map 173, Lots 2 and 10
- and including Cate Street between Hodgson's Brook and Bartlett Street, as shown on the attached exhibits title "Areas Proposed To Be Rezoned to Character District 4 (CD4)", and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly

## IX. CONSENT AGENDA

### ***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A. Letter from Amanda Morneault, The Harbor Agency, Re: Reserving Four Parking Spots for Wednesday, July 16, 2014 for Tour Bus and Trailer ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Doug Bates, President, Greater Portsmouth Chamber of Commerce, requesting permission to close Pleasant Street from State Street to Congress Street on Wednesday, August 6, 2014 for conducting the 2014 Greater Portsmouth Chamber of Commerce Annual Dinner: Street.life! ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Mary-Jo Monusky, Arts In Reach, requesting permission to hold a 5K Walk on Saturday, October 18, 2014 from 9:00 a.m. – 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Matthew Raffio, Arthritis Foundation, requesting permission to hold the Jingle Bell Run on Saturday, December 13, 2014 at 10:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- E. \*Acceptance of Donations for Art-Speak
- 3S Artspace - \$150.00
  - Star Island Corporation - \$150.00
  - Proximity Lab LLC - \$150.00
  - The Portsmouth Music and Art Center - \$150.00
  - Players' Ring - \$125.00
  - Albacore Park - \$125.00
  - Pro Portsmouth - \$125.00
  - Barbara Jenny - \$25.00
- (Anticipated action – move to approve and accept the donations to Art-Speak, as listed)***

- F. \*Acceptance of Donation to the Coalition Legal Fund
- Town of Carroll for \$1,000.00  
**(Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)**
- G. \*Donation to Fire Department from Bruce J. and Victoria A. Kennedy two pieces of fitness equipment Elliptical Machine and BowFlex Ultimate **(Sample motion – move to accept and approve the donation of equipment to the Fire Department, as presented)**
- H. Letter from Donna Hepp, Granite State Wheelmen, Inc. requesting permission to hold the Tri-State Seacoast Century Bicycle Ride on Saturday, September 20, 2014 – Sunday, September 21, 2014 **(Anticipated action – move to refer to the City Manager with power)**
- I. Request for Approval of Pole License to install 11 temporary poles located on Stark Street as part of the Stark Street Bridge Replacement Project over the Route 1 By-Pass **(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)**
- J. Request for Approval of Pole License to install 2 temporary poles located on Woodbury Avenue as part of the Woodbury Avenue Bridge Replacement Project over the Route 1 By-Pass **(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)**

## X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Josh Henry, Founder/Brewer, 7<sup>th</sup> Settlement Brewery, requesting permission for sales of beer in growlers at the Portsmouth Farmers' Market **(Sample motion – to authorize the City Manager to negotiate and execute an amendment to the Farmer's Market agreement with Seacoast Growers Association to allow for the sale of beer in growlers by 7<sup>th</sup> Settlement Brewery)**
- B. Letter from Mark Hiza, Nottingham Orchard, requesting permission to sell hard cider at the Portsmouth Farmers' Market during the months of August through November 1<sup>st</sup> on Saturday during the hours of 8:00 a.m. to 1:00 p.m. **(Sample motion – to authorize the City Manager to negotiate and execute an amendment to the Farmer's Market agreement with Seacoast Growers Association to allow for the sale of hard cider by Nottingham Orchard)**
- C. Letter from Peter Taylor, Property Manager, Anchor Property Management, requesting the Worth dumpster area be enlarged so it can accommodate two 10 year containers **(Sample motion – move to refer to the City Manager for report back)**

- D. Letter from Peirce Island Committee in support of the Phase II Study of the Middens that have been discovered on the island (**Sample motion – move to refer to City Manager for report back**)
- E. Letter from The Concerned Stakeholders of Commercial Alley requesting enhanced lighting of Commercial Alley (**Sample motion – move to refer to the City Manager for report back**)

## **XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

#### **City Manager's Items Which Require Action:**

- 1. Request for Approval of a One-year Contract Extension between the Portsmouth School Department and the Association of School Administrators'
- 2. Resolution Re: Rescission of the Four Million Dollars (\$4,000,000.00) balance from the Borrowing Authorization for the construction of the Madbury Water Treatment Plant
- 3. Cemetery Improvement Trust and Cemetery Action Plan
- 4. Request from John G. Pappas for Restoration of Involuntarily Merged Lots at 1474 Islington Street under RSA 674:39-aa
- 5. Portsmouth Housing Authority Communication Re: Cottage Senior Housing
- 6. Request for a License Agreement Re: 75 Congress Street (Ben Franklin Block Buildings)
- 7. Request for License Agreement Re: 311 Marcy Street (Hunking Holdings LLC)
- 8. Request for First reading of Ordinance Re: Parking Omnibus
- 9. Request for License to Occupy a City Sidewalk for South Church Exterior Wood Louver Repair

#### **Informational items**

- 1. Events Listing
- 2. Report Back Re: Architectural Design Review Outside Historic District and Off-Street Parking Standards for Conference Centers
- 3. Report Back Re: Land Use Boards
- 4. Appointment, Number and Terms of Alternate Members
- 5. CDBG Program Budget FY 2014-2015
- 6. Certificate of Achievement for Excellence in Financial Reporting
- 7. Liberty Mutual Donation

## **B. MAYOR LISTER**

1. Appointments to be Considered:
  - Robert Capone to the Cable Television and Communications Commission
  - Matthew Cardin to the Conservation Commission as an Alternate
  - Vincent Lombardi to the Historic District Commission
  - Mary Lou McElwain to the Parking and Traffic Safety
  - Lisa Louttit to the Recreation Board
  - Jeremiah Johnson as an Alternate to the Zoning Board of Adjustment
2. Proposal to Allow the City Manager to Enroll in the NH Retirement System and Buy Back Years of Service and to Amend the City Manager's Employment Agreement Section 14, Paragraph B Re: NH Retirement System (see attached memorandum) ***(Sample motion – move to authorize the City Manager to be enrolled in the New Hampshire Retirement System effective immediately and to authorize him to petition the New Hampshire Retirement System for the employer oversight so he may buy back his years of service with the City of Portsmouth as outlined in the Mayor's memorandum dated July 10, 2014, attached hereto; and, further, to amend Section 14, Paragraph B of the City Manager's Employment Agreement as outlined in said memorandum; and, further, to authorize the Human Resources Director to take any and all reasonable and necessary action to implement the intent of this motion and that memorandum)***
3. Meeting with Port Advisory Committee on September 17, 2014 at 6:00 p.m. (see attached memorandum)
4. \*Request to establish a date for a City Council Retreat – Saturday, October 4, 2014
5. Appointment of Howard Altschiller to the Portsmouth Public Media Television Board of Directors

## **C. ASSISTANT MAYOR SPLAINE**

1. \*Portwalk Status, Other Development Projects, and Compliance with Approved Requirements

## **D. COUNCILORS SHAHEEN AND THORSEN**

1. Sound Barriers on I-95

## **E. COUNCILOR LOWN**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the June 12, 2014 meeting ***(Sample motion – move to approve and accept the action sheet and minutes of the June 12, 2014 Parking and Traffic Safety Committee meeting)***

## **F. COUNCILOR DWYER**

1. African Burying Ground Updates

**G. COUNCILOR MORGAN**

1. Building and Development – Compliance with Land Use Board approved plans
2. \*Request for a non-public meeting to discuss Contract negotiations and new Health Plan options
3. \*Quality of life in our neighborhoods: helicopters, motorcycles and speeding

**H. COUNCILOR THORSEN**

1. Gambling Ordinance

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

*\*Indicates Verbal Report*


**INFORMATIONAL ITEMS**

1. \*Notification that the minutes of the April 2, 2014, April 9, 2014, April 16, 2014, May 7, 2014, and May 14, 2014 Historic District Commission meetings are now available on the City's website
2. \*Notification that the minutes of the December 17, 2013, January 22, 2014 and February 25, 2014 Zoning Board of Adjustment meetings are now available on the City's website
3. \*Notification that the minutes of the February 20, 2014 Planning Board meeting are now available on the City's website

*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:** July 10, 2014  
**To:** Honorable Mayor Robert J. Lister and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on July 14, 2014 City Council Agenda

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**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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***Presentation:***

1. **Cynthia Scarano, Executive Vice President, Pan Am Railways Re: Sea-3 Terminal.** As you know, on Monday evening, the presentation and discussion will include ongoing and planned upgrades to the Pan Am railroad line through the City. These upgrades are in support of the expansion of the Sea-3 propane terminal which the Newington Planning Board recently approved, and will allow trains to go up to 25 mph through Portsmouth, rather than the 10 mph which is represented by the current track classification.

The following individuals will be present for this discussion:

Pan Am Railroad:

- Cynthia Scarano, Executive Vice President
- Ted Krug, Chief Engineer of Track

New Hampshire Department of Transportation:

- Melodie Esterberg, Chief of Design Services
- Michelle “Shelly” Winters, Rail and Transit Administrator
- John Robinson, Railroad Inspector

City of Portsmouth:

- David Allen, Deputy City Manager
- Peter Britz, Environmental Planner

Ms. Scarano and Mr. Krug will present information about the upgrades to the track in conjunction with the Sea-3 project. The NHDOT representatives do not intend to make a formal presentation but will be available to answer questions about the rail and rail crossings.

As you know, the issue of “quiet zones” has been raised as a response to increased use of the railroad line through Portsmouth and other communities. Peter Britz will discuss the options for implementing “quiet zones” in conjunction with crossing upgrades.

Attached for your information are (1) a map showing the six at-grade rail crossings in the City, and (2) photos of each of these crossings.

### ***Acceptance of Grants/Donations:***

1. **Acceptance of Grant from the Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation for Restoration of the Kearsarge Fire Pumper.** I am pleased to announce that a \$15,000.00 grant has been awarded from the “Our New Hampshire Heritage – a fund of Northeast Auctions”, an advised fund within the New Hampshire Charitable Foundation to the City of Portsmouth, NH-Fire Department for restoration of the Kearsarge fire pumper by the Portsmouth Fire Department. [Attached is an update from Chief Achilles as to the status of this restoration.](#)

*I recommend the City Council move to approve and accept the grant from Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation, as submitted. Action on this item should take place under Section VII of the Agenda.*

### ***Items Which Require Action Under Other Sections of the Agenda:***

1. **First Reading of Proposed Resolutions and Ordinances:**
  - 1.1. **First Reading of Proposed Ordinance Amending Chapter 10 – Zoning Ordinance, Article 15 – Definitions, Sections 10.1530 Re: Building Footprint.** As a result of the June 16<sup>th</sup> City Council meeting, under Section VIII of the Agenda, [attached is a proposed Ordinance](#) amending Chapter 10 – Zoning Ordinance, Article 15 – Definitions, Sections 10.1530 regarding Building Footprint. [Attached is a memorandum from Rick Taintor, Planning Director](#), regarding this matter.

As the memorandum indicates, at the April 3, 2014 Planning Board meeting, the Board voted to recommend that the City Council amend the Zoning Ordinance, Section 10.1530 – Terms of General Applicability, by inserting a new definition of “building footprint” as proposed:

#### **Building footprint**

The horizontal area of a lot covered by the building, excluding



(a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios.

*I recommend the City Council move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment at the August 4, 2014 City Council meeting, as presented. Action on this item should take place under Section VIII of the Agenda.*

- 1.2 **First Reading of Proposed Ordinance to Rezone 10 parcels and a portion of Cate Street to Character District 4 (CD4).** [Attached under Section VIII of the Agenda, is a proposed Ordinance](#) to rezone 10 parcels and a portion of Cate Street to Character District 4 (CD4). As you will recall, at the June 2nd meeting, the City Council voted to refer to the Planning Board a request to consider rezoning the east side of the Route 1 Bypass from Islington Street to the Traffic Circle. This area includes several zoning districts with differing contexts and development opportunities and constraints. Of particular interest at present is the area between the railroad tracks and Hodgson's Brook, which includes the Frank Jones Conference Center and adjoining parcels which are currently being offered for sale, along with adjacent parcels such as the former Nissan dealership and the U-Haul parcel. This area has long been considered for a future road connection between the Route 1 Bypass and Bartlett Street, which would advance the goal of creating a new connection between Route 33 and the downtown. The parcels in this area are currently zoned Industrial, which limits their redevelopment potential and is contrary to City goals for upgrading the area in a manner compatible with adjoining residential and business uses.

The Planning Board has not yet had an opportunity to study the area covered in the City Council's request. However, much of this area is slated for study for an expansion of Character-Based Zoning, and the Planning Department anticipates that the final recommended zoning will be either Character District 4 (CD4) or a variant of that district. Therefore, as an interim measure, the Planning Department has suggested that the Council consider rezoning the area bounded by the Route 1 Bypass, Hodgson's Brook, Bartlett Street and the railroad tracks to CD4. [See attached map regarding these parcels.](#)

The effect of the suggested rezoning would be to allow residential and retail uses (which are not permitted in the Industrial district), while requiring site and building design to be consistent with the standards established for the downtown area. Character-based zoning thus expands the development potential for the property owner while strengthening the City's ability to ensure a high quality of development.

*I recommend the City Council move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment at the September 22, 2014 City Council meeting, as presented, and further, I would recommend that this matter be referred to the Planning Board for report back to the City Council. Action on this item should take place under Section VIII of the Agenda.*

## ***Consent Agenda:***

1. **Acceptance of Donations to Art-Speak.** Art-Speak has received the following donations, which are Charter Membership Dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak:

•	3S Artspace	\$150.00
•	Star Island Corporation	\$150.00
•	Proximity Lab LLC	\$150.00
•	The Portsmouth Music and Art Center	\$150.00
•	Players' Ring	\$125.00
•	Albacore Park	\$125.00
•	Pro Portsmouth	\$125.00
•	Barbara Jenny	\$ 25.00

The donations total \$1,000 and Art-Speak requests that the City Council accept the donations on behalf of Art-Speak.

*I would recommend that the City Council move to approve and accept the donations to Art-Speak, as listed. Action on this matter should take place under Section IX of the Agenda.*

2. **Acceptance of Donation to the Coalition Legal Fund.** The City of Portsmouth has received a donation from the Town of Carroll in the amount of \$1,000 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.*

3. **Acceptance of Donation to Fire Department.** The City of Portsmouth has received a donation of two pieces of fitness equipment from Bruce J. and Victoria A. Kennedy:

- a. Elliptical Machine
- b. BowFlex Ultimate (including extra strength rods)

*I recommend the City Council move to accept and approve the donation of equipment to the Fire Department, as presented. Action on this item should take place under Section IX of the Agenda.*

## ***City Manager's Items Which Require Action:***

1. **Request for Approval of a One-year Contract Extension between the Portsmouth School Board and The Association of Portsmouth School Administrators.** The City has reached a tentative Agreement with The Association of Portsmouth School Administrators

for a one-year extension to their contract. The Administrators have agreed to pay five percent (5%) of the premium for the Consumer Driven Health Plan (CDHP) and the School Department would pay ninety-five (95%) in exchange for a one-year extension to their contract. [Attached is a copy of the Agreement with insertions and deletions.](#)

The terms and conditions of their proposal are as follows:

- The Administrators would receive the ten (10) year rolling average effective July 1, 2014, which is 2.02%;
- The Administrators would change from HealthTrust to the Consumer Driven Health Plan (CDHP) offered through SchoolCare (Cigna).
- The School Board would pay 95% of the premium and the employee would pay 5%.

SchoolCare has introduced a Consumer Driven Health Plan as an option to combat the Affordable Care Act. This plan is twelve and one half percent (12.5%) lower than their HMO plan. The CDHP is considered a high deductible plan where an individual will have to pay the first \$1,250 and a family would have to pay the first \$2,500. Once the employee/family reaches the deductible, the plan will then pay eighty (80%) percent until the employee reaches \$2,000 and the family reaches \$4,000 out-of-pocket. Once the employee/family reaches the out-of-pocket maximum, the plan will pay 100% for the remainder of the year.

SchoolCare embedded Choice Fund (a health reimbursement account) will be used to pay for eligible out-of-pocket expenses during the plan year. Choice Fund will pay the first \$1,000 on the employee's behalf and \$2,000 for the family. Therefore, the employee will have to pay \$250 of the deductible and the family would have to pay \$500. The actual out-of-pocket costs for an individual would be \$1,000 and \$2,000 for the family. If the employee/family does not use the entire amount in Choice Fund, the remainder will be rolled into the following year to be used for eligible out-of-pocket expenses. The fund will never exceed the Maximum Out-of-Pocket for the plan year.

Based on the current makeup of Administrators, the health savings to the School Department would be \$32,617 which represents eleven employees. The cost of the salary increase with associated benefits e.g. NHRS, FICA and Medicare would be \$26,291. The savings to the School Department will be \$6,326, if approved.

*I recommend that the City Council move to adopt the proposed Agreement between The Portsmouth School Board and the Association of Portsmouth School Administrators to expire on June 30, 2015.*

2. **Resolution Re: Rescission of the Four Million Dollars (\$4,000,000) balance from the Borrowing Authorization for the Construction of the Madbury Water Treatment Plant.** [Attached is a copy of the proposed Resolution](#) entitled "Rescinding Certain Borrowing Authority". Unissued loan authorizations remain on the City's books indefinitely until such time that they are borrowed or rescinded.

This is a proposed rescission of Resolution #13-2008 of the remaining balance from the borrowing authority created by the City Council on November 10, 2008 in the amount of \$25,000,000 for the construction of the Madbury Water Treatment Plant.

The Treatment Plant has been completed with a total borrowing amount of \$21,000,000 leaving an unused balance of borrowing authority in the amount of \$4,000,000.

Adoption of this Resolution in the manner described would have the effect of eliminating any authority for the City administration to borrow funds for the aforementioned project and would also remove the Four Million Dollars (\$4,000,000) of authorized debt from the financial statements of the City, therefore, not overstating the City's debt position.

*Therefore, I would recommend the City Council approve the Resolution rescinding the remaining borrowing authority with regard to Resolution #13-2008 adopted by the City Council on November 10, 2008.*

3. **Cemetery Improvement Trust and Cemetery Action Plan.** In follow-up to the June 19, 2014 City Council meeting, City staff has prepared an action plan for moving forward with conservation and repair projects and other activities related to our cemeteries ([see attached](#)). I have directed staff to move forward with this action plan. As appropriate, I will provide updates to the City Council on the progress regarding the plan's action items.

The creation of a Historic Cemetery Trust is one action described in the Action Plan. Following the June 19<sup>th</sup> presentation from Community Development Director David Moore regarding the City's historic cemeteries, I advised that staff would report back with a draft of a Historic Cemetery Trust. [The proposed City of Portsmouth Historic Cemetery Trust is attached.](#) The Trust creates a repository for all funds authorized, contributed, or received by the City of Portsmouth for the conservation, restoration, and repair of cemeteries, burial grounds, and burial sites owned by the City of Portsmouth. If adopted, the Trust would be able to accept donations and grant funds given or awarded to the City to aid in carrying out future projects, such as those identified in the Cemetery Assessment and Conservation Plan completed in 2013. The Trust would be managed by the Trustees of Trust Funds and all expenditures would be authorized by the City Council. The members of the City's Legal and Community Development Departments reviewed the Trust terms and provisions with the Trustees of Trust Funds at their meeting on July 10<sup>th</sup>. At this time, I would recommend that the City Council adopt the City of Portsmouth Historic Cemetery Trust, as presented.

*I recommend the City Council move to adopt the Portsmouth Historic Cemetery Trust, and, further, to authorize the City Manager to execute the Portsmouth Historic Cemetery Trust, as presented.*

4. **Request from John G. Pappas for Restoration of Involuntarily Merged Lots at 1474 Islington Street under RSA 674:39-aa.** Attached is a letter from Attorney Bernard Pelech on behalf of his client, John G. Pappas, regarding a request for a restoration of involuntarily merged lots for property located at 1474 Islington Street. Also, attached is a memorandum from Rick Taintor, Planning Director, regarding this matter.

For your information, I have also attached a copy of RSA 674:39-aa. As you will note in the memorandum, if the merged lots meet the criteria in the statute, the City Council must vote to restore them to their premerger status.

*Action is required on this matter.*

5. **Portsmouth Housing Authority Communication Re: Cottage Senior Housing.** As you may be aware, the Portsmouth Housing Authority entered into a long-term lease in 2003 for the rehabilitation of the 1895 Building at the municipal complex on Junkins Avenue. Community Development Block Grant (CDBG) funds were utilized to assist in the project financing along with a variety of other funding sources, including historic tax credits, low income housing tax credits, and other financing. This project resulted in the creation of 20 units of affordable housing for Portsmouth seniors.

Attached is a letter from Craig Welch, Executive Director of Portsmouth Housing Authority, requesting to make alterations to the Loan Agreement and Promissory Note that were entered into as part of the \$150,000 CDBG loan that was made at that time. As indicated in the letter, the Authority is looking to move forward with the replacement of windows. Further, they are looking for the cooperation of various multiple funding partners involved for the refinancing of the project.

*I recommend that the City Council move to refer this matter to the CDBG Citizens Advisory Committee for a report back.*

6. **Request for a License Agreement Re: 75 Congress Street (Ben Franklin Block Buildings).** Michael De La Cruz owner of 75 Congress Street (Ben Franklin Block Buildings) is requesting a license agreement to facilitate restoration activities at the property. See attached communication from Mr. De La Cruz. Mr. De La Cruz has erected staging on Fleet Street and has been working pursuant to an encumbrance permit issued by the Inspections Department. See attached picture of current scaffolding. As explained in the communication, during the restoration work, more restoration needs were discovered than originally anticipated requiring a need for continued staging along Fleet Street. City staff recommends that a license be authorized for 45 days from the date of approval by the City Council with the City Manager having the right to extend the license for up to an additional 45 days upon good cause shown. The license would require Mr. De La Cruz to be subject to terms and conditions similar to those in the existing encumbrance permit which includes a requirement for walk-through staging, signage and no impact on the travel way.

*I recommend the City Council move to authorize the City Manager to enter into a license with Michael De La Cruz to facilitate restoration activities at 75 Congress Street.*

7. **Request for License Agreement Re: 311 Marcy Street (Hunking Holdings LLC).** Peter Morin of Hunking Holdings LLC is requesting a license agreement to facilitate construction activities at the 311 Marcy Street. [See attached communication from Mr. Morin.](#) Hunking Holdings LLC has been working pursuant to an encumbrance permit issued by the Inspections Department. [See attached picture of current staging with pump jacks.](#) Mr. Morin advises that unforeseen conditions have extended the initial work and more time is needed to complete it.

If the Council approves the license, City staff recommends that a license be authorized for 30 days from the date of approval by the City Council. The license would require Hunking Holdings LLC to be subject to terms and conditions similar to those in the existing encumbrance permit which includes among other terms that there be safe passage for pedestrian travel.

*I recommend the City Council move to authorize the City Manager to enter into a license with Hunking Holding, LLC to facilitate construction activities at 311 Marcy Street.*

8. **Request for First Reading of Ordinance Re: Parking Omnibus.** [Attached please find the annual omnibus set of ordinances](#) recommended by the Parking and Traffic Safety Committee to be presented to the City Council at its meeting of July 14, 2014. This year the omnibus consists of seven ordinances, three of which address loading zones and the other ordinances address a three hour parking limit, a one-way street, a taxi stand and no parking.

By way of background, On March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Vehicles, Traffic and Parking Ordinance. This ordinance was adopted in order to be more responsive to the changing parking needs of the downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. This process would often take 4-6 months to complete.

The current ordinance authorizes the Parking Traffic and Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year the Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance. These temporary regulations are presented at one time to the Council for its consideration.

The [attached amendments to Chapter 7, Vehicles, Traffic and Parking for the Council's](#) consideration summarize the temporary parking regulations implemented by the Parking and Traffic Safety Committee between June 3, 2013 and June 2, 2014.

*I recommend the City Council move to schedule a First Reading of the proposed ordinance amendments to be incorporated into Chapter 7, Vehicle, Traffic and Parking Ordinance, as presented, at the August 4th City Council meeting.*



9. **Request for a License to Occupy a City Sidewalk Re: South Church.** As described in the [attached correspondence](#), the South Church will be making repairs to the large exterior wood louvers on the back of the Church. They seek to erect scaffolding to facilitate such work and consequently seek a license to encumber the Court Street sidewalk for a period of 90 days. See attached picture of area of impact on Court Street.

City staff recommends that a license be authorized for 90 days with the City Manager having the right to extend the license for up to an additional 45 days upon good cause shown. The license would require South Church to be subject to terms and conditions similar to those typically included in the encumbrance permit which would include walk-through staging, no impact on the travel way and insurance coverage.

*I recommend the City Council move to authorize the City Manager to enter into a license with the South Church to facilitate repair activities to the structure along Court Street.*

### ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on June 16, 2014. In addition, this can be found on the City's website.
2. **Report Back Re: Architectural Design Review Outside Historic District and Off-Street Parking Standards for Conference Centers.** For your information, [attached is a memorandum from Rick Taintor, Planning Director](#), regarding architectural design review outside the Historic District and off-street parking standards for conference centers.
3. **Report Back Re: Land Use Boards.** As you will recall, at the June 2, 2014 City Council meeting, Councilor Dwyer requested a report back from the Land Use Board Chairs with suggested changes to their own process. For your information, we will report back on this matter at the August 4, 2014 City Council meeting. I will be inviting the Chairs of the Land Use Boards to attend this presentation.
4. **Appointment, Number and Terms of Alternate Members.** For your information, as requested by Councilor Esther Kennedy at the June 2, 2014 City Council meeting, the Legal Department provided the following relevant statute regarding alternate members on the Zoning Board of Adjustment.

#### **673:6 Appointment, Number and Terms of Alternate Members.**

I. (a) The local legislative body may provide for the appointment of not more than 5 alternate members to any appointed local land use board, who shall be appointed by the appointing authority. The terms of alternate members shall be 3 years.

(b) In a town which votes to elect its Planning Board members on a staggered basis according to the provisions of RSA 673:2, II(b)(2), alternate members of the Planning Board

shall continue to be appointed according to the provisions of this paragraph until each member of the board is an elected member. Thereafter, the alternate Planning Board members shall be appointed according to the provisions of paragraph II.

II. An elected Planning Board may appoint 5 alternate members for a term of 3 years each, which shall be staggered in the same manner as elected members pursuant to RSA 673:5, II.  
II-a. An elected zoning board of adjustment may appoint 5 alternate members for a term of 3 years each, which shall be staggered in the same manner as elected members pursuant to RSA 673:5, II.

III. The alternate for a city or town council member, selectman, or village district commission member shall be appointed by the respective council, board, or commission. The terms of alternate members shall be the same as those of the respective members and may be in addition to the alternates provided for in paragraph I.

IV. Every alternate member appointed to a Planning Board under this section shall comply with the multiple membership requirements of RSA 673:7, I and II.

V. An alternate member of a local land use board may participate in meetings of the board as a nonvoting member pursuant to rules adopted under RSA 676:1.

5. **CDBG Program Budget FY 2014-2015.** For your information, [attached is a memorandum from David Moore, Community Development Director](#), regarding the Community Development Block Grant (CDBG) Annual Plan and Budget which I have approved.
6. **Certificate of Achievement for Excellence in Financial Reporting.** I am pleased to announce the City received notice that the Government Finance Officers Association of the United States and Canada (GFOA) has awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Portsmouth for its Fiscal Year ending June 30, 2013 Comprehensive Annual Financial Report (CAFR).

In order to be awarded a Certificate of Achievement, a government unit must publish an easily readable and efficiently organized Comprehensive Annual Financial Report, whose contents conform to program standards. Such report must satisfy criteria set forth by Generally Accepted Accounting Principles and applicable legal requirements. This report is prepared following the end of each fiscal year under the guidance of Finance Director Judie Belanger.

The City has received this award for its CAFR report. This Certificate marks the City's 21<sup>st</sup> award.

7. **Liberty Mutual Donation.** For your information, [attached is a letter from Liberty Mutual](#) regarding a donation to the City in the amount of \$2,000 in appreciation for the work involved by the City in hosting a significant number of their employees for the Serve with Liberty 2014 Program. The Liberty Mutual team did a great job with mulch projects at the



high school and downtown, the pool building on Peirce Island, trail improvements, and the dog park, which included an updated bulletin board and a fresh coat of sand.

As this donation was deposited in the African Burying Ground Trust, a charitable trust of the City of Portsmouth for construction of the park on Chestnut Street, donations to Trusts for construction do not require City Council acceptance.