

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, AUGUST 18, 2014 TIME: 7:00PM

AGENDA

- 6:00PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS – RSA 91-A:2, I (b-c)

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. 3-D Modeling – David Allen, Deputy City Manager; and Rick Taintor, Planning Director

- V. ACCEPTANCE OF MINUTES – MAY 5, 2014; MAY 12, 2014; MAY 19, 2014; AND MAY 27, 2014

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of \$45,000.00 Grant from the Charitable Gift Fund for Restoration of the Kearsarge Fire Pumper (***Sample motion – move to approve and accept the \$45,000.00 grant from the Charitable Gift Fund, as submitted***)

- VIII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 7, VEHICLES, TRAFFIC AND PARKING OMNIBUS ORDINANCE

- IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance Amendment to Chapter 1, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners (***Sample motion – move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, as presented, at the September 22, 2014 City Council meeting***)

- B. First Reading of Resolution Authorizing a Bond Issue and/or Notes of up to Three Million Four Hundred Seventy Five Thousand Dollars (\$3,475,000.00) for Costs related to Fiscal Year 2015 Citywide Seawall, Street, and Sidewalk Improvements (***Sample motion – move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for City Improvements in the amount of \$3,475,000.00 at the September 22, 2014 City Council meeting***) (***Please note that a Bonding Resolutions require two readings, a public hearing and two-thirds vote of the City Council***)

- C. First Reading of Resolution Authorizing a Bond Issue and/or Notes of up to Seven Hundred Fifty Thousand Dollars (\$750,000.00) for Costs related to Fiscal Year 2015 School Facilities Improvements (***Sample motion – move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for School Facilities Improvements in the amount of up to \$750,000.00 at the September 22, 2014 City Council meeting***) (***Please note that a Bonding Resolutions require two readings, a public hearing and two-thirds vote of the City Council***)

- D. First Reading of Resolution Authorizing a Bond Issues and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) related to Greenland Well Upgrades, Maplewood Avenue Waterline Replacement and Water System Pressure-Storage Improvements (***Sample motion – move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,800,000.00 at the September 22, 2014 City Council meeting***) (***Please note that a Bonding Resolutions require two readings, a public hearing and two-thirds vote of the City Council***)

- E. First Reading of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to One Million Dollars (\$1,000,000.00) for Costs related to the Pease Waste Water Treatment Plant Upgrades (***Sample motion – move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Pease Water Treatment Plant Upgrade in the amount of up to \$1,000,00000 at the September 22, 2014 City Council meeting***) (***Please note that a Bonding Resolutions require two readings, a public hearing and two-thirds vote of the City Council***)

- F. Second Reading of Ordinance amending Chapter 7, Vehicles, Traffic and Parking Omnibus Ordinance (***Sample motion – move to pass second reading and schedule a third and final reading of the proposed ordinance amendments to be incorporated into Chapter 7, Vehicle, Traffic and Parking Ordinance, as presented, at the September 22, 2014 City Council meeting***)

- G. Third and Final 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 (**Sample motion – move to pass third and final reading on the proposed Ordinance amendment, as presented**)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Request for License from Andrea Lucas, owner of Barre & Soul for property located at 163 Court Street for a projecting sign on an existing bracket (**Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Andrea Lucas, owner of Barre & Soul for a projecting sign at property located at 163 Court Street and, further, authorize the City Manager to execute License Agreements for this request**)

Planning Director's Stipulations:

- **The license shall be approved by the Legal Department as to content and form;**
- **Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and**
- **Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works**

- B. Request for License from Rudy Nadilo, owner of Dapresy for property located at 16 Market Square, Unit #3 for a projecting sign on an existing bracket (**Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Rudy Nadilo, owner of Dapresy for a projecting sign at property located at 16 Market Square, Unit #3 and, further, authorize the City Manager to execute License Agreements for this request**)

Planning Director's Stipulations:

- **The license shall be approved by the Legal Department as to content and form;**
- **Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and**

- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- C. *Acceptance of Membership Dues to Art-Speak
- Calypso Communication - \$150.00
 - Portsmouth Historic House Association, Inc. - \$75.00
- (Anticipated action – move to approve and accept the the membership dues to the Piscataqua Arts & Culture Alliance, a program of Art-Speak, as listed)***
- D. *Acceptance of Donations to Art-Speak
- Kevin and Peggy Hodges - \$25.00
 - Port City Online (Doug Roberts) - \$50.00
 - Portsmouth Music and Arts Center (Russ Grazier) - \$150.00
- (Anticipated action – move to approve and accept the donations to Art-Speak, as listed)***
- E. Letter from Nicole Galovski, Programming Director of NH Film Festival, requesting permission to close Chestnut Street on Friday, October 17, 2014 for the NHFF red carpet opening night gala ***(Anticipated action – move to refer to the City Manager with power)***
- F. Approval of Pole License to install 2 poles on Heritage Avenue ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- G. Approval of Underground Conduit System on Longmeadow Road ***(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)***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Gerald Zelin regarding development of the North End

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. First Reading of Proposed Resolutions and Ordinances Amendments:
 - 1.1 Request for First Reading of Proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners
(Action on this item to take place under Section IX of the Agenda)
 - 1.2 First Reading of Proposed Resolutions for Bond Authorization for FY15 City Improvements
 - A. Resolution for Borrowing Authorization of up to \$3,475,000.00 for FY15 Citywide Seawall, Street, and Sidewalks
 - Seawall Repairs and Improvements - \$1,275,000.00
 - McDonough Street Area Improvements - \$400,000.00
 - Maplewood Avenue Rehabilitation - \$1,300,000.00
 - Pease International Tradeport Roadway Rehabilitation - \$500,000.00
 - B. Resolution for Borrowing Authorization of up to \$750,000.00 for FY15 School Facilities Improvements
 - C. Resolution for Borrowing Authorization of up to \$4,800,000.00 related to Water System Upgrades and Improvements
 - Greenland Well Upgrades - \$1,000,000.00
 - Maplewood Avenue Waterline Replacement - \$3,300,000.00
 - Water System Pressure-Storage Improvements - \$500,000.00
 - D. Resolution for Borrowing Authorization of up to \$1,000,000.00 for FY15 Pease Wastewater Treatment Plant Upgrades
2. Public Hearing/Second Reading of Proposed Resolutions and Ordinances:
 - 2.1 Public Hearing/Second Reading of Ordinance Amending Chapter 7 Re: Parking Omnibus
(Action on this item should take place under Section IX of the agenda)

3. Third and Final Reading of Proposed Resolution and Ordinance Amendments:

- 3.1 Third and Final 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 (**Action on this item should take place under Section IX of the agenda**)

City Manager's Items Which Require Action:

1. Report Back Re: Letter from Bernard Pelech, Attorney, Law Office of Wholey & Pelech, regarding Request for Restoration of Involuntarily Merged Lots Pursuant to RSA 674:39aa (2 Sylvester Street/Tax Map 232, Lot 35)
2. License Request Re: 28-32 Dearborn Street

Informational items

1. Events Listing
2. 2015 Cyclical Revaluation
3. Update on the Schedule for the Phase 2 of the Character-Based Zoning Project
4. Reminder Re: Port Advisory Committee Meeting
5. Proposed Enrollment of City Manager in the New Hampshire Retirement System
6. Report Back Re: 185 Austin Street
7. Lafayette Road/Route 1 Bypass Intersection Improvements

B. MAYOR LISTER

1. Appointment to be Voted:
 - Cristy Cardoso – reappointment to the Citywide Neighborhood Committee
2. Resignation – Chris Hubbard from the Peirce Island Committee
3. Report Back Re: Traffic Issues in City Neighborhoods
4. Webber Independent Review

C. ASSISTANT MAYOR SPLAINE

1. Webber Estate Matter

D. COUNCILOR LOWN

1. Proposed Ordinance Re: Gifts and Bequests

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

**Indicates Verbal Report*


INFORMATIONAL ITEMS

1. Letter from Stuart Wisong regarding Helicopter Tour Schedule
2. Letter from Stuart Wisong regarding Photos of the Dome Paint

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 14, 2014
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on August 18, 2014 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.

Presentation:

1. **3-D Modeling.** As you will recall, as part of ongoing efforts to improve the City's development review process, the City Council approved funding for several tools to assist the Historic District Commission and other Land Use Boards in their decision making. One of those tools was the creation of a detailed digital 3-dimensional model of the downtown portion of the Historic District. On Monday evening, I will have Rick Taintor, Planning Director, give a short presentation and demonstration of the 3-D model.

The goal of this project, coordinated by the Planning, IT and Public Works Departments, is to improve the development review process by offering a supportive design platform that can be used by City staff, board and commission members, architects, developers, and the public. In particular, the 3D Massing Model is intended to create precise before-and-after studies to illustrate how proposed buildings will fit into the surrounding neighborhood context.

Following a competitive proposal process, the City contracted with Tangram 3DS to develop the 3D model. Tangram 3DS is located in Kittery, Maine, and has extensive experience and expertise in creating digital 3D models. Tangram was awarded the contract due to its expertise and its reputation for work performed on more than 30 projects in and around Portsmouth.

To produce the model, Tangram began by developing the basic massing of buildings using data from the City's GIS database. The team then took over 6,000 photos, photographing every façade of every building in the core study area. These photos were then matched up to the respective building facades in the digital model to create the textures. The finished product is a fully interactive 3D map of the downtown portion of the city's Historic District which is easy to download and modify. The model contains over 800 structures, including 400 fully textured buildings.

The project allows the model to be viewed on the website through a 360° Interactive Viewing Portal (IVP). This option allows users to explore the model in great depth and panoramic detail, with views from multiple angles. Individual buildings or areas of the downtown can be viewed by going to the Planning Department website at <http://planportsmouth.com/3d/>. Once a district is selected, various files relating to the buildings in the district can be accessed and downloaded. Once the final adjustments have been made to the model over the coming week it will be directly linked to the city's webpage for public access.

In addition, proposed buildings can be inserted in the model so that HDC members as well as developers and the public can evaluate how the proposed buildings will fit into the surrounding neighborhood.

Acceptance of Grants/Donations:

1. **Acceptance of Grant from the Charitable Gift Fund for Restoration of the Kearsarge Fire Pumper.** I am pleased to announce that a \$45,000.00 grant has been awarded from the Charitable Gift Fund to the NH-Fire Department for restoration of the Kearsarge fire pumper by the Portsmouth Fire Department.

I recommend the City Council move to approve and accept the grant from the Charitable Gift Fund, 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 **Request for First Reading of Proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners.** As a result of the August 4th City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the [attached proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners](#). The Taxi Commission recommended the following proposed Ordinance at their meeting on June 16, 2014.

Section 7.230: Prohibited Conduct by Medallion Holders or Owners.

No holder of a taxi medallion or owner of a taxi to which a medallion has been issued shall, either individually or in conjunction with any other person, transport passengers for hire within the City except by the use of vehicles which have been issued a taxi medallion by the City.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, as presented, at the September 22, 2014 City Council meeting. Action on this item should take place under Section IX of the Agenda.

1.2 **First Reading of Proposed Resolutions for Bond Authorization for FY15 City Improvements.** As a result of the August 4, 2014 City Council meeting, under Section IX of the Agenda, I bringing back for first reading the proposed [attached borrowing authorizations](#) identified in the Capital Improvement Plan. As you are aware, Borrowing Resolutions require two readings and adoption, which includes a public hearing and two-thirds vote of the City Council.

A. **Resolution for Borrowing Authorization of up to \$3,475,000 for FY15 Citywide Seawall, Street, and Sidewalk Improvements.**

- **Seawall Repairs and Improvements - \$1,275,000:** *(page 76 & 77 of CIP FY15-20)*

This project will consist of repairing sections of the seawalls that are the property of the City including those in Prescott Park. The proposed projects are based on the recommendation of the Citywide Seawall Condition Study.

- **McDonough Street Area Improvements - \$400,000:** *(page 117 of CIP FY15-20)*

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. This project will enhance safety for the residents and others who travel through this area on foot, by bicycle and motor vehicle. The work will include water, sewer, storm drainage, paving, curbing and associated landscaping constructed in a phased approach and is the final phase.

- **Maplewood Avenue Rehabilitation - \$1,300,000:** *(page 124 of CIP FY15-20)*

This project has been initiated by the residents of Maplewood Avenue with the primary purpose to reduce travel speeds, improve pedestrian safety, and eliminate through truck travel. This work will include traffic calming methods, curbing, signage, pavement markings, pedestrian safety amenities, and sidewalk replacement as needed between Woodbury Ave

and Route 1 By-Pass southbound ramp and will be coordinated with the water line replacement project.

- **Pease International Tradeport Roadway Rehabilitation - \$500,000:** *(page 125 of CIP FY15-20)*

Per the Municipal Services Agreement between the City and the Pease Development Authority, the City shall provide Public Works services in the non-airfield area of the Tradeport. These services include maintaining and repairing roads, streets and sidewalks. These funds will provide continuation of the rehabilitation of roadway infrastructure within the Tradeport.

B. **Resolution for borrowing authorization of up to \$750,000 for FY15 School Facilities Improvements:** *(Page 52 of CIP FY15-20)*

- This project funds the replacement of the lighting system that was installed in 1989 for the 7 athletic fields and tennis courts on the Portsmouth High School Campus. The lighting system is now beyond its expected life resulting in component failure as well as bulbs, ballasts and fixtures are no longer being manufactured. An energy efficient lighting upgrade is planned over the next three years.

C. **Resolution for borrowing authorization of up to \$4,800,000 related to Water System Upgrades and Improvements.**

- **Greenland Well Upgrades - \$1,000,000:** *(identified in the FY08 CIP page 173)*

The Water Division has completed a study that has identified upgrades needed at the Greenland Well to improve the reliability and efficiency of this critical resource. The work will involve the installation of another well directly adjacent to the existing structure. Premium efficiency motors, a back-up power supply and a new disinfection system as well as SCADA instrumentation will be included in this work.

- **Maplewood Avenue Waterline Replacement - \$3,300,000:** *(page 138 of CIP FY15-20)*

This project consists of replacing approximately 7,500 feet of 6" and 8" 90 year old waterline on Maplewood Avenue with new 16' cement-lined ductile iron waterline. The replacement would begin at the intersection of Woodbury Avenue and Maplewood Avenue and continue to the intersection of Raynes Avenue and Maplewood. Project will result in a looped water system feed into the central business district which will benefit both fire flows as well as water quality.

- **Water System Pressure-Storage Improvements - \$500,000:**
(page 142 of CIP FY15-20)

This project consists of design and construction of sections of the water system which have been identified as needing upgrades as part of the water system hydraulic model and master plan update completed in 2013. This funding is for the replacement of the three existing Madbury well pumps and upgrades to the associated pumping equipment; one of the projects identified to address system pressure and reliability.

D. Resolution for borrowing authorization of up to \$1,000,000 for FY15 Pease Wastewater Treatment Plant Upgrade. (Page 150 of CIP FY15-20)

- This project addresses capital needs at the Pease Wastewater Treatment Facility. Parts of this plant date back to the original 1950s 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 pass first reading and schedule a public hearing and adoption of a Bond Resolution for City Improvements in the amount of up to \$3,475,000 at the September 22, 2014 City Council meeting.*
- 2) *Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for School Facilities Improvements in the amount of up to \$750,000 at the September 22, 2014 City Council meeting.*
- 3) *Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,800,000 at the September 22, 2014 City Council meeting.*
- 4) *Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Pease Water Treatment Plant Upgrade in the amount of up to \$1,000,000 at the September 22, 2014 City Council meeting.*

Please note that Bonding Resolutions require two readings, a public hearing and two-thirds vote of the City Council. Action on this item should take place under Section IX of the Agenda.

2. **Public Hearing/Second Reading of Proposed Resolutions and Ordinances:**

- 2.1 **Public Hearing/Second Reading of Ordinance Amending Chapter 7 Re: Parking Omnibus.** As a result of the August 4, 2014 City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached annual omnibus set of ordinances](#) recommended by the Parking and Traffic Safety Committee. This year the omnibus consists of seven ordinances, three that address loading zones and other ordinances that address a three hour parking limit, a one-way street, a taxi stand and no parking.

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 City Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year the City 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.

In addition, as requested by Councilor Kennedy, [attached is a report back regarding the parking impact from Omnibus Ordinance changes.](#)

I recommend the City Council move to pass second reading and schedule a third and final reading of the proposed ordinance amendments to be incorporated into Chapter 7, Vehicle, Traffic and Parking Ordinance, as presented, at the September 22, 2014 City Council meeting. Action on this item should take place under Section IX of the Agenda.

3. **Third and Final Reading of Proposed Resolutions and Ordinances:**

- 3.1 **Third and Final Reading of Proposed Ordinance Amending Chapter 10 – Zoning Ordinance, Article 15 – Definitions, Sections 10.1530 Re: Building Footprint.** As a result of the August 4, 2014 City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the [attached](#)

[proposed Ordinance](#) amending Chapter 10 – Zoning Ordinance, Article 15 – Definitions, Sections 10.1530 regarding Building Footprint.

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”.

I recommend the City Council move to pass second reading and schedule third and final reading on the proposed Ordinance amendment at the August 18, 2014 City Council meeting, as presented. Action on this item should take place under Section IX of the Agenda.

Consent Agenda:

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

- Portsmouth Historic House Association, Inc. \$ 75.00
- Calypso Communication \$150.00

The membership dues total \$225.00 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 membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed. Action on this item should take place under Section X of the Agenda.

2. **Acceptance of Donations to Art-Speak.** Art-Speak has received the following donations in the amount of \$225.00 and Art-Speak requests that the City Council accept the following donations on behalf of Art-Speak:

- Kevin and Peggy Hodges \$ 25.00
- Port City Online (Doug Roberts) \$ 50.00
- Portsmouth Music and Arts Center (Russ Grazier) \$150.00

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

3. **Request for License to Install Projecting Signs.** [Attached](#) under Section X of the Agenda are requests for projecting sign licenses ([see attached memorandums from Rick Taintor, Planning Director](#)):

- Andrea Lucas, owner of Barre & Soul for property located at 163 Court Street.
- Rudy Nadilo, owner of Dapresy for property located at 16 Market Square, Unit 3.

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

City Manager's Items Which Require Action:

1. **Report Back Re: Letter from Bernard Pelech, Attorney, Law Office of Wholey & Pelech, regarding Request for Restoration of Involuntarily Merged Lots Pursuant to RSA 674:39aa (2 Sylvester Street/Tax Map 232, Lot 35).** As you will recall at the August 4, 2014 City Council meeting, the Council referred the aforementioned letter to City staff for report back. Also, [attached is a memorandum from Rick Taintor, Planning Director](#), regarding this matter.

Action on this matter is required.

2. **License Request Re: 28-32 Dearborn Street.** Brian Regan owns property at 28 Dearborn Street. Brian Regan, through his counsel Jack McGee, requests a license to install a granite landing and a set of stairs which will intrude slightly into the municipal right-of-way. [See attached letter from Attorney McGee.](#)

The proposed installation of the landing and stairs and intrusion into the right-of-way was anticipated and approved as part of conditional use permit granted by the Planning Board on April 17, 2014. The decision by the Planning Board authorized the removal of a retaining wall, relocation of certain utility pipes, installation of new curbing and other improvements including the setting of granite landing and steps.

The license will authorize 35 square feet of space for installation of the new landing and steps and will be prepared by and subject to the approval of the Legal and Planning Departments. Principal Planner Nick Cracknell has been in communication with Mr. Regan and there is agreement with regard to specification of the granite steps.

I recommend the City Council move to authorize the City Manager to enter into a revocable license with Mr. Regan for purposes of installation of a set of granite steps.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on August 4, 2014. In addition, this can be found on the City's website.
2. **2015 Cyclical Revaluation.** For your information, attached is a memorandum from Rosann Lentz, City Assessor regarding the 2015 Cyclical Revaluation.

3. **Update on the Schedule for the Phase 2 of the Character-Based Zoning Project.**

As you are aware, the City is in the process of developing character based zoning code for the next two areas in the City. Those areas are the North End and the Islington Street Corridor (see plan under City Manager Informational Item #3). The City has contracted with the firm Town Planning and Urban Design Collaborative (TPUDC) to produce the new Character based code. TPUDC is the firm that worked with the City on the initial character based zoning project.

The process that will be followed to develop the zoning code for the next two areas will be similar to the process used in developing our initial character based code in the central downtown area. That process will begin with a kick-off meeting that is scheduled for Tuesday, September 23rd. The kick-off meeting will be preceded by a public outreach program to ensure local residents and business owners are aware of the charrette locations, the public meeting schedule, and other related activities. Following the kick-off meeting, the consultant will begin collecting the field information for the two study areas and preparing for the four day design charrette on the North End. The North End design charrette has been scheduled to take place on November 10th through November 14th. The schedule for the Islington Street Corridor charrette is still being arranged but will likely take place in January or February of next year.

As you will recall from the last charrette process, the four day event begins with a public presentation on the first day that will include a hands-on workshop. The second day will include both technical meetings as well as an open studio that will allow members of the public to stop in at their convenience to engage in the process and contribute their ideas. The third day will include a pin-up and review session to present alternatives and gather feedback from the public on those alternatives. The final day of the charrette will include a work in progress presentation that will describe the process to date, explain the elements of the plan, and present other findings and work products developed during the charrette. This presentation also offers the public another opportunity to provide feedback and shape the direction and vision for the areas.

Included in the deliverables will be a Master Plan for the areas being studied that will include the identification of areas of critical importance for historic preservation; building heights and proposed solutions to rectify height discrepancies; building value assessment; new, existing and retrofitted buildings; potential locations for new parks and plazas as well as enhanced design for any existing underutilized public spaces; potential new street, alley or sidewalk connections; streetscape improvements; on-site and off-site parking and potential locations for private infill buildings.

Following the Charrette, the consultant will prepare a draft of amendments to the Character-Based Zoning Ordinance. The draft ordinance will be vetted through the Planning Board and ultimately the City Council public review process.

4. **Reminder Re: Port Advisory Committee Meeting.** Just a reminder, a Port Advisory Committee meeting is scheduled for Wednesday, September 17, 2014 at 6:00 p.m., at the Port Terminal, to promote our ports.

5. **Proposed Enrollment of City Manager in the New Hampshire Retirement System.** I have been advised from Dianna Fogarty, Human Resources Director, as a result of further review by the New Hampshire Retirement System (NHRS) and their outside tax counsel, they have changed their original position and have now concluded that I am not eligible to enroll in the NHRS. Further, contrary to their original position to have the City Council vote on this matter, they have now determined there is no need for action by the City Council to exempt me based on my enrollment in the 401(a) Plan. Therefore, I withdraw the request to enroll in the NHRS given the legal opinion from the NHRS. This is informational only.
6. **Report Back Re: 185 Austin Street.** As you will recall at the August 4, 2014 City Council meeting, the Council voted to extend the Encumbrance Permit for 60 days with a report back from the Parking Traffic and Safety Committee regarding the request from David Osterhoudt to facilitate construction activities at 185 Austin Street. [Attached is a memorandum from Mark Nelson, Director of Parking and Transportation](#) regarding this matter.
7. **Lafayette Road/Route 1 Bypass Intersection Improvements.** For your information, attached [is a letter from Peter J. Loughlin, Chairman of the Trees & Public Greenery Committee](#) regarding the Lafayette Road/Route 1 Bypass Intersection Improvements.