

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 COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 5, 2014

PORTSMOUTH, NH
TIME: 7:00PM [thereafter]

I. CALL TO ORDER

Mayor Lister called the meeting to order at 7:00 p.m.

II. ROLL CALL

PRESENT: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear and Thorsen

III. INVOCATION

Mayor Lister asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Assistant Mayor Splaine led in the Pledge of Allegiance to the Flag.

PROCLAMATIONS

1. Bike/Walk to Work Day

Councilor Lown read the Proclamation declaring May 16, 2014 as Portsmouth Bike/Walk to Work Day

2. Police Week in Portsmouth – Peace Officers’ Memorial Day

Councilor Shaheen read the Proclamation declaring May 11th – May 17th as Police Week in Portsmouth requesting all citizens of Portsmouth observe May 15th as Peace Officers’ Memorial Day by lowering all City, State and American flags in Portsmouth to half staff on Thursday, May 15, 2014. Police Chief Dubois accepted the Proclamation with thanks and appreciation.

PRESENTATIONS

1. Community Development Week and Community Advisory Committee Recognition

Community Development Director David Moore announced that this year the Federal Community Development Block Grant program will celebrate 40 years of service to American families. Director Moore recognized the dedicated service of three past members of the Citizens Advisory Committee, the family of the late Jean Pecunies with 39 years of service, Algene Bailey, Sr. with 8 years of service and member and past Chair, Bob Layton with 37 years of service.

2. NH Division of Historical Resources – Updated on the National Historic Register Nomination process for the Downtown – Peter Michaud

Peter Michaud provided an update on the National Register of Historic Places Program nomination process for Downtown Portsmouth. He reported that the funding provided to the NH Division of Historical Resources as part of the mitigation for replacement of the Memorial Bridge allows Portsmouth to be considered for nomination.

V. ACCEPTANCE OF MINUTES – FEBRUARY 18, 2014

Councilor Kennedy moved to approve and accept the minutes of the February 18, 2014 City Council meeting. Seconded by Councilor Shaheen and voted.

VI. PUBLIC COMMENT SESSION

Doug Roberts announced that there are two upcoming events on Smart Growth for the 21st Century. The first, will take place on Tuesday, May 13th at the Library where a movie will be shown on how to design a city. The second, will be June 3rd with a group discussion on the book a Walkable City. Mr. Roberts provided the City Council and City Manager Bohenko with copies of the book.

Tom Carroll asked the City to consider leasing property at the Port for parking. This idea came from “Save our Working Port”. He stated this would be a perfect location for parking and would keep the view of the water open.

Rick DiPentima presented the City Council with a petition requesting the City Council appeal to the Rockingham County Court on the Town of Newington’s decision regarding the Sea-3 project. He stated there are 699 signatures on the petitions and the level of concern expressed by people is amazing, we need to fight this matter.

Lee Rubin advised the City Council that Hanscom Truck Stop will be auctioned off next week. He stated over the last 25 years the neighborhood has tried to get the truck stop to comply with the rules and regulations of the City and they would like to reach out to the new business owners to ensure that business as usual does not continue.

Paul Mannle presented an idea he has with a solution to the parking problem. He suggested that the City purchase the Frank Jones property and create parking. He said the property could also be used as a hockey rink and you could create some affordable housing.

Joe Caldarola spoke to the need for a parking and transportation solution and that employee parking needs to be among the highest priorities. He also suggested surveying the downtown employees to find out what is needed for them to use the shuttle service.

Rick Becksted said City staff is working on the errors made by Portwalk and Portwalk should have to pay for the extra work they created for the staff by not following the approvals for the building materials, etc.

VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 7, ARTICLE I, SECTION 7.103 – PARKING AND TRAFFIC SAFETY COMMITTEE BY THE ADDITION OF ONE (1) ALTERNATE COMMITTEE MEMBER

Mayor Lister read the legal notice, declared the public hearing open and called for speakers.

Harold Whitehouse spoke in support of the ordinance and said it is important for the Committee to have an alternate member. He informed the Council that the Parking and Traffic Safety Committee voted unanimously to approve this amendment to the ordinance.

With no further speakers, Mayor Lister declared the public hearing closed.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grants & Donations to the Police Department:

- Grant from Department of Justice for the Victim/Witness Advocate position - \$35,000.00
- Grants from the State of Highway Safety Agency:
 - \$6,864.00 for Portsmouth DWI/DUI Patrols
 - \$6,864.00 for (2) Sobriety Checkpoints
 - \$5,148.00 for Pedestrian Patrols
 - \$5,148.00 for Red Light Running Patrols
 - \$5,148.00 for Enforcement Patrols
 - \$2,808.00 Join the Clique Seat Belt Campaign
- Donations:
 - Donation from Jason Page for 2 Tuition scholarships to the Explorer Cadet Academy - \$300.00
 - Donation from Mr. & Mrs. David Brown for 2 tuition scholarships to the Explorer Cadet Academy - \$300.00

Councilor Kennedy moved to approve and accept the grants and donations to the Portsmouth Police Department, as presented. Seconded by Councilor Lown.

Councilor Thorsen spoke to several of the grants having stipulations that services would be provided by off duty patrolman at an overtime rate. He asked why we went that route. Police Chief Dubois said the officers would be working over and above their assigned duties. Councilor Thorsen said things are planned in advance and asked could we plan not to have them take place during overtime.

Councilor Kennedy asked if the department would be seeking grants for the increase in drug use in the City. Chief Dubois said we apply for those types of grants and that he has retooled enforcement to target the drug use concerns.

Motion passed.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Proposed Amendment to Chapter 7, Article I, Section 7.103 – Parking and Traffic Safety Committee by the addition of one (1) alternate Committee Member

Councilor Lown moved to pass second reading of the proposed Ordinance amendment, as presented, and hold third and final reading at the May 19, 2014 City Council meeting. Seconded by Councilor Dwyer.

City Attorney Sullivan explained what an alternate member is and what their function would be.

Assistant Mayor Splaine moved to suspend the rules in order to allow Harold Whitehouse to address the City Council on this matter. Seconded by Councilor Kennedy and voted.

Harold Whitehouse said the motion was requested by City Manager Bohenko. City Manager Bohenko stated when a member is absent the alternate would be allowed to vote in place of the absent member.

Motion passed.

X. CONSENT AGENDA

- A. Request for License from Mallory Parkington, owner of Mallory Parkington Photography for property located at 74 Congress 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 Mallory Parkington, owner of Mallory Parkington Photography for a projecting sign at property located at 74 Congress 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. Letter from Chris Curtis, The Music Hall, requesting permission to close Chestnut Street throughout the weekend of September 19, 2014 – September 21, 2014 for the Telluride by the Sea film festival (***Anticipated action – move to refer to the City Manager with power***)

Councilor Kennedy moved to adopt the Consent Agenda. Seconded by Councilor Morgan and voted.

XI. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

There are no items under this section of the agenda this evening.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager Bohenko announced that he has no items on for action this evening.

Informational Items

2. Memorandum on Snow Removal Cost Summary as of April 23, 2014

City Manager Bohenko reported the snow plowing/removal operations appropriation made was \$507,236.00 and the amount expended is \$615,732.84 for an average of \$108,496.84.

3. Reminder Re: FY15 Budget Schedule

City Manager Bohneko reminded the Council of the following key budget dates for the FY15 Budget:

- Saturday, May 10th from 8:00 a.m. to 2:30 p.m., in the Levenson Room, at the Library – An “All Day” Work Session with Departments (e.g., Police, Fire, Schools and General Government).
- Monday, May 12th at 7:00 p.m., City Council Chambers – Budget Public Hearing
- Wednesday, May 14th at 6:30 p.m. City Council Chambers – Review of Water/Sewer Budget
- Tuesday, May 27th at 6:30 p.m., City Council Chambers – An additional work session for the final budget review
- Monday, June 2nd at 7:00 p.m., City Council Chambers – Proposed Adoption of FY15 Budget.

4. New Interim Senior Program Space

City Manager Bohenko spoke to the new interim Senior Program space which is located at the Community Campus and opens on Tuesday, May 6th.

Councilor Kennedy asked when the May 10th Work Session would be re-televised. City Manager Bohenko said on Sunday and Monday following the meeting.

Councilor Shaheen announced that the budget is available at the Library, City Clerk's office and the website.

Councilor Morgan asked why the Work Session could not be held at City Hall. City Manager Bohenko said due to Farmer's Market and there would not be enough parking.

Councilor Dwyer said the Library is a more comfortable setting for the all day Work Session. She also indicated that we should make more copies of the budget available for the day of the Work Session for residents.

B. MAYOR LISTER

1. Medical Insurance Options

Mayor Lister indicated he would ask Councilor Lown to speak to this matter as well. He said we want to look at what medical insurance options are available for the City.

Councilor Lown stated the City pays a significant amount of money on medical insurance and would like to see if there are other options available with the same coverage for less money. He requested that a report back be provided to the City Council on this matter.

City Manager Bohenko said we could speak with Human Resources Director Dianna Fogarty on her ideas relative to this matter. He does not know if he would come back with something of interest for the City Council and would like to have something that would be part of the current contracts.

Councilor Dwyer said a member of the union should be part of the Committee that would be looking into this matter.

Councilor Kennedy explained that her school district had different insurance carriers come in to present their plans and explain the coverage.

Councilor Thorsen said he would like to see what would be available on the self insurer's side and we need to find out if we can look at hybrid ideas.

Councilor Dwyer said you work with insurance brokers and the packages will not differ much, it is more with co-pays.

Councilor Lown said he would look into this and report back to the City Council.

C. ASSISTANT MAYOR SPLAINE

1. Sea-3/Pan Am Response

Assistant Mayor Splaine reported that the Town of Newington will be voting on the Sea-3 issue this evening and he would like to suspend the rules to put this item on later in the meeting to get an inclination of what the Town of Newington has decided.

Assistant Mayor Splaine moved to suspend the rules in order to take this matter up later in the agenda. Seconded by Councilor Thorsen and voted.

D. COUNCILOR SHAHEEN

1. Proposed "Quiet Zone" designation through the Federal Railroad Administration

Councilor Shaheen presented some research and would like the City Council to look at specific intersections that could be designated as quiet zones. She stated there are steps that need to be taken and she has looked at Portland, Maine and other communities in New England that have done this.

City Manager Bohenko said the staff is looking into this matter and there are currently no quiet zones in New Hampshire.

Assistant Mayor Splaine thanked Councilor Shaheen for bringing this matter forward. He said we need to encourage the trains to go slow and we need to make sure the crossings are safe.

E. COUNCILOR KENNEDY

1. Transportation Concerns in Neighborhoods

Councilor Kennedy stated that this was an issue on the campaign trail and in speaking with Mayor Lister the Citywide Neighborhood Committee could work on this matter.

Councilor Kennedy moved to have the Citywide Neighborhood Committee report back to Portsmouth City Council on the following topic: What are the transportation needs in Portsmouth neighborhoods. Seconded by Assistant Mayor Splaine.

Councilor Kennedy said there is no time line on this matter because she would like it to be a work in progress, but would like some information within the next several months.

Councilor Shaheen asked how we define transportation and the prevue of the question. She feels it is a great idea. Councilor Kennedy stated she did not want to get detailed because she wants to allow everything. She said the neighborhoods need to express their concerns on this matter.

Councilor Dwyer suggested that the Citywide Neighborhood Committee needs to give them some idea on things to be thinking about. She stated that the Committee is volunteer and in the past when we have asked them to do this they were overwhelmed and did not want to do it.

Mayor Lister said Councilor Morgan, Assistant Mayor Splaine and himself attend the meetings. City Manager Bohenko said we are trying to get Juliet Walker to attend their next meeting.

Councilor Morgan said she would like to see Juliet write something with talking points to present to the Chair of the Committee and then at a later time Juliet could attend. City Manager Bohenko said we are willing to be there but Juliet can't attend the next meeting due to the Board of Adjustment meeting that evening.

Councilor Thorsen said the talking points need to be open ended.

Motion passed.

2. Transportation Center

Councilor Kennedy asked that Parking and Traffic Safety Committee look at transportation centers.

Councilor Kennedy moved to ask the Parking and Traffic Safety Committee to review Transportation Centers and provide the City Council input on recommendations on the center and where it might be located in the Portsmouth community. Seconded by Assistant Mayor Splaine.

Councilor Kennedy said she would like to look at a permanent transportation center and to have the Parking and Traffic Safety Committee to review this matter and report back without a time frame.

Councilor Dwyer said she feels it is a great idea but she is not sure she would support a center. She feels we need to keep this open ended as well. Councilor Dwyer said we should find out if the Parking and Traffic Safety Committee would like to see a center.

Councilor Shaheen said we would also need to find out what is different from the center at Pease.

Councilor Lown said he wants to remind open minded on this. He does not feel the City needs another center. He also stated that the Parking and Traffic Safety Committee is very busy and he does not feel this would be time well spent by the Committee.

Councilor Morgan said the City needs to look at centers to connect other parts of the City.

Assistant Mayor Splaine said he appreciates Councilor Lown's concern, and he is in favor of anything that moves the discussion along. We need to look at how to interconnect the City together.

Councilor Shaheen asked whether the Parking and Traffic Safety Committee is the right Committee to look at this in light of Councilor Lown's comments.

Motion passed with Councilor Lown voting opposed.

F. COUNCILOR MORGAN

1. Planning for North End

Councilor Morgan said she would like the Planning Director to provide a definition of the process for planning the North End and how transportation and vision would be part of the process.

City Manager Bohenko said as we go through this there will be discussion on all these aspects and possibly through the Charrette process.

Assistant Mayor Splaine said with the visioning of the North End we need to make sure that residents are part of the process and we need to start from the bottom up.

Councilor Morgan said she finds the points from the Planning Director to be important with vision of the North End and we need to leave room for out of the box ideas and thoughts.

Councilor Kennedy said before a Request for Proposals is done the City needs its own vision and goal for what we want to achieve in the end.

Councilor Shaheen asked what Councilor Morgan hopes to have. Councilor Morgan said based on the report from the Planning Director we need to decide on the elements for the vision of the North End and communicate to our contractor. City Manager Bohenko said we need more time to think about this. He feels it should be part of the focus of the Request for Proposals and that we could not provide this information within 10 days. He said the Planning Director spoke about many items in his memorandum and we are looking at a 3 day Charrette.

Councilor Thorsen asked that City Manager Bohenko report back at the next meeting with a firm plan on this with expectations for moving forward. City Manager Bohenko said the Planning Director did explain that in his memorandum.

Councilor Shaheen said there is a lack of clarity. She said we have a list of proposed steps from the Planning Director and the next would be to develop the Request for Proposals and maybe the City Council would review that to make sure everything is included.

City Manager Bohenko said it might be best to have the Planning Director here at the next meeting and have him make a presentation.

2. Financial Disclosure

Councilor Morgan said she would like to hear more information from the City Attorney on a Work Session regarding Financial Disclosures.

Mayor Lister said he understood when it was brought up we would look at this after the budget. Councilor Kennedy said she would like to get a date for a Work Session after the budget.

Mayor Lister said he would come back at the next City Council meeting with a suggested date for a Work Session on this matter.

G. COUNCILOR DWYER AND COUNCILOR THORSEN

1. Tax Increment Financing District (TIF)

Councilor Dwyer said residents want us to look at the Frank Jones property. She stated this is an important piece of property. She said a TIF District would provide a unique opportunity and the Economic Development Commission could review this property.

Councilor Dwyer moved to request that the Economic Development Commission evaluate the potential for a Tax Increment Financing District (TIF) around the geographic area of the Frank Jones Conference Center property and to report back to the City Council. Seconded by Councilor Thorsen.

Councilor Thorsen said this is an important property and there are many technical companies setting up in this area, and we need to look at this as a vision to support this end of the City. He stated he supports the Economic Development Commission looking at a TIF arrangement for the property and he would like to know if it makes sense for the City to purchase the property, or part of the property.

Assistant Mayor Splaine said he supports the idea presented by resident Paul Mannle. He stated there are so many possibilities with this property. He further stated this could be part of the Master Planning process.

Councilor Morgan said it is a good idea and important for the City Council and residents to be more educated. She said she has done research on TIF's and it needs to be done well. She said you can look at the information at the NH Office of Energy and Planning on TIF's.

City Manager Bohenko said that a TIF is a good tool to use for who ever is looking at the property.

Councilor Kennedy said she supports looking at a multitude of options for the property.

Motion passed.

C. ASSISTANT MAYOR SPLAINE

1. Sea-3/Pan Am Response

Assistant Mayor Splaine stated it was important to know how the Town of Newington voted this evening before taking up this matter. He said we all have to do better planning for what we let into the seacoast area.

He stated the Town of Newington is only looking at this as a land issue and asked the City Attorney to provide the Council with what we can do if the Town of Newington votes yes. He announced that the Planning Board in Newington voted unanimously in favor of putting off a formal vote for 2 weeks.

City Attorney Sullivan said what is happening in the Town of Newington is based on State Legislation to review site plans. The job of the Planning Board is to compare the plan to previously adopted regulations for approval of plans. He said if it does to meet the regulations then the Planning Board denies the project. If approved, the City would need to file suit against the Town of Newington in Rockingham Superior Court.

Assistant Mayor Splaine moved that we file suit against the Town of Newington if and when the Town of Newington approves the Sea-3 project within 30 days. Seconded by Councilor Kennedy.

Assistant Mayor Splaine said it is imperative that we make it clear to the Town of Newington that we would take what necessary action with the options available to us.

Councilor Lown said that by taking this motion we are prejudging Newington. He stated he would oppose the motion.

Councilor Kennedy said she is debating if a neighboring Town to us would do this to us. She does not feel a vote is needed this evening.

Councilor Shaheen asked the legal grounds we have to make this decision and justification to fight it in court. She said a motion should not be taken until the Town of Newington makes a decision.

Councilor Thorsen said we need to consider the stipulations that come forward with this. The safety of the City is what we are concerned with. He stated he does not feel it is right to make the decision this evening but the time will come quickly and he would support it later, but not right now.

Councilor Dwyer said she agrees with the prior comments and we should go in the direction of doing this vote after Newington has voted. She feels we need to proceed with caution.

Councilor Shaheen said legal action is one step we could take and this is about the safety and environmental impact to the City. She said we need to look at every option.

Councilor Lown moved to postpone action on this matter until the May 19, 2014 City Council meeting. Seconded by Councilor Kennedy.

Assistant Mayor Splaine said he would withdraw his motion and Councilor Kennedy stated she would withdraw the second to the motion as long as Newington has voted on the matter.

Councilor Lown said we need to see the legal analysis on this matter and what the decision is by Newington.

Motion passed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Thorsen suggested that City Manager Bohenko look into the sale of the Frank Jones Conference Center.

Councilor Kennedy requested the City recognize those volunteers that maintain the various Adopt-A-Spots throughout the City.

Councilor Kennedy requested to have a discussion on what the role of the City Council is with agreements and contracts.

Councilor Shaheen requested that City Attorney Sullivan provide a sense of how long a legal battle would take with the Town of Newington, if the City was to move forward with a lawsuit. City Attorney Sullivan said that discussion should take place in a "Non-Meeting" with Counsel.

XIV. ADJOURNMENT

At 9:55 p.m., Councilor Shaheen moved to adjourn. Seconded by Councilor Dwyer and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk

SPECIAL CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 12, 2014

PORTSMOUTH, NH
TIME: 7:00PM [thereafter]

I. CALL TO ORDER

Mayor Lister called the meeting to order at 7:05 p.m.

II. ROLL CALL

PRESENT: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear and Thorsen

III. PUBLIC HEARING

A. PROPOSED FY JULY 1, 2014 THROUGH JUNE 30, 2015 BUDGET

City Clerk Barnaby read the legal notice into the record.

IV. PRESENTATION – JOHN P. BOHENKO, CITY MANAGER

City Manager Bohenko announced that the public hearing on the budget will be held this evening and that the City Council has decided to keep the public hearing open until May 27, 2014 and that meeting will begin at 6:30 p.m.

City Manager Bohenko reviewed the budget and said we are able to keep the tax rate low by responsible budgeting with long term financial planning and proactive management to control costs. He announced that the City earned AAA bond rating this year, which is the first in the City's history. He addressed the impacts in the FY15 budget. He reported that there are 15 collective bargaining units and 13 will expire on June 30, 2014 and salaries are one of the impacts of the budget.

City Manager Bohenko said we have a new Public Works Director, Peter Rice who took a comprehensive look at the entire public works budget and made certain reallocations that he felt were necessary. He stated that Director Rice will continue to review the services provided and make additional changes.

City Manager Bohenko spoke to the School Department budget and how the teachers offered to forgo step and COLA increases for the first 6 months of FY13 and FY14. Although there has been significant savings, the delayed step and COLA increase is now reflected in a full year budget for FY15, which has impacted this budget. He addressed retirement rates and prior to FY10 the State contributed 35% of employer's contribution for Teacher's Police and Fire personnel. In FY10 and FY11, the State began to eliminate this contribution by reducing it's obligation to 30% and 25% respectively and then reduced to zero for FY12 and all subsequent Fiscal Years. He reported that health insurance has increased by 2.60% and that we received a holiday premium of \$500,000.00, which has it been used to lower the budget.

City Manager Bohenko reviewed the FY15 Proposed Non-Operating Budget of \$21,004,322.008 and debt services. He stated the Rockingham County Tax is estimate for FY15 to be \$4.7 million for which, we are the highest payer in the county. Portsmouth's current proportion is 10.64% while the population is 7.17% of the total county. The rate is arrived at the equalized value. Our Capital Outlay is at \$1.7 million and is 1.8% of the budget, which are projects in the Capital Improvement Plan. Our FY15 estimated revenues are \$96.7 million and our motor vehicle revenues return to pre-recession levels for an increase of \$300,000.00. He spoke to the loss of \$1.1 million in revenue on our investment interests compared to FY08. Our parking revenue has an estimated increase of \$1.5 million from FY14. He reported that the Fee Committee recommends increasing parking garage pass rates to \$135.00 per 24 hour pass and \$110.00 per 12 hour pass with estimated FY15 revenue of \$420,000.00. City Manager Bohenko stated estimated new growth for the City is \$59,800,000.00. He said the effect on the tax rate without growth would be an increase of \$0.56 but the estimated increase of the tax rate for FY15 is at \$0.29. He also stated that the tax rate is set by the State of New Hampshire DRA.

City Manager Bohenko thanked all the Departments, Boards and Commissions for their work on this budget and that he looks forward to working with the City Council moving forward.

V. PUBLIC COMMENT/INPUT

Mayor Lister opened the public comment/input on the budget and called speakers forward.

Kent LaPage thanked the City Council for their time and allowing him to speak this evening. He stated he was here to discuss the hearing impaired and deaf. He spoke regarding the need to have closed caption for our Government Channel 22. He indicated that people have a right to participate at all City meetings. Mr. LaPage stated there are two avenues to the right for individuals the ADA and the FCC laws, which allow all people to be able to participate and being able to read the closed caption. He provided the City Council with copies of the rights from the ADA and FCC regulations. He said he is asking the City Council set aside funds approximately \$35,000.00 - \$42,500.00 for the time it takes to cover 37 meetings for the first year. He indicated that funding could come from this budget or State and Federal grants. Mr. LaPage spoke to grants available, which are limited in their amounts.

David Noard thanked Mr. LaPage for his comments. He agreed with Councilor Shaheen for the increase of parking rates. He spoke to the Public Works Department and Inspection Department having the adequate amount of people to assist with the inspections of buildings and to ensure that all regulations are being followed.

With no further speakers, Mayor Lister recessed the public hearing until May 27, 2014 at 6:30 p.m.

Assistant Mayor Splaine said the comments from Kent LaPage moved us and he would like for the next meeting City Manager Bohenko to provide the actual cost and what we would need to do to start the process for the Government Channel 22 to be closed caption rather of waiting for the budget process.

City Manager Bohenko said this is something that we need to look at out of respect for Mr. LaPage but we need to make sure and provide the right information. He said it is a funding issue and would try to bring it back at the May 27, 2014 meeting.

Councilor Dwyer said we should have the Cable Commission review the matter.

Councilor Spear said these are the types of things we have a contingency fund for and we can act on the policy and do it through due diligence.

Councilor Thorsen said we would have a chance to make adjustments to the budget both up and down. He suggested adding a line item into the budget for this matter. He said he does not feel we have time to do it by May 19, 2014. Councilor Thorsen stated the next step is all the adjustments we would like to see to the budget and having the data to move forward.

Councilor Shaheen asked everyone to weigh in on the budget by sending letters, e-mails or letters to the editor.

Councilor Kennedy offered her assistance with Mr. LaPage's request as she works in this area and could assist City Manager Bohenko.

VI. ADJOURNMENT

At 7:55 p.m., Mayor Lister moved to adjourn the meeting. Seconded by Councilor Spear and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

Kelli L. Barnaby, CMC/CNHMC
City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 19, 2014

PORTSMOUTH, NH
TIME: 7:00 PM [or thereafter]

At 6:30PM, An Anticipated "Non-Meeting" with Counsel was held Re: Negotiations – RSA: 91-A:2, I (b-c)

I. CALL TO ORDER [7:00PM or thereafter]

Mayor Lister called the meeting to order at 7:30 p.m.

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear and Thorsen

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

Mayor Lister asked Peter Torrey from the audience to lead in a moment of silence and the Pledge of Allegiance.

PRESENTATION

1. North End Vision

Nick Cracknell, City Planner, gave a brief presentation updating the status of previously introduced multi-day planning and design charette to develop a community vision for the North End and Islington Street as part of the Context-Sensitive redevelopment initiative which began in March of 2012.

City Manager Bohenko stated that this is a good outline of how to start moving along. He stated we will bring in consultants to talk to the Council regarding the north end but we need to set parameters as to what to study as a first step and in conjunction with our walkable city and transportation policies. He stated he would like to bring this back at a future date with consultants.

Assistant Mayor Splaine stated this is a good first step but he wants to make sure that we remember that the North End belongs to the City and worries that only developers will be involved in the discussions which will narrow the focus. He stated we need to find a way to involve all of the neighborhoods with various meetings at the schools and not just city hall.

Councilor Kennedy stated she agrees with Assistant Mayor Splaine as the form-based zoning issue was marketed well and involved a lot of citizens so the city should follow the same process. She stated she wants to see a map of what is involved and also use the information that was gathered by the Islington Street neighborhood group 5 years ago as they did a lot of work and nothing was done with it.

Councilor Morgan asked if this will intersect with the bicycle and pedestrian Master Plans. City Planner Cracknell stated yes. She stated she also wants to maximize citizen participation through the website for those who cannot attend meetings.

City Manager Bohenko stated the next step will be to decide the parameters of the North End.

V. ACCEPTANCE OF MINUTES – MARCH 3, 2014

Councilor Kennedy moved to accept and approve the Minutes of March 3, 2014 City Council meeting. Seconded by Councilor Dwyer and voted.

VI. PUBLIC COMMENT SESSION

Tom Carroll, spoke regarding the recent decision by the PDA to not renew the contract for the scrap metal business stating it is the dawn of a new era and feels that it opens the possibilities of something beautiful on the site. He continued that he wants to dispel the buzz that he and the Save our Working Port group was responsible for the contract not being renewed. He stated that EPA violations were occurring in addition to other issues and the scrap metal company caused their own demise. He thanked those who kept an open mind and understands those who didn't support his concerns.

Bob and Natalie Hassold, presented a picture of the scrap metal pile stating it is what they see everyday and then presented an artist rendering by Denise Brown of what the site could look like without the scrap metal pile. Mr. Hassold stated that the PDA has terminated the Grimmel contract and feels it is long overdue. He stated on May 8, 2014, he requested a Council work session to discuss this matter and still has not received any response as of this date and feels that we need to strike now while the iron is hot. He stated we need to meet with people to get all of the ideas on the table. He stated that while the city works on a more permanent parking solution, this site could serve as temporary parking and could serve downtown workers and residents and prevent people from riding around and around Market Square looking for parking. He concluded that another idea could be a ferry service and feels that if we can put a man on the moon, we can do this.

Kerry Vautrot, member of the Portsmouth Historical Society, asked the City Council to carefully consider the appointment to the Historic District Commission stating that the applicant should have some background in historic preservation and incorporate industry standards. She stated that it will strengthen the HDC creditability if the look for the right candidate with the right credentials.

Rich DiPentima, stated that he expects the Newington Planning Board to approve the Sea-3 Expansion proposal without the requested studies. He stated if that occurs, the City of Portsmouth should appeal in an effort to protect the safety of our City. He stated if this goes unchallenged it can open the doors to more and bigger projects in the future. He stated over 700 signatures have been collected and he urged the Council to act accordingly.

Mark Brighton, distributed a tax graph showing the increase from 2008 – 2013. He stated there are some increases that can't be controlled such as the water and sewer rates, but feels that the School budget can be controlled. He concluded that if the Save our Working Port group can get a work session with the Council, then the Taxpayer's Association should be able to as well.

Bill St. Laurent, stated he was planning on attending the recent budget public hearing but was unable to attend and was wondering if there may be another opportunity for him to give his presentation that would take over the 3 minute limit of the public comment session. He stated that the Taxpayers Association has ideas on reducing and leveling the budget and want the opportunity to present the information to the Council.

Mayor Lister explained to Mr. St. Laurent that the public hearing held on May 12th was not closed and will be reconvened at 6:30 p.m. on May 27th prior to the budget work session.

Clare Kittredge, stated she strongly supports the current applicant being considered for the Historic District alternate position stating that it is important to have representatives of all different perspectives on boards and commissions.

Martha Fuller Clark, State Senator, stated she has been attending hearings for the last 6 months regarding the Sea-3 expansion and has introduced legislation regarding the safe delivery of gas and propane which has passed the House and is scheduled to go before the Senate next week. She stated there is a report due to be filed on or before May 1, 2015 and she concluded that she is available and happy to meet with the City Council anytime to discuss the issue.

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant to Art-Speak
- The Portsmouth Museum of Art (Catherine Sununu) \$ 100.00
 - Helene Mullaney (individual artist) \$ 25.00
 - Sarah Haskell (individual artist) \$ 25.00
 - Seacoast Repertory Theatre \$ 150.00
 - The Music Hall \$ 150.00
 - The New Hampshire Charitable Foundation \$5,000.00

Councilor Kennedy moved to approve and accept the dues and grant money to Art-Speak, as listed. Seconded by Councilor Shaheen and voted.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Third reading and final reading of Proposed Amendment to Chapter 7, Article I, Section 7.103 – Parking and Traffic Safety Committee by the addition of one (1) alternate Committee Member

Councilor Kennedy moved to pass third and final reading of the proposed Ordinance amendment, as presented. Seconded by Councilor Dwyer and voted.

IX. CONSENT AGENDA

Councilor Spear moved to adopt the Consent Agenda as presented. Seconded by Councilor Morgan and voted.

- A. Letter from Mike Daboul, President, Seacoast Mavericks, requesting the installation of 30 outfield signs, 5 A-frame signs and a temporary storage trailer at Leary Field during the course of the season June 6th – August 7th (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Chris Pamboukes requesting permission to set up 1 or 2 stationary bicycles in downtown Portsmouth on any Sunday between June 1, 2014 – July 12, 2014 to begin a public awareness campaign for a community fundraising project Pedal For Power – 2000 miles for Solar (***Sample motion – move to refer to the City Manager with power (Vaughan Mall)***)
- C. Request for License from Philip Dube, owners of Off Piste for property located at 37 Congress 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 Philip Dube, owners of Off Piste on 37 Congress Street for a projecting sign at property located at 37 Congress 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***
- D. Letter from Mike Young, Portsmouth Babe Ruth, requesting permission to place 10 outfield signs, approximately 4' x 6' (dark green with white lettering) on the outer perimeter fencing facing inwards towards Leary Field from May 17, 2014 – August 17, 2014 (***Sample motion – move to refer to the City Manager with power***)

City Manager Bohenko clarified that the event requested by Mr. Pamboukes will be held at the Vaughan Mall.

City Manager Bohenko requested the Council consider an item that was inadvertently omitted from the agenda.

Letter from Caroline Amport Piper, 2014 Event Coordinator, on behalf of the Friends of the Soth End, requesting permission to hold the annual Fairy House Tour Event on Saturday, September 20, 2014 and Sunday, September 21, 2014.

Councilor Spear moved to refer to the City Manager with power. Seconded by Assistant Mayor Splaine and voted.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney Christopher Hilson, representing Richard B. Ireland, Jr. regarding injuries sustained to both his dog, Carter and Mr. Ireland during a dog attack

Councilor Spear moved to refer to the City Attorney for report back. Seconded by Councilor Morgan and voted.

- B. Letter from Jennifer Riley, One Love Brewery, requesting permission to sell sealed growlers of beer at the Farmer's Market

Councilor Spear moved to authorize the City Manager to negotiate and execute an amendment to the Farmer's Market agreement with Seacoast Growers to allow for the sale of sealed growlers of beer by One Love Brewery, seconded by Councilor Lown.

Councilor Thorsen asked if we currently have anyone else selling alcohol at the Farmer's Market. City Manager Bohenko stated that wine is sold by one vendor.

Motion voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Proposed Loan Re: Reconstruction of Prescott Park Docks

Community Development Coordinator David Moore explained the Trustees of the Trust Funds in their role as manager of Prescott Park and the Prescott Trust, operate and maintain a series of marine docking and pier structures in the Park. Currently, the South Dock is in need of replacement, a project that was identified in the FY 2014 Capital Improvement Plan. Each year maintenance and repair costs for the dock continue to grow and the facility is well past its useful life having last been replaced in the early-1980s. He continued that City staff have coordinated closely with the Trustees on addressing the needs of the docking facility and, along with Appledore Marine Engineering, have recommended full replacement of the docking structure. Along with the North Dock, the South Dock slips are rented to visitors April to November. Ten seasonal slips are available to Portsmouth residents who dock their boats there for the season. He stated that the final amount of the funds requested will be dependent on the winning bid for the project. It is important to note, that after the 2014 boating season, the MMT will have cash on hand that can be used towards the construction (estimated to be \$60,000). This will reduce the amount needed from Committed Fund Balance. The Trustees have committed to replenish these funds and confirmed that the MMT revenues will be sufficient to meet this obligation.

He concluded that this financing structure has been used previously (in 1999) during the reconstruction of the North Pier project. That project, though smaller, resulted in a 13-year payback for a project that continues to serve the community.

Councilor Lown moved to authorize the City Manager to enter into an agreement with the Trustees of Trust Funds under which up to \$720,000 will be expended from Committed Fund Balance for the purpose of replacing the South dock system in Prescott Park with the funds to be replenished by payments from the Marine Maintenance Trust as available, seconded by Assistant Mayor Splaine.

Mayor Lister introduced Dana Levenson and Phyllis Eldridge of the Trustees and Peter Torrey, Accountant to the Trustees of the Trust Fund in the audience.

Councilor Lown thanked the Trustees for their work as well as Appledore Marine Engineering for their work at no charge. He stated the question is do we want to continue to have a city dock and he feels the answer is yes. He stated it is good for the city to have this amenity and is offered to residents at a lower fee than non-residents and the money will be paid back over time.

Councilor Kennedy asked if we are increasing the size of the piers and have we already gotten the approvals. Community Development Coordinator Moore stated yes the size is increased slightly and we have been approved by Army Corp of Engineers and will be going before the Executive Council very soon. Councilor Kennedy asked about the fees and are they going up at all. Mr. Torrey explained that the fees will remain the same in the upcoming season but there will be a \$1.00 per hour increase as well as a lineal foot increase.

Councilor Kennedy asked how the seasonal rate is determined. Mr. Torrey stated we want to be competitive but we don't offer the same amenities as some marinas so they try to keep it "middle of the road". Councilor Kennedy stated she encourages them to remain "middle of the road".

Motion voted.

2. Report Back Re: Landscape Façade Peirce Island Waste Water Treatment Facility

Water/Sewer Engineer Terry Desmarais gave a brief presentation regarding the 2 options before the Council regarding Biological Aerated Filter (BAF) height with 25' being the lowest without having to add a pump. He stated that if it has to go to 17' to remain at the roofline, there would be a significant cost involved.

Lorraine Black, registered landscape architect, AECOM – reviewed the 6 alternatives of natural facades as well as the various vegetation on the island and what could be introduced to the island. She concluded that their recommendation is a 2 layer design solution with native plantings and a modular trellis system with plants that are fast growing, native and tolerant of the islands' weather conditions.

Discussion ensued regarding the various options and costs associated.

Councilor Spear asked if we are specifically deciding on the issue of the façade with this vote. City Manager Bohenko stated if the Council decides to go with the 25' option, then we will seek out other committees' i.e., Trees and Greenery Blue Ribbon Committee, Peirce Island Committee, etc, for advice and input.

Councilor Spear moved to proceed with the 25' height option with alternatives as presented, seconded by Assistant Mayor Splaine.

Discussion ensued regarding the cost savings associated with the 25' option versus 17' option and ensuring that the landscaping will do what it is supposed to do.

Councilor Thorsen asked what kind of community feedback has been received and is this decision necessary this evening.

Engineer Desmarais stated that the decision will impact the construction schedule.

Deputy Public Works Director Goetz reiterated that the height decisions needs to be made before they began involving the committees.

Motion voted.

3. Proposal for Mobile Vending

Councilor Spear moved to authorize the City Manager to negotiate and execute a license to permit The Kitchen to vend from the designated parking space on Hanover Street from 7:00 a.m. to not later than 11:00 p.m., seconded by Councilor Thorsen.

City Manager Bohenko explained that the requestor was one hour late submitting the bid during the bid process so he brought it to the Council for their input. He stated he does not want to get into the habit of this but because it was only an hour late, he made an exception.

Councilor Shaheen asked if any residents have weighed in on the noise and time allowed. City Manager Bohenko explained that there are only 2 allowable parking spots for food trucks and the hours of operation are limited to 11:00 p.m. which is key to controlling these concerns.

Motion voted.

4. Report Back Re: Open Streets

Councilor Spear moved to refer to the City Manager with power, seconded by Councilor Morgan.

Councilor Morgan stated she attended the Citywide Neighborhood Committee where this was presented and Mr. Newbury listened to all of the concerns expressed.

Councilor Lown stated that this is an example of a private citizen who has an idea and spends the energy and time needed to make it happen. He stated this is to be commended and he hopes it is a successful event.

Councilor Kennedy agrees and stated she attended the meeting at the library and a lot of ideas were put into the proposal.

Motion voted.

5. Sale of Obsolete Parking Meters

Councilor Spear moved to authorize the City Manager to proceed with the disposal of the meters as recommended. Seconded by Councilor Dwyer and voted.

Informational Items

1. Events Listing – no discussion
2. Update Re: Presentation and Discussion with Cynthia Scarano, Executive Vice President of Pan Am Railways
3. Household Hazardous Waste Day, Saturday, May 31, 2014

City Manager Bohenko stated he continues to reach out to Ms. Scarano to set a date for her to meet with the City Council. Assistant Mayor Splaine asked that we accept Senator Fuller Clarks' offer to attend as well. City Manager Bohenko stated he also wants a representative from the NH DOT Railway division as well. Councilor Shaheen asked that the Congressional Delegation be invited as well.

B. MAYOR LISTER

1. Appointments to be Considered:

The following appointments were considered and will be voted at the June 2, 2014 Council meeting.

- Paul Mannle to the Citywide Neighborhood Steering Committee
- Dan Rawling to the Historic District Commission as a Regular Member
- Rick Becksted, Jr. to the Historic District Commission as an Alternate
- Tristan Law appointment to the Taxi Commission

2. Establish Work Session Re: Financial Disclosure

Councilor Spear moved to establish a Work Session on June 9, 2014 at 6:00 p.m. to discuss Financial Disclosures, seconded by Councilor Kennedy.

Councilor Spear stated that disclosing information is a good first step and prevents conflict of interest. He stated he would like part of the presentation to be a review of what is already on the books as he was surprised Councilor Kennedy voted on the Prescott Park Docks issue as it was a potential conflict of interest.

Motion voted.

C. ASSISTANT MAYOR SPLAINE

1. Sea-3/Pan Am Response

Assistant Mayor Splaine stated he has learned that the Town of Newington Planning Board has approved the Sea-3 Expansion unanimously this evening. He continued that we need to make sure that however we approach this, it is with a properly developed strategy. He stated that we need to consider the possibility of appealing to the Rockingham Superior Court in open court and he plans to take a vote to publicly appeal at the June 2, 2014 Council meeting. He stated between now and then the City Attorney can review the findings but the 30 days begin now so we need to act.

Councilor Lown stated that is a sensible idea but he would like to see the City Attorney's response and not prejudice the city's position. He stated he would have liked to have heard from the Pan Am representative as this is a Federal/State issue and we need answers.

Councilor Thorsen stated we need to show our residents that we do care about this and will take steps and efforts to mitigate the safety issue.

Councilor Shaheen stated this is a complicated issue and impacts multiple communities. She stated she would like to know if the City of Portsmouth can take a leadership role in a coalition of communities that are impacted and determine if there are grounds for a joint legal action.

City Manager Bohenko stated we have to become proactive and bring this to the Congressional and State Legislative Delegations as well as the Regional Planning Commission. He stated we are not going to let this die regardless of if there is a lawsuit or not and we are taking this very seriously and will be a transparent process.

Discussion ensued regarding a timeline for action resulting in the below motion and vote.

Councilor Lown moved to establish a Non-Meeting on June 2, 2014 or sooner (dependent on when the City Attorney has reviewed documents to advise the Council), to discuss legal strategy pursuant to RSA 91:A and to hold a public vote on June 2, 2014 on whether to pursue an appeal. Seconded by Councilor Spear and voted.

2. Future of Our North Cemetery

Assistant Mayor Splaine apologized to Sue Polidura who had been in the audience and was going to discuss this issue during the public comment session but didn't know she had to sign up to do so. He stated that she is concerned that the North Cemetery needs to be better taken care of and has a list of items to be addressed. He stated she is also planning a ceremony to recognize the ratification of the Constitution on June 21st as there are 19 revolutionary soldiers buried in the cemetery. Finally, he stated there is \$50,000 in the CIP for Cemetery repair with some of that for the North Cemetery and reminded everyone that when cuts are made to the budget, these are usually the types of things that get removed and we need to remember they need attention as well.

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the April 10, 2014 meeting

Councilor Spear moved to approve and accept the action sheet and minutes of the April 10, 2014 Parking & Traffic Safety Committee meeting, seconded by Councilor Shaheen. Motion passed 8-1, Councilor Kennedy voted opposed.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Kennedy stated she would like to address a previous comment by Councilor Spear regarding a conflict of interest she may have with the Prescott Park Dock vote. She stated she has no financial gain from Prescott Park in any way and is not a member of Prescott Park.

Councilor Morgan stated she would like to see a change in format for the next budget public hearing which allows for an additional public comment after the Council has discussed the budget as she feels this would be more productive.

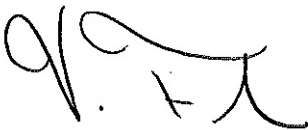
City Manager Bohenko stated the public hearing procedure is set up through the Charter but they can suspend the rules to add an additional session after going through the legal procedure first.

City Manager Bohenko then reviewed the upcoming budget meeting calendar.

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

Councilor Kennedy moved to adjourn at 10:00 p.m. Seconded by Assistant Mayor Splaine and voted unanimously.

Respectfully submitted:



Valerie A. French
Deputy City Clerk

CITY COUNCIL MEETING - RECONVENED PUBLIC HEARING

MUNICIPAL COMPLEX
DATE: TUESDAY, MAY 27, 2014

PORTSMOUTH, NH
TIME: 6:30PM [thereafter]

I. CALL TO ORDER

Mayor Lister called the meeting to order at 6:30 p.m. He stated that this provides individuals with another opportunity to speak to the FY15 Budget.

II. ROLL CALL

PRESENT: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear and Thorsen

III. RECONVENE PUBLIC HEARING (RECESSED FROM MAY 12, 2014)

A. Proposed FY July 1, 2014 through June 30, 2015 Budget

Mayor Lister reopened the public hearing and called for speakers.

Cathy Baker said a 4% increase is double the rate of inflation and the City Council feels it is ok because it is only a single digit increase. Ms. Baker provided the City Council with a chart showing the increase is over the rate of inflation and said if the spending was held at the rate of inflation the budget since 1996 would be \$61.5 million versus the current proposed budget at \$96.7 million. She stated the continue increase is starting to hurt the residents and taking them out of the City. She said this is becoming the City of the rich with no middle class remaining. Ms. Baker asked the City Council to hold the line for every taxpayer at the rate or below inflation.

Dick Bagley echoed some the comments made by Ms. Baker relating to the increase in the budget. He also addressed the increase with Water/Sewer costs and the School Department Budget. He spoke to the CIP and stated that it is hard to meet everyone's needs. Mr. Bagley said the City Council needs to set priorities and decide what comes first, the senior services or the CIP improvements. He also indicated that parking is a major issue that needs to be looked at carefully.

Bill St. Laurent said the City increases it's spending every year and the residents can't continue to remain in the City due to the high cost of living here. He said the taxpayers need help and the taxes should be lowered. He had residents ask about the water and sewer billing. He said the City receive approximately \$12 million in revenues from water and sewer billing. He said we need to stop the bloated employee contracts and residents feel that they no longer matter.

Mark Brighton spoke to the increase in water and sewer billing and said the City Council is pricing people out of the City. He said it is never about the tax rate it is always about the revenues.

Arthur Clough asked Mayor Lister to require the City Council not to use electronic devices while people are speaking to the City Council. He stated the City is no longer for the working people that built this City. He reported that we are off the Forbes list of top 10 efficient places to live. He said the senior center was supposed to be multi-generational and now it is not and the water and sewer bills are excessive. He feels that the City has too many employees and we should not be the second largest employer in the City. He indicated that the City is losing its diversity.

Joe Caldarola said the cost of living is 1.6% but the budget is up 3% - 4%. He is concerned with the blue collar workers being able to afford to live here. He stated that the Police Department staff is top heavy and asked why there are new teachers when enrollment numbers are lower. He requested that the tax rate be at the rate of inflation, which is 1.6%.

Angela Pont asked about the new national standards for curriculum in the schools and what that will cost the City additionally. She said the new standards are an unfunded mandate and it will cost the City more money, which we should not be required to pay.

Eric Anderson feels the budget complexity continues to grow and the taxes continue to increase. He suggested lowering the CIP and addressed the various contracts in the City. He encouraged the City Council to set guidelines for contract negotiations and asked why the number of positions in the City continues to increase. Mr. Anderson asked the Council to bring down the budget to create a flat increase.

Cathy Baker addressed the Council a second time and spoke against providing the Chamber of Commerce with any funding. She feels that the City has too many tourists especially in the summer and we are now over discovered. She spoke regarding the staffing levels and overtime costs in the City. She also addressed the health coverage provided to employees and the need to re-evaluate what is provided. She also stated the City Council is responsible for the impact to the community and residents.

Mark Brighton addressed the Council a second time regarding the class size at schools. He said next year the Association of Portsmouth Taxpayers will seek to request the funds that the Chamber of Commerce is receiving for marketing the City.

Arthur Clough addressed the Council a second time and said the City needs to use the word affordable and not the word investment. He said the population rate is at a 1% increase where other communities have increased by 5%.


Bill St. Laurent addressed the Council a second time and spoke regarding unions. He also said that people are having a hard time making it in the City now. He suggested instead of providing employees with a percentage increase to provide a dollar amount, which will save the City money.

Joe Caldarola addressed the Council a second time saying the actual rate of inflation is 1.6%, which equates to \$1.5 million. He does not feel that the City Council needs to find places to cut the departments should. He requested that the budget be brought down to the rate of inflation.

Dick Bagley addressed the Council a second time and said he understands there are rules for contracts but there are suggestions to make changes to the contracts that the City Council should consider. He also said we need a vibrant architectural City and we should make better choices. Mr. Bagley asked why the City has so many consultants. He also said the budget this year did not go out with guidance from the Council. Mr. Bagley thanked Mayor Lister for taking us in a new direction and bringing people to the table.

After no further speakers, Mayor Lister closed the public hearing. He thanked the speakers and staff that are present this evening.

At 7:50 p.m., Mayor Lister closed the meeting.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

Kelli L. Barnaby, CMC/CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 18, 2014 at 7:00 p.m., Eileen Dondero Foley Council on a Proposed Ordinance amending Chapter 7, Vehicles, Traffic and Parking Omnibus Ordinance. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

LEGAL NOTICE

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KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

#12517 11P8/7

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Mark Nelson, Director of Parking and Transportation

CC: Peter H. Rice, Director of Public Works

DATE: July 29, 2014

SUBJECT: Parking Impact from Ordinance Changes

A review of the proposed omnibus parking ordinance changes show a net gain of two defined parking spaces.

| Reference and location | Defined spaces <i>before</i> ordinance change | Defined spaces <i>after</i> ordinance change |
|---|---|--|
| A1- Metering four spaces on Chapel Ct | 4 | 4 |
| A2 – Metering nine spaces on Maplewood Ave | 9 | 9 |
| B1 – No parking for safe sightlines on Islington St | 0 | 0 |
| B2 - No parking for safe sightlines on Islington St | 0 | 0 |
| B3- No parking for safe intersection on Miller Ave | 0 | 0 |
| B4- No parking for safe truck entry Preble/Ranger Way | 0 | 0 |
| B5- No parking for emergency vehicle access on State St | 0 | 0 |
| C - Adding two-way traffic (Hanover St) | n/a | n/a |
| D - Time-limiting taxi stand (Hanover St) | n/a | n/a |
| E1- Removing loading zone from ordinance (Daniel St) | n/a | n/a |
| E2 – Sharing loading zone with taxi stand (Hanover St) | n/a | n/a |
| E3 – Limiting loading zone hours (Market St) | 0 | 2 |
| F – Removing 24-hour loading zone (Market St) | n/a | n/a |
| G – Change “no parking“ to loading zone (Middle St) | n/a | n/a |
| Totals | 13 | 15 |
| Net change | | +2 |

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC and PARKING of the ordinances of the City of Portsmouth be amended as follows by deletions from existing language stricken and highlighted in **red**; additions to existing language bolded and highlighted in **red**, remaining language unchanged from existing:

[Explanatory note not part of ordinance. The following changes to the parking ordinance were either implemented by the Parking and Traffic Safety Committee on a trial basis last year or are part of ongoing improvements to the parking ordinance and are forwarded to the City Council for approval. Each ordinance change is shown on diagrams attached hereto.]

- A. Amend:** Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.328: Limited Parking – Three Hours

Section 7.328: LIMITED PARKING – THREE HOURS

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than three hours at any time between the hours of 9:00 a.m. and 7:00 p.m. Monday through Saturday, and between 12:00 p.m. and 7:00 p.m. Sunday, Holidays excluded, on the following streets and locations:

4. Chapel Court: two spaces northerly side, and two spaces in the right-of-way at the end of the roadway.

13. Maplewood Avenue: westerly side, from Raynes Avenue to the Union Cemetery, nine consecutive spaces.

- B. Amend:** Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.330 No Parking:

Section 7.330: NO PARKING

- A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

58. Islington Street:
 e. northerly side from ~~Columbia Street~~ **Dover Street** to Bartlett Street and from Bartlett Street westerly 500 feet, excepting 55 feet measured easterly from the northeast corner of the intersection of Elm Court and Islington Street.
i. southerly side, beginning 220 feet east from Columbia Street, for 20 feet.
79. Miller Avenue:
b. both sides one hundred fifty feet (150') northerly from the intersection at South Street.
~~b. —westerly side forty feet (40') northerly from the intersection at South Street.~~
~~e. —easterly side one hundred fifty feet (150') northerly from the intersection at South Street~~
95. Preble Way:
c. north side, from easternmost point, westerly for a distance of 65 feet.
- 100. Ranger Way**
a. both sides, from Preble Way, 70 feet on the easterly side and 50 feet on the westerly side.
- 116. State Street:**
f. both sides, from the Piscataqua River edge, southwesterly for 76 feet, to the end of State Street and the beginning of the extension of State Street.

C. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.336: One-Way Streets

Section 7.336: ONE-WAY STREETS

A. Vehicular traffic shall move only in the indicated directions on the following streets.

10. Hanover Street: easterly from ~~Rook~~ **Pearl** Street to Bridge Street.

D. Amend : Chapter 7, Article IVA: BUS STOPS, TAXICAB STANDS & HORSE DRAWN CARRIAGES, Section 7A.408: Taxi Stand Designated

Section 7A.408: TAXI STAND DESIGNATED

The following areas are hereby designated as Taxi stands:

- A. Hanover Street: southerly side, first parking space west from Fleet Street **from 7:00 p.m. to 6:00 a.m.**
-

- E.** Amend: Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES, Section 7.601 Truck Loading/Unloading Zones Established:

Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED

The following locations are established as exclusive “Truck Loading Zones” on Mondays through Saturdays between the hours of 6:00 a.m. and 7:00 p.m. or as otherwise described below with regard to any particular location. During these times only trucks, vans and other commercial delivery vehicles actively engaged in loading or unloading of product, merchandise or equipment (meaning that no more than 10 consecutive minutes pass without loading or unloading activity) may park. Such vehicles may park at the designated locations for a period not to exceed 30 minutes. Unless otherwise determined by ordinance, at all other times these zones shall be open parking for all vehicles.

4. Daniel Street:
- a. northerly side, 123 feet east from Bow Street for a distance of 45 feet
 - ~~b. northerly side, 215 feet east from Bow Street for a distance of 35 feet~~
 - b. southerly side, 55 feet west from Penhallow Street for a distance of 80 feet
6. Hanover Street:
- b. southerly side, first two spaces west from Fleet Street, from 6:00 a.m. to 11:00 a.m.**
8. Market Street
- c. westerly side between Russell Street and Deer Street, from November 1st through March 30th, 2:00 a.m. to 5:00 p.m. Monday- Friday, 2:00 a.m to 1:00 p.m. Saturday.**
-

- F.** Amend: Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES, Section 7.602 Truck Loading/Unloading Zones (24 Hours):

Section 7.602 TRUCK LOADING/UNLOADING ZONES (24 HOURS)

The following locations are established as exclusive “Truck Loading Zones” at all times, 24 hours a day, seven days a week. Only trucks, vans and other commercial delivery vehicles actually engaged in loading or unloading of product, merchandise or equipment may park in the designated locations. Such vehicles may park at the designated locations for a period not to exceed 30 consecutive minutes.

~~3. Market Street~~

~~—a. westerly side between Russell Street and Deer Street, from November 1 through March 30~~

G. Amend: Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES, Section 7.603 Loading and Unloading of Live Parked Vehicles.

Section 7.603 LOADING AND UNLOADING OF LIVE PARKED VEHICLES

2. Middle Street: easterly side, beginning 188 feet southwesterly from intersection with Miller Avenue, for a distance of 20 feet (in front of 375 Middle St).

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

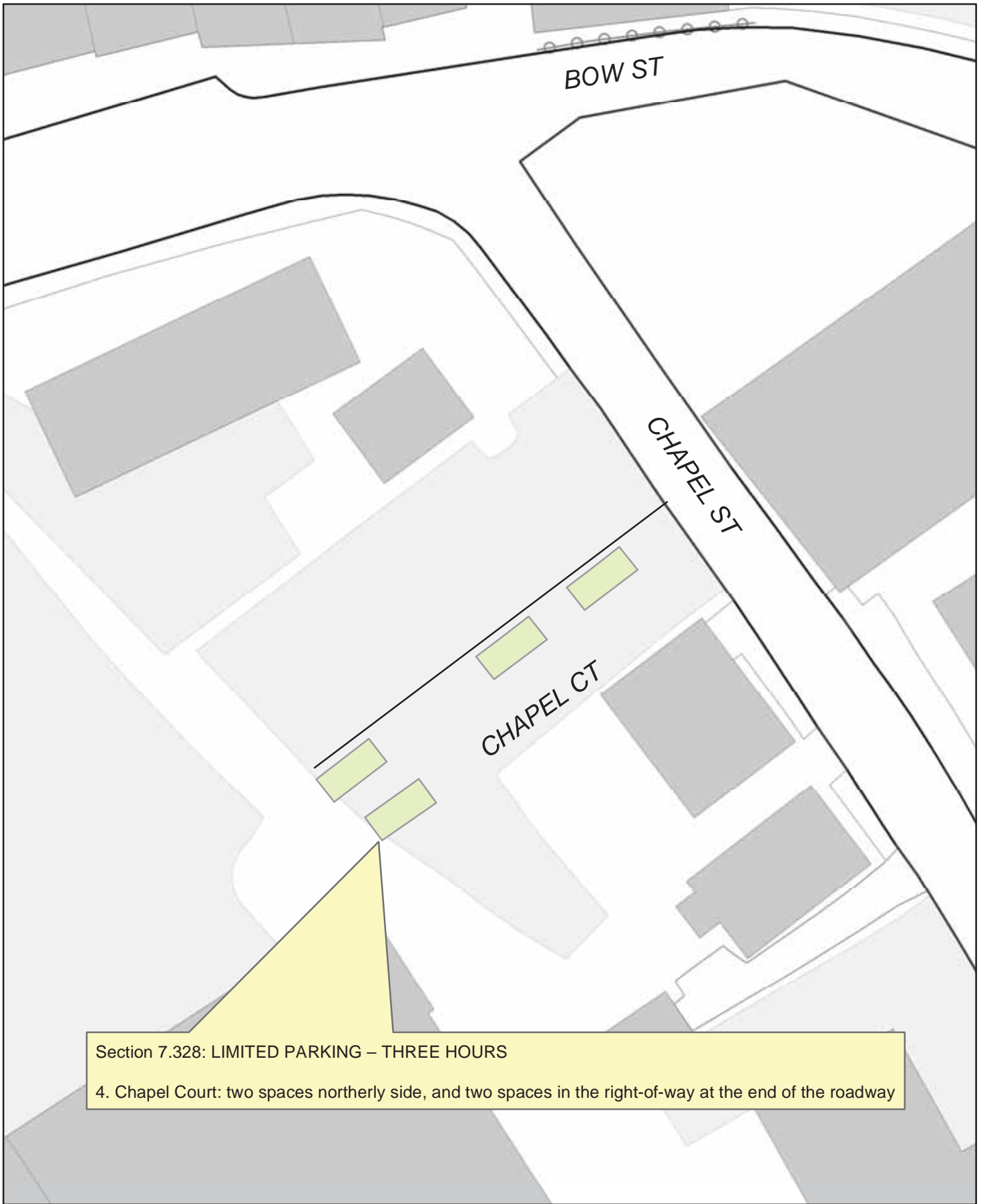
This ordinance shall take effect upon its passage.

APPROVED:

Robert Lister, Mayor

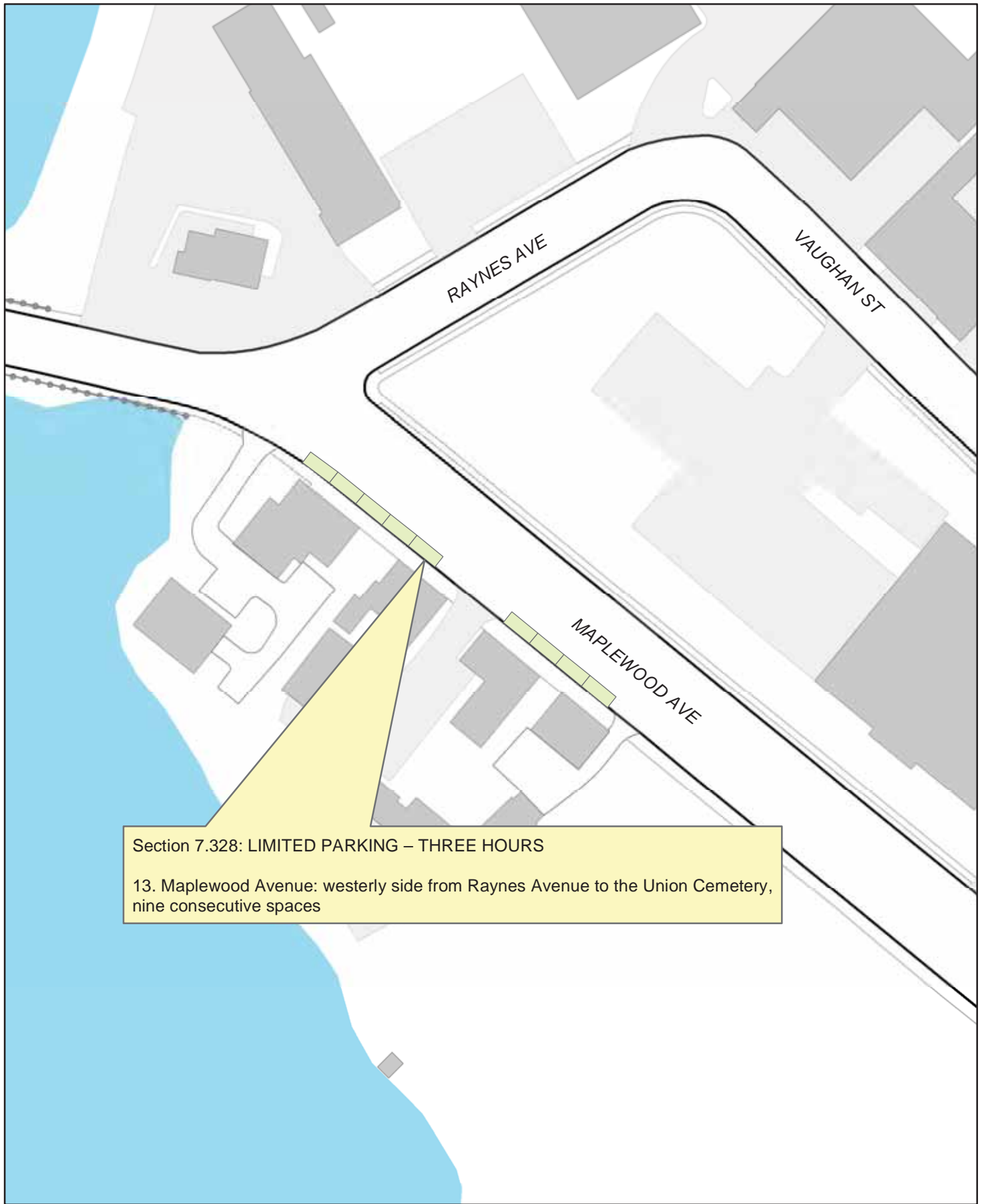
ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



Section 7.328: LIMITED PARKING – THREE HOURS
4. Chapel Court: two spaces northerly side, and two spaces in the right-of-way at the end of the roadway

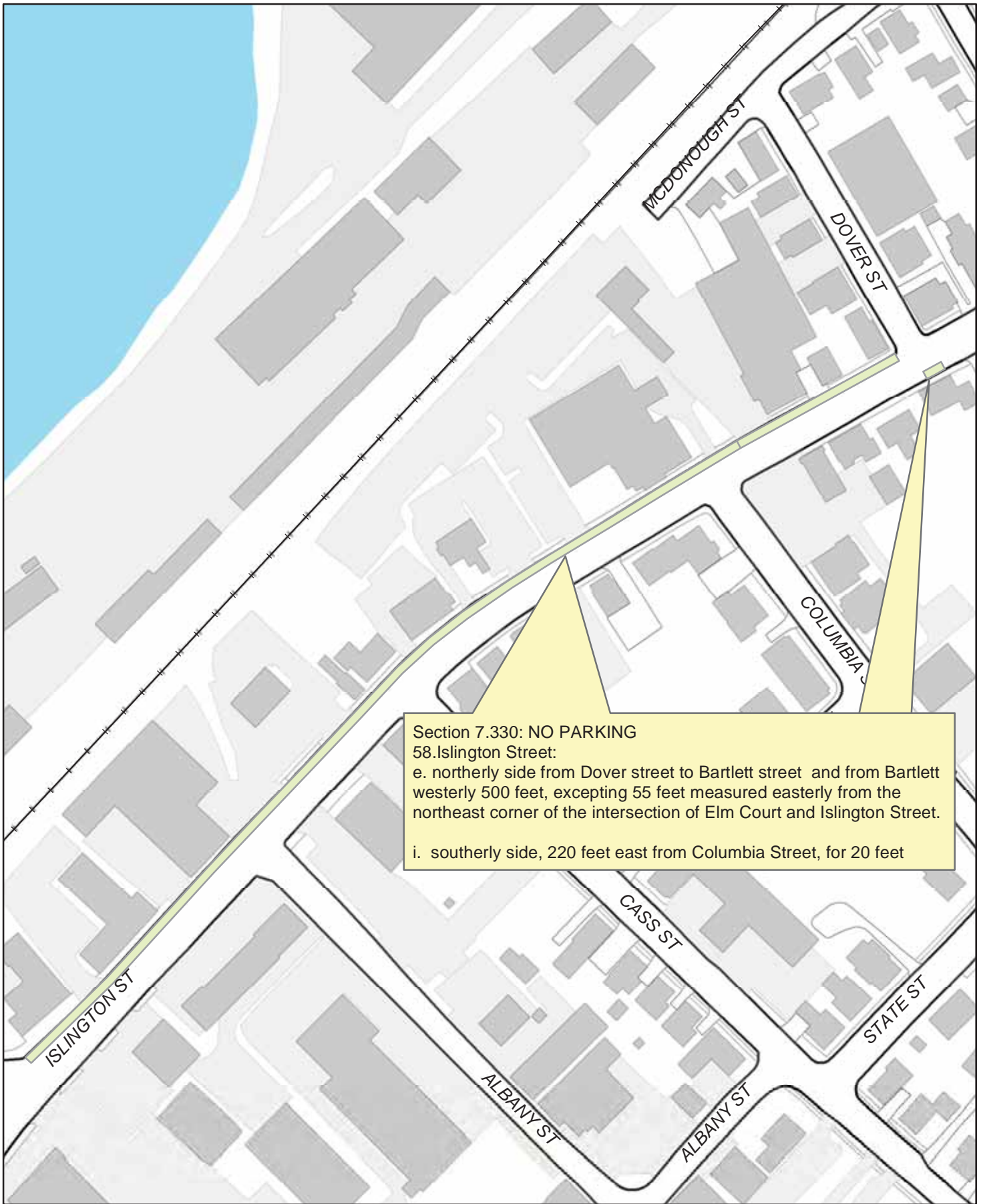
**A1 Chapel Court, Limited Parking Three Hours
Portsmouth, New Hampshire**



Section 7.328: LIMITED PARKING – THREE HOURS

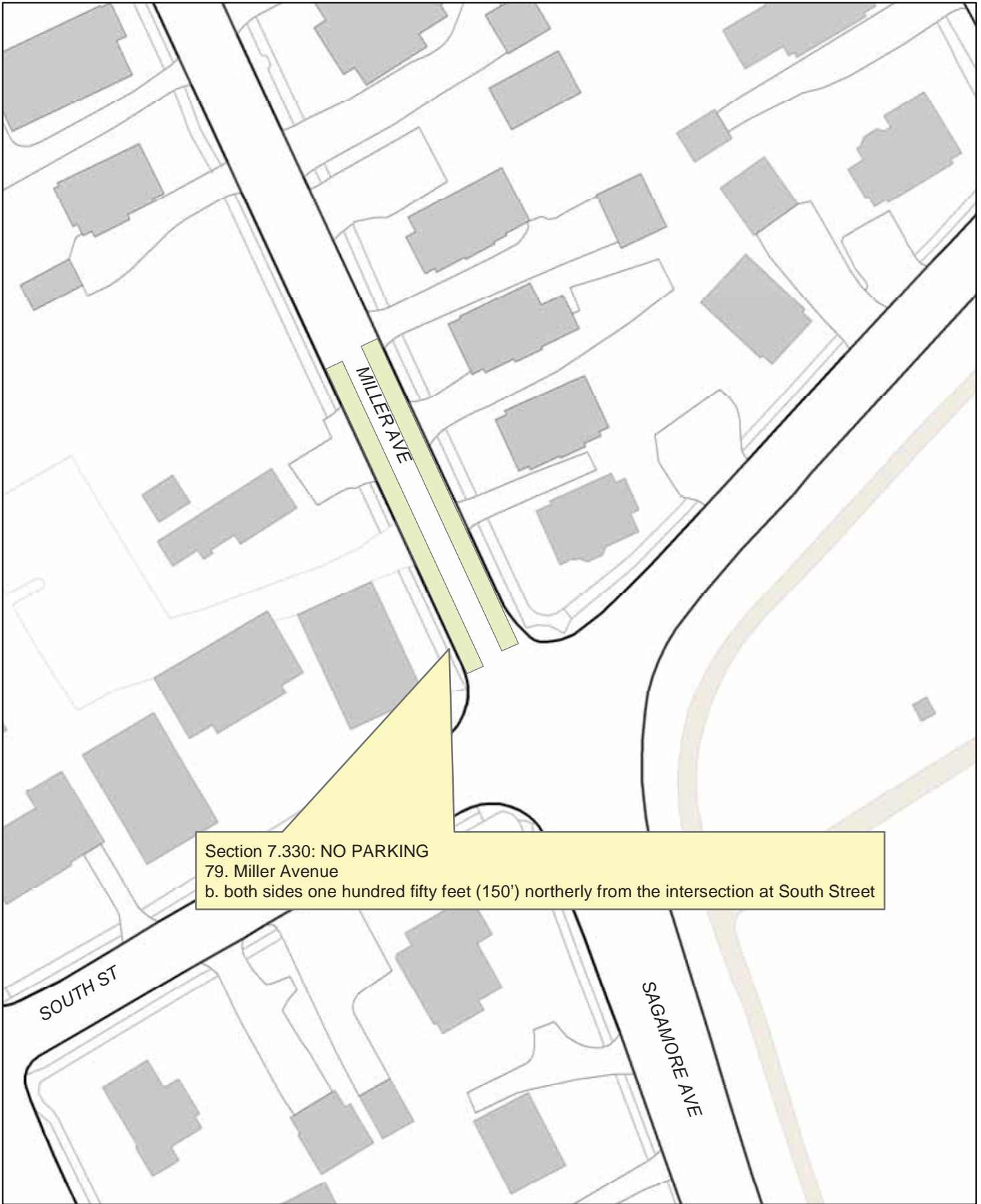
13. Maplewood Avenue: westerly side from Raynes Avenue to the Union Cemetery, nine consecutive spaces

**A2 Maplewwood Ave, Limited Parking Three Hours
Portsmouth, New Hampshire**



Section 7.330: NO PARKING
58. Islington Street:
e. northerly side from Dover street to Bartlett street and from Bartlett westerly 500 feet, excepting 55 feet measured easterly from the northeast corner of the intersection of Elm Court and Islington Street.
i. southerly side, 220 feet east from Columbia Street, for 20 feet

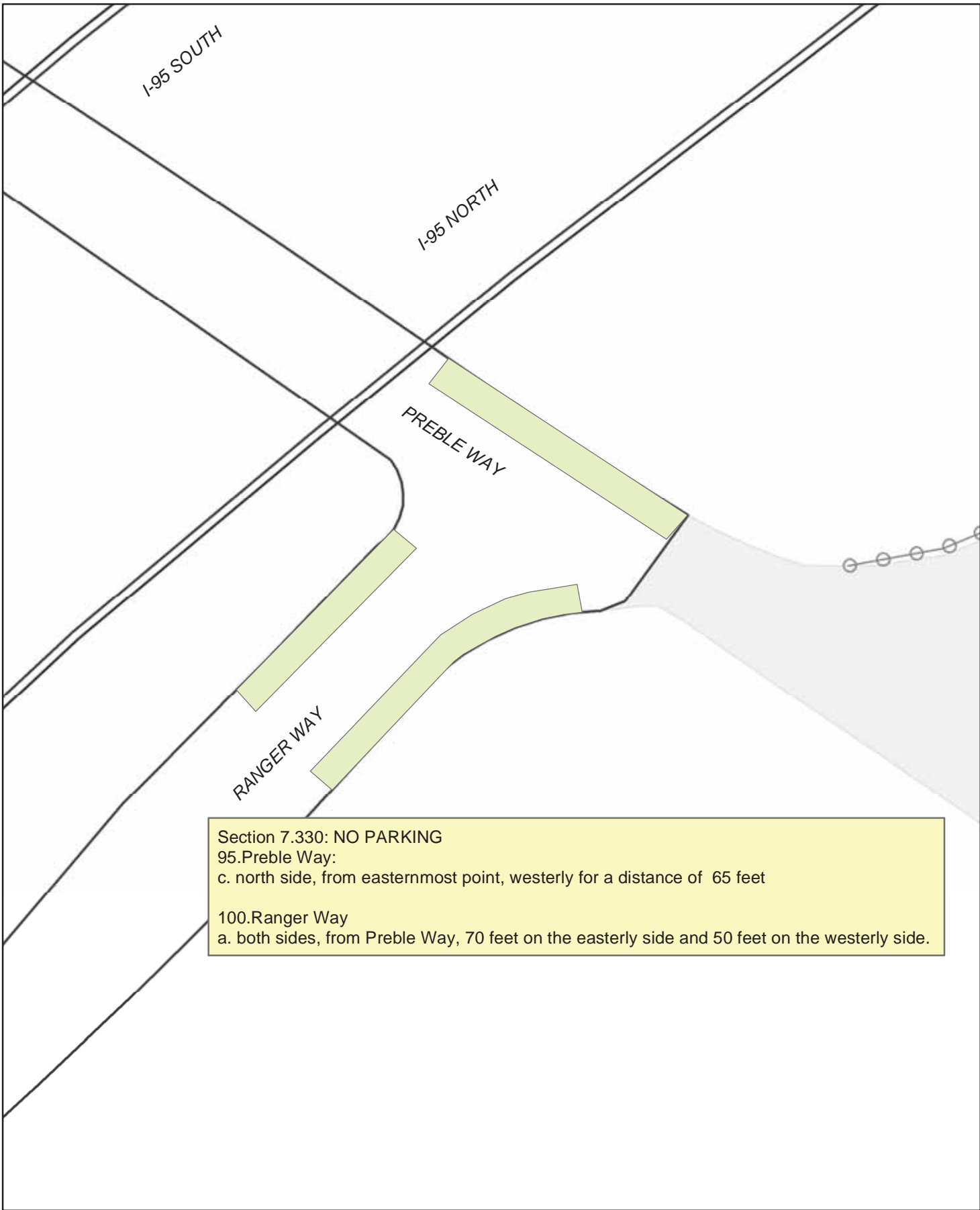
**B1/B2 Islington Street, No Parking
Portsmouth, New Hampshire**



Section 7.330: NO PARKING
79. Miller Avenue
b. both sides one hundred fifty feet (150') northerly from the intersection at South Street

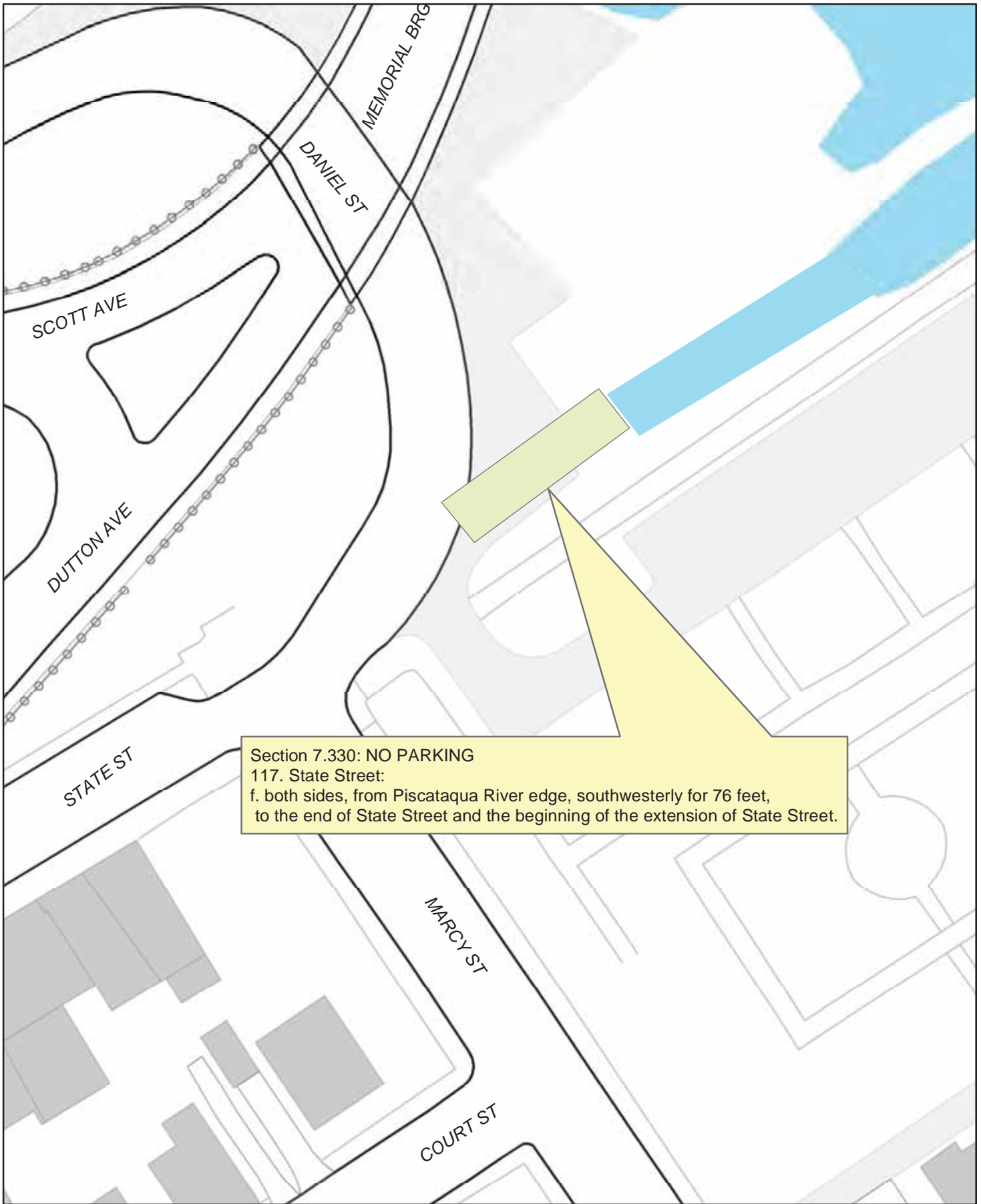
**B3 Miller Ave, No Parking
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 23 June 2014
Map document: U:\Projects\0113 Traffic and Parking Ordinance Changes\2014



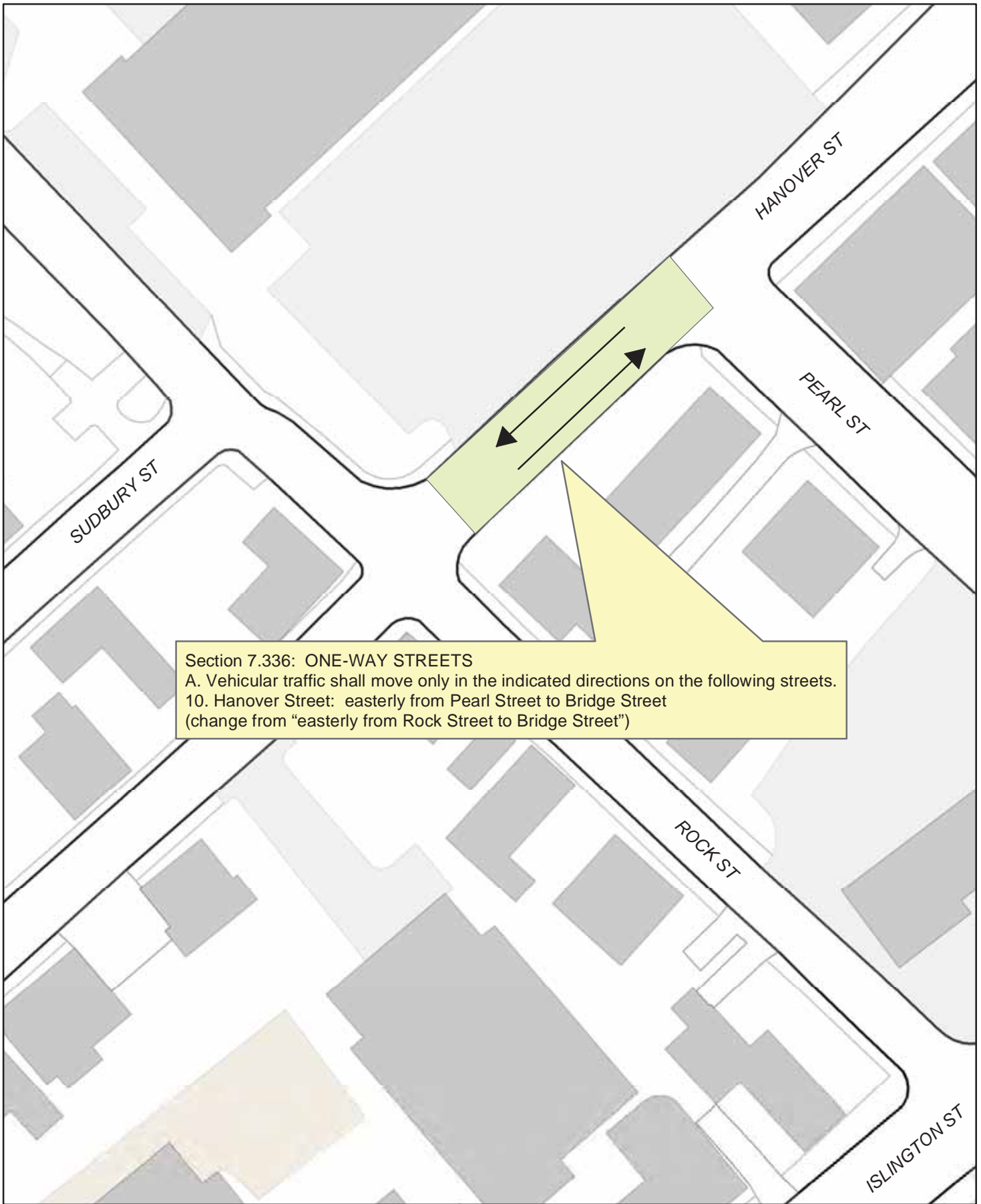
Section 7.330: NO PARKING
95.Preble Way:
c. north side, from easternmost point, westerly for a distance of 65 feet
100.Ranger Way
a. both sides, from Preble Way, 70 feet on the easterly side and 50 feet on the westerly side.

**B4 Preble Way, No Parking
Portsmouth, New Hampshire**



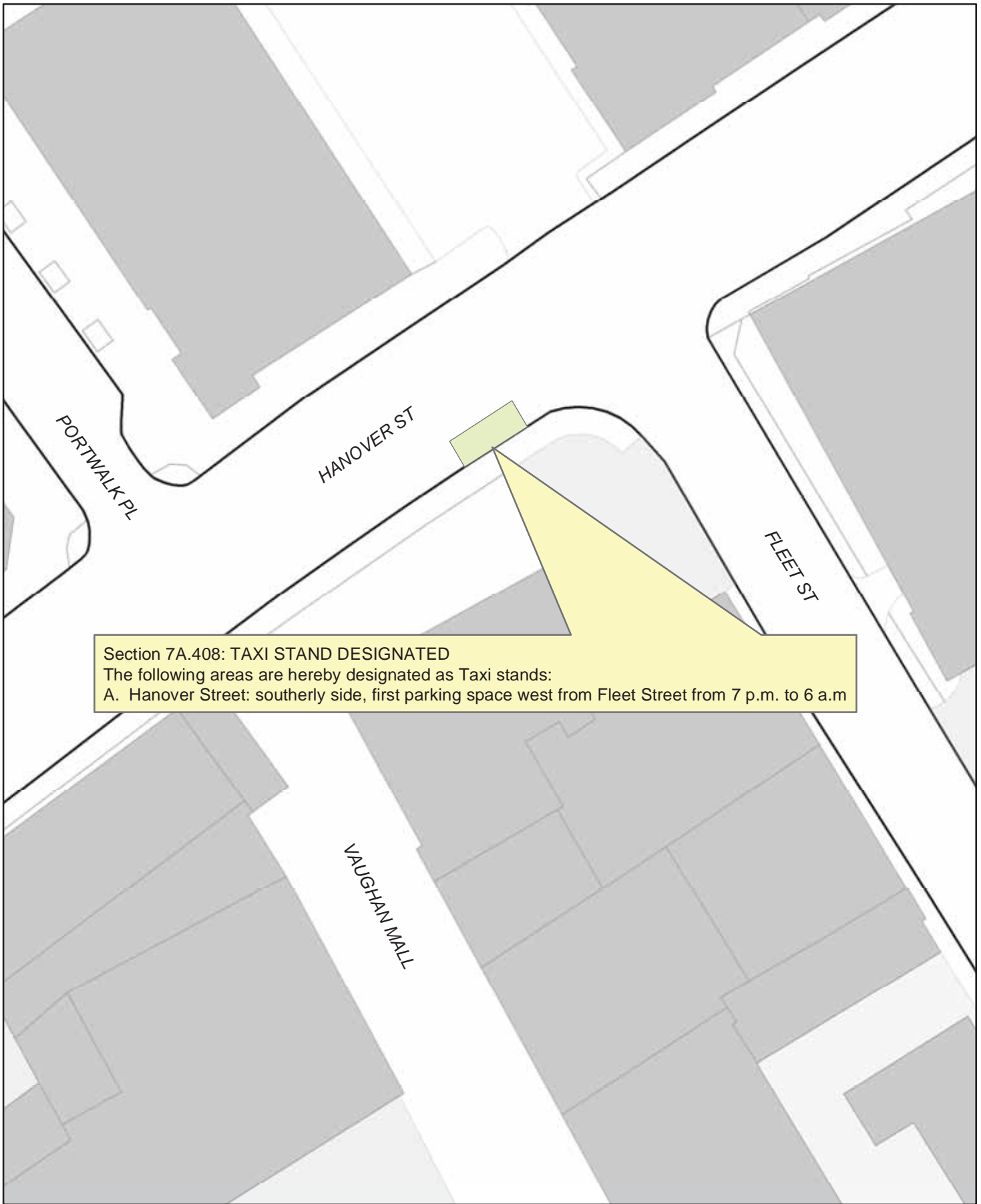
Section 7.330: NO PARKING
117. State Street:
f. both sides, from Piscataqua River edge, southwesterly for 76 feet,
to the end of State Street and the beginning of the extension of State Street.

**B5 State Street, No Parking
Portsmouth, New Hampshire**



Section 7.336: ONE-WAY STREETS
A. Vehicular traffic shall move only in the indicated directions on the following streets.
10. Hanover Street: easterly from Pearl Street to Bridge Street
(change from "easterly from Rock Street to Bridge Street")

**C Hanover Street, One-Way Streets
Portsmouth, New Hampshire**

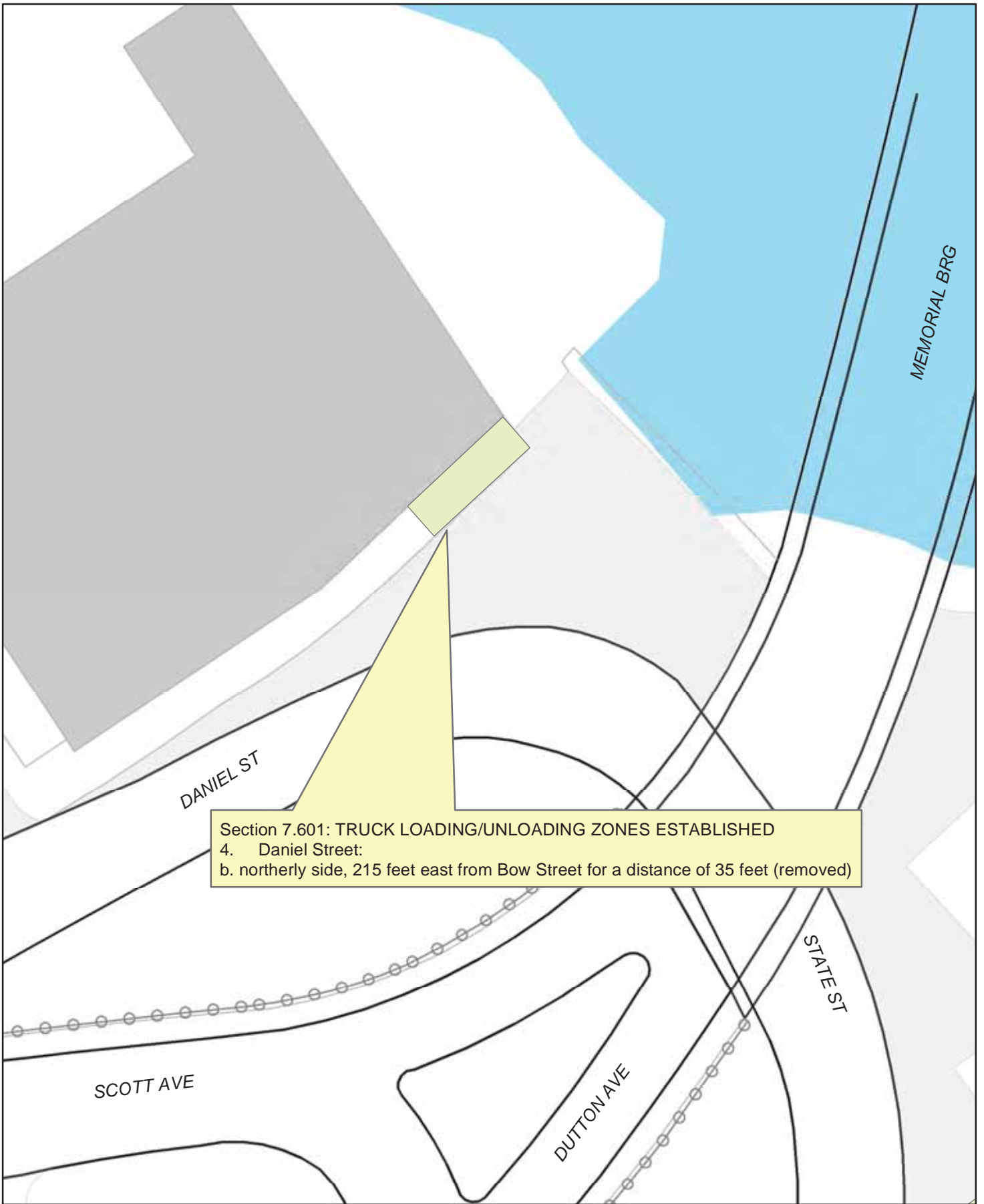


Section 7A.408: TAXI STAND DESIGNATED

The following areas are hereby designated as Taxi stands:

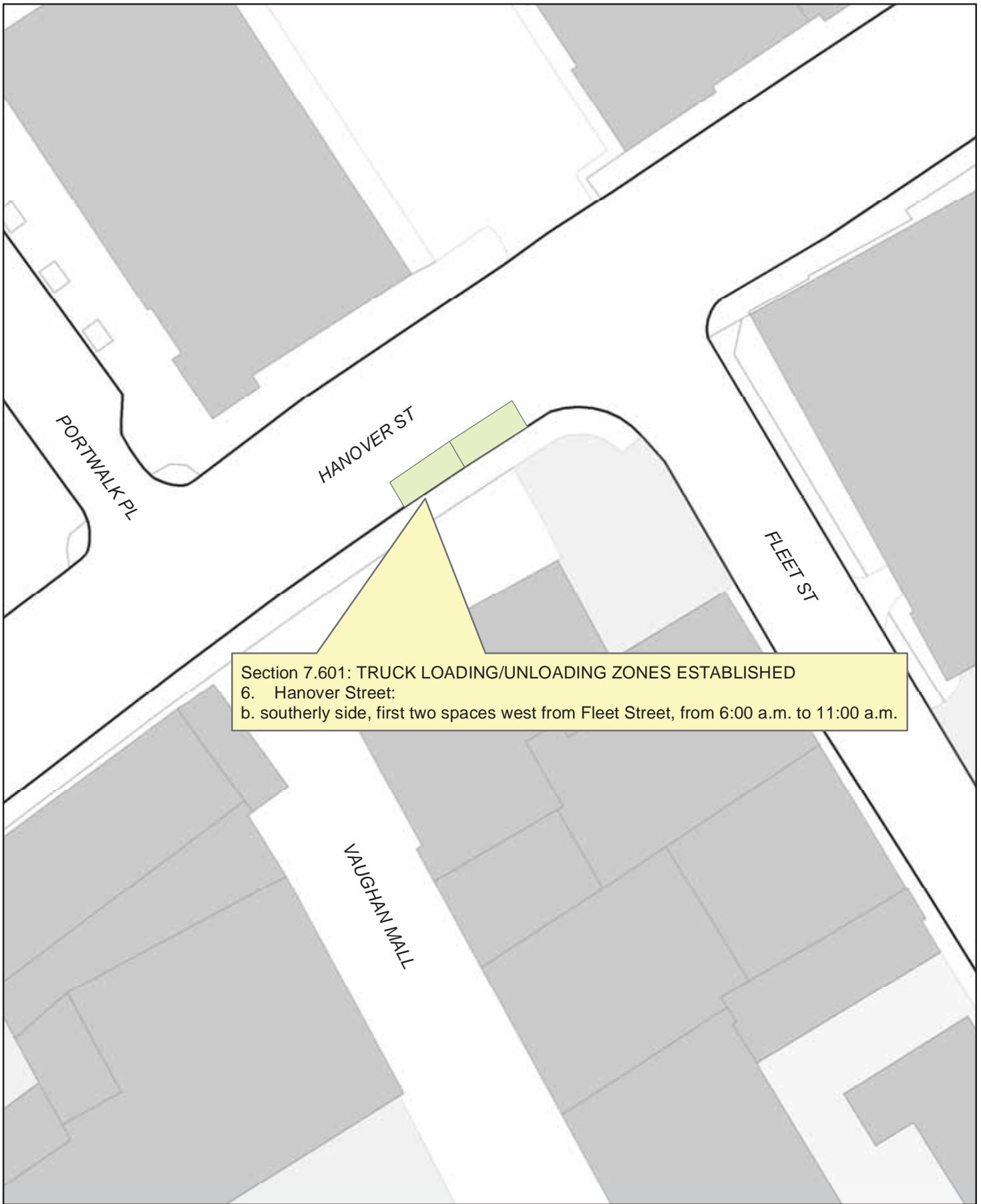
- A. Hanover Street: southerly side, first parking space west from Fleet Street from 7 p.m. to 6 a.m

**D Hanover Street, Taxi Stand Designated
Portsmouth, New Hampshire**



Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED
4. Daniel Street:
b. northerly side, 215 feet east from Bow Street for a distance of 35 feet (removed)

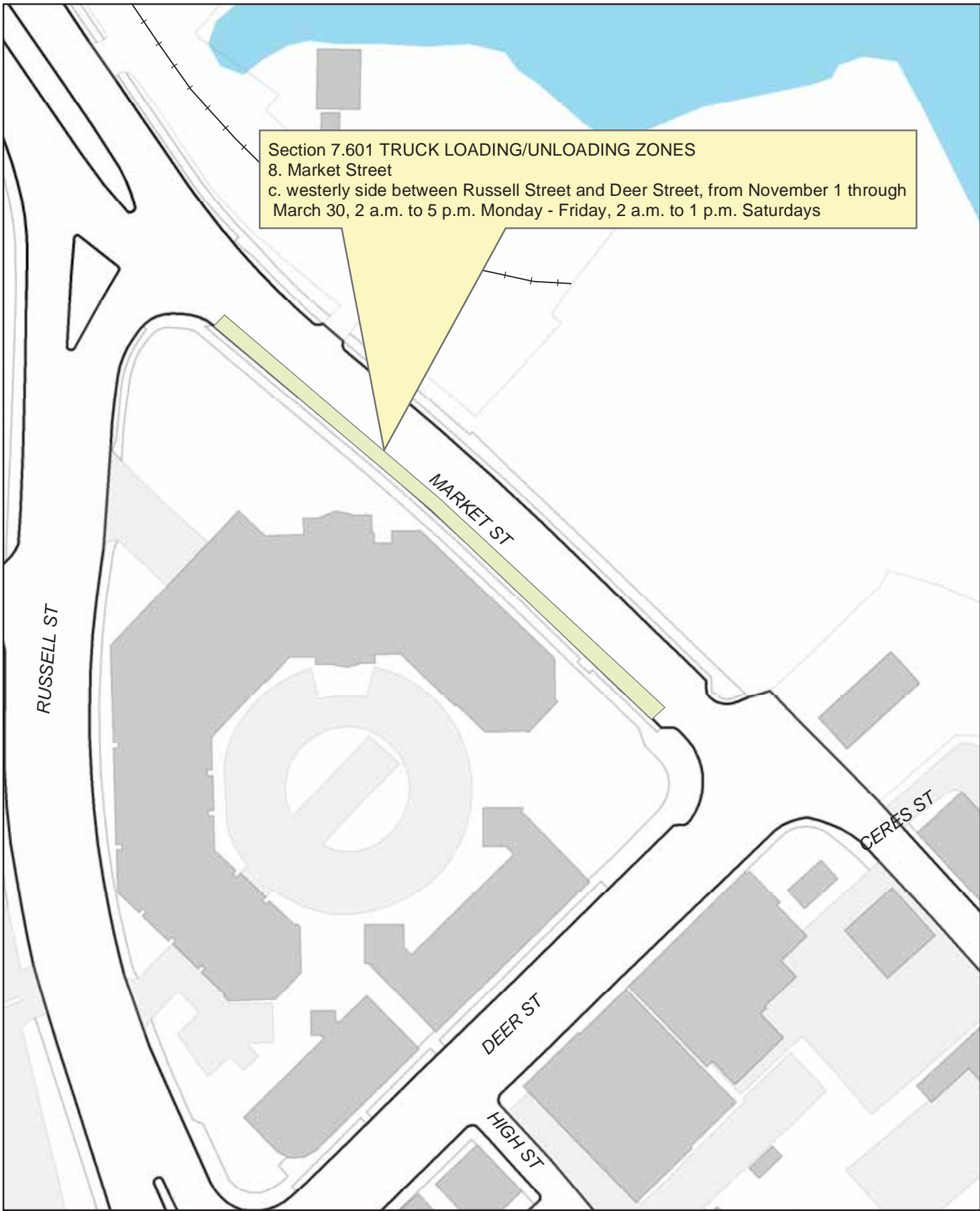
**E1 Daniel Street , Truck Loading Zone
Portsmouth, New Hampshire**



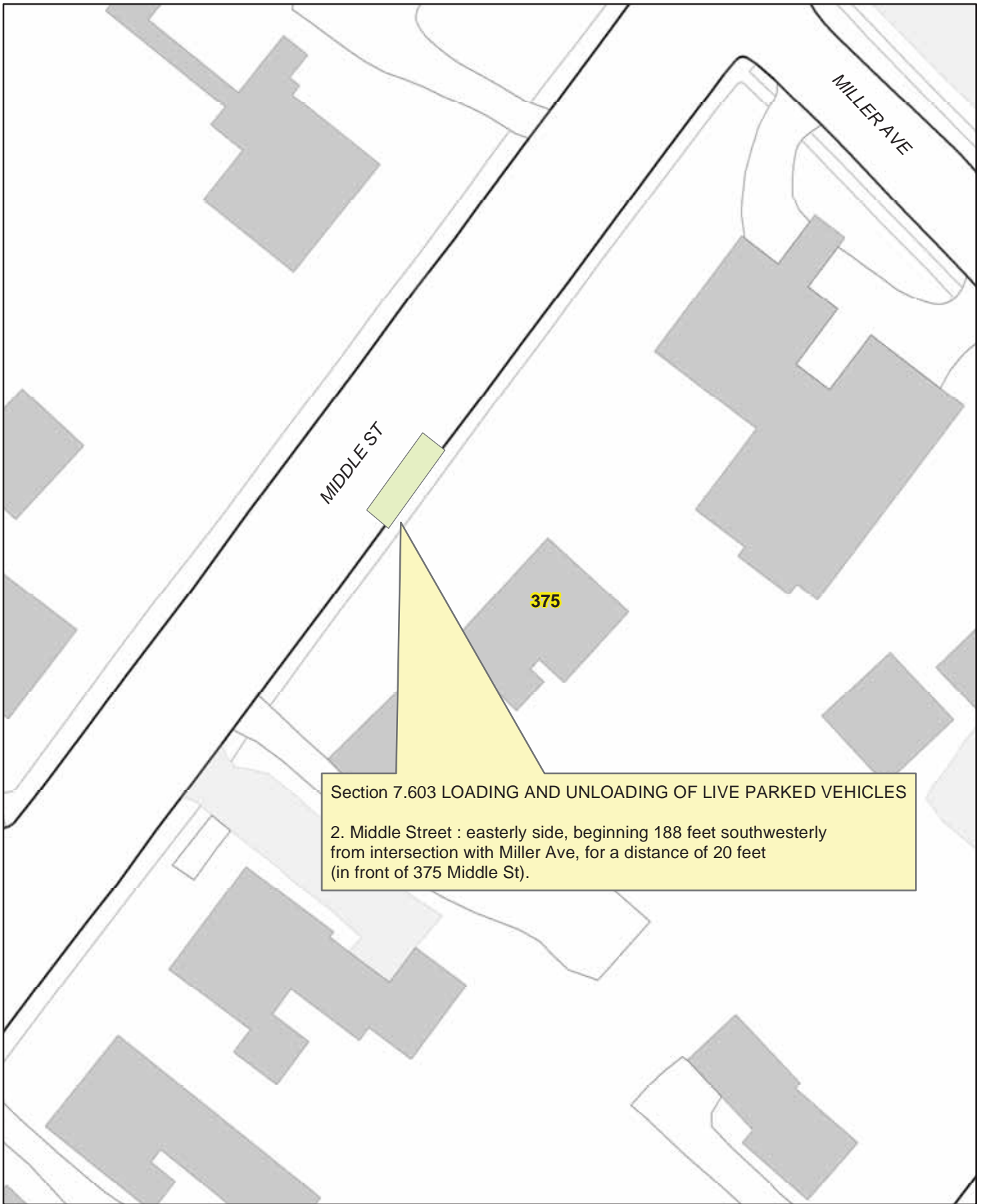
Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED
6. Hanover Street:
b. southerly side, first two spaces west from Fleet Street, from 6:00 a.m. to 11:00 a.m.

**E2 Hanover Street, Loading Zone
Portsmouth, New Hampshire**

Section 7.601 TRUCK LOADING/UNLOADING ZONES
8. Market Street
c. westerly side between Russell Street and Deer Street, from November 1 through March 30, 2 a.m. to 5 p.m. Monday - Friday, 2 a.m. to 1 p.m. Saturdays



**E3 Market Street, Loading Zone
Portsmouth, New Hampshire**



**G Middle Street, Loading Zone
Portsmouth, New Hampshire**

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the ordinances of the City of Portsmouth are hereby amended by the addition of a new provision entitled Chapter 7, Article II, Section 7.230 – PROHIBITED CONDUCT BY MEDALLION HOLDERS OR OWNERS which shall read as follows:

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.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

CITY OF PORTSMOUTH
TWO THOUSAND FOURTEEN
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # — 2014

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO THREE MILLION FOUR HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$3,475,000) FOR COSTS RELATED TO FISCAL YEAR 2015 CITYWIDE SEAWALL, STREET, AND SIDEWALK IMPROVEMENTS.

BE IT RESOLVED:

THAT, the sum of Three Million Four Hundred Seventy Five Thousand Dollars (\$3,475,000) is appropriated for Fiscal Year 2015 Citywide Seawall, Street and Sidewalk Improvements;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to Three Million Four Hundred Seventy Five Thousand Dollars (\$3,475,000) through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT That the expected useful life of the project is determined to be at least ten (10) years, and;

THAT That this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, CMC/CNHMC
CITY CLERK

BI-DPW-27: SEAWALL REPAIRS and IMPROVEMENTS.

This project will consist of repairing sections of seawalls that are the property of the City including those in Prescott Park.

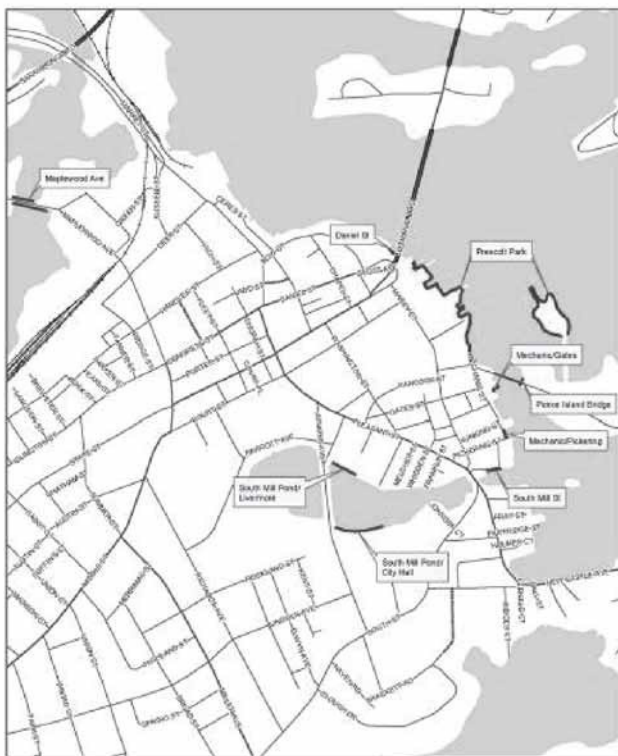


The proposed projects are based on the recommendations of the Citywide Seawall Condition Study



| | FY 15 | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Totals 15-20 | 6 PY's Funding | Totals |
|-----------------------|--------------|-----------|--|-------|-------|-------|--------------|----------------|-------------|
| GF 26% | | | | | | | \$0 | \$525,000 | \$525,000 |
| Fed/State 0% | | | | | | | \$0 | \$0 | \$0 |
| Bond/Lease 62% | \$1,275,000 | | | | | | \$1,275,000 | \$0 | \$1,275,000 |
| Bond Prem. Supp. 12% | | | | | | | \$0 | \$250,000 | \$250,000 |
| Revenues 0% | | | | | | | \$0 | \$0 | \$0 |
| PPP 0% | | | | | | | \$0 | \$0 | \$0 |
| Totals | \$1,275,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,275,000 | \$775,000 | \$2,050,000 |
| Commence FY: On-Going | Quarter: 1st | Priority: | Impact On Operating Budget: Negligible | | | | | | |

BI-DPW-27: SEAWALL REPAIRS and IMPROVEMENTS.



Sea Walls
Portsmouth, New Hampshire
Map prepared by Portsmouth Department of Public Works, 28 December 2008
Map document: \\projects\2008 Sea Walls\seawalls_28.doc

Seawall Repair/Replacement Projects

| Location | Project Estimate |
|---------------------------|------------------|
| Pierce Island Bridge | \$ 75,000 |
| South Mill Pond/Livermore | \$175,000 |
| South Mill Pond/City Hall | \$200,000 |
| Four Tree Island | \$410,000 |
| Prescott Park | \$415,000 |
| <hr/> | |
| Total Estimated Cost | \$1,275,000 |
| South Mill Street | Completed FY11 |
| Mechanic Street/Gates | Completed FY12 |
| Mechanic Street/Pickering | Completed FY14 |
| Daniel Street | Underway FY14 |

TSM-CITY-21: ROADWAY: McDonough Street Area Improvements Project

This project is at the request of the Islington Creek Neighborhood Association to have new sidewalks and traffic calming measures installed throughout the McDonough Street Area. The main purpose of this project is to enhance safety for the residents and others who travel through this area on foot, by bicycle, and motor vehicle. This area is a mixed use of residential, commercial, and industrial uses sandwiched between Islington Street and the North Mill Pond. The work will include water, sewer, storm drainage, paving, curbing, and associated landscaping constructed in a phased approach that began in FY10.



| | | FY 15 | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Totals 15-20 | 6 PY's Funding | Totals |
|--------------|--------|-----------|-----------------|-----------|-------|----------------------|-------|--------------|----------------|-------------|
| GF | 0% | | | | | | | \$0 | \$0 | \$0 |
| Fed/State | 0% | | | | | | | \$0 | \$0 | \$0 |
| Bond/Lease | 100% | \$400,000 | | | | | | \$400,000 | \$1,600,000 | \$2,000,000 |
| Other | 0% | | | | | | | \$0 | \$0 | \$0 |
| Revenues | 0% | | | | | | | \$0 | \$0 | \$0 |
| PPP | 0% | | | | | | | \$0 | \$0 | \$0 |
| | Totals | \$400,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$400,000 | \$1,600,000 | \$2,000,000 |
| Commence FY: | 2011 | Quarter: | 1 st | Priority: | | Impact On Operati ng | | Negligibl | | |

TSM-CITY-27: ROADWAY: Maplewood Avenue Rehabilitation .

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 (reduced width travel lanes and bump-outs), curbing, signage, pavement markings, pedestrian safety amenities, and sidewalk replacement as needed between Woodbury Ave and Route 1 By-Pass southbound ramp. Recently constructed improvements on Woodbury Avenue are the types of improvements contemplated for this corridor. This project is being coordinated with the water line replacement project.



| | | FY 15 | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Totals 15-20 | 6 PY's Funding | Totals |
|--------------|----------|-----------------|-----------|-------|-----------------------------|-----------|-------|--------------|----------------|-------------|
| GF | 7% | | | | | | | \$0 | \$100,000 | \$100,000 |
| Fed/State | 0% | | | | | | | \$0 | \$0 | \$0 |
| Bond/Lease | 93% | 1,300,000 | | | | | | \$1,300,000 | \$0 | \$1,300,000 |
| Other | 0% | | | | | | | \$0 | \$0 | \$0 |
| Revenues | 0% | | | | | | | \$0 | \$0 | \$0 |
| PPP | 0% | | | | | | | \$0 | \$0 | \$0 |
| | Totals | \$1,300,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,300,000 | \$100,000 | \$1,400,000 |
| Commence FY: | Quarter: | 1 st | Priority: | I | Impact On Operating Budget: | Negligibl | | | | |

TSM-CITY-28: ROADWAY: PEASE INTERNATIONAL TRADEPORT

Roadway Rehabilitation:

Per the Municipal Service Agreement between the City of Portsmouth and Pease Development Authority, the City shall provide Public Works Services in the Non-Airfield Area of the Airport District. Public Works Services include maintaining and repairing roads, streets, bridges and sidewalks. On the following page are the Streets and Roads within the Airport District that are identified for improvements.



International Drive



Goose Bay Drive



Oak Avenue



Aviation Drive



Arboretum Drive



Exeter Street

| | | FY 15 | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Totals 15-20 | 6 PY's Funding | Totals |
|--------------|----------|-----------|-------|-----------|-------|-----------------------------|-------|--------------|----------------|-------------|
| GF | 0% | | | | | | | \$0 | \$0 | \$0 |
| Fed/State | 0% | | | | | | | \$0 | \$0 | \$0 |
| Bond/Lease | 100% | \$500,000 | | \$500,000 | | \$500,000 | | \$1,500,000 | \$500,000 | \$2,000,000 |
| Other | 0% | | | | | | | \$0 | \$0 | \$0 |
| Revenues | 0% | | | | | | | \$0 | \$0 | \$0 |
| PPP | 0% | | | | | | | \$0 | \$0 | \$0 |
| | Totals | \$500,000 | \$0 | \$500,000 | \$0 | \$500,000 | \$0 | \$1,500,000 | \$500,000 | \$2,000,000 |
| Commence FY: | On=Going | quarter: | 1st | Priority: | li | Impact On Operating Budget: | | Negligibl | | |

TSM-CITY-28: ROADWAY: PEASE INTERNATIONAL TRADEPORT
Roadway Rehabilitation:

PEASE INTERNATIONAL TRADEPORT

| Street | Estimated Cost |
|----------------------|--------------------------|
| International Drive | \$800,000 |
| Goose Bay Drive | \$550,000 |
| Oak Avenue | \$425,000 |
| Aviation Drive | \$500,000 |
| Arboretum Drive | \$1,250,000 |
| Exeter Street | \$550,000 |
| Rochester Avenue | \$600,000 |
| Total Estimated Cost | <hr/> \$4,675,000 |

CITY OF PORTSMOUTH
TWO THOUSAND FOURTEEN
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # — 2014

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000) FOR COSTS RELATED TO FISCAL YEAR 2015 SCHOOL FACILITIES IMPROVEMENTS.

RESOLVED:

THAT, the sum of Seven Hundred Fifty Thousand Dollars (\$750,000) is appropriated for Fiscal Year 2015 School Facilities Improvements;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to Seven Hundred Fifty Thousand Dollars (\$750,000) through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT, the expected useful life of the projects is determined to be at least ten (10) years, and;

THAT, this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, CMC/CNHMC
CITY CLERK

BI-SD-05: SCHOOL FACILITIES: HIGH SCHOOL ATHLETIC FIELDS LIGHTING

The Portsmouth School Department has maintenance responsibilities for more than 10 acres of athletic fields on the Portsmouth High School Campus, used by both the School and Recreation Departments. Seven fields and the tennis courts have been served by a lighting system that was installed in 1989. The lighting system is now beyond its expected life cycle, resulting in numerous component failures. Due to advances in lighting technology and market conditions, the bulbs, ballasts and fixtures are no longer being manufactured or in stock. An energy efficient lighting upgrade is planned over the next three years. This is a joint request with the Recreation Department.



| | | FY 15 | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Totals 15-20 | 6 PY's Funding | Totals |
|--------------|--------|-----------|-------|-----------|-------|-----------------------------|-------|--------------|----------------|-----------|
| GF | 0% | | | | | | | \$0 | \$0 | \$0 |
| Fed/State | 0% | | | | | | | \$0 | \$0 | \$0 |
| Bond/Lease | 100% | \$750,000 | | | | | | \$750,000 | \$0 | \$750,000 |
| Other | 0% | | | | | | | \$0 | \$0 | \$0 |
| Revenues | 0% | | | | | | | \$0 | \$0 | \$0 |
| PPP | 0% | | | | | | | \$0 | \$0 | \$0 |
| | Totals | \$750,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$750,000 | \$0 | \$750,000 |
| Commence FY: | 2015 | Quarter: | 1st | Priority: | I | Impact On Operating Budget: | | Negligible | | |

CITY OF PORTSMOUTH TWO
THOUSAND FOURTEEN
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # - 2014

A 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 FOUR MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$4,800,000) RELATED TO GREENLAND WELL UPGRADES, MAPLEWOOD AVENUE WATERLINE REPLACEMENT AND WATER SYSTEM PRESSURE-STORAGE IMPROVEMENTS.

RESOLVED:

THAT, the sum of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000) is appropriated for Greenland Well Upgrades, Maplewood Avenue Waterline Replacements, Water System Pressure-Storage Improvements;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to Four Million Eight Hundred Thousand Dollars (\$4,800,000) through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the Greenland Well Upgrades, Maplewood Avenue Waterline Replacements and Water System Pressure-Storage Improvements;

THAT the expected useful life of this project is determined to be at least twenty (20) years, and;

THAT this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, CMC/CNHMC
CITY CLERK

EF-WD-08: GREENLAND WELL UPGRADES

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.



| Total Project | \$1,000,000 | FY 08 | FY 09 | FY 10 | FY 11 | FY 12 | FY 13 | Totals |
|-----------------------------|-------------------------|-------------|-------|-----------|-------|---------------------|---------------|-------------|
| GF | | | | | | | | \$0 |
| Fed/State | | | | | | | | \$0 |
| Bond/SRF | 100% | \$1,000,000 | | | | | | \$1,000,000 |
| Other | | | | | | | | \$0 |
| Revenues | | | | | | | | \$0 |
| PPP | | | | | | | | \$0 |
| | Totals | \$1,000,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,000,000 |
| Commence FY: | 2008 | Quarter: | 1st | Priority: | I | Prior Years Funding | | |
| Impact on Operating Budget: | Reduced operating costs | | | | | | Total Project | \$1,000,000 |

EF-WD-03: MAPLEWOOD AVENUE WATERLINE REPLACEMENT

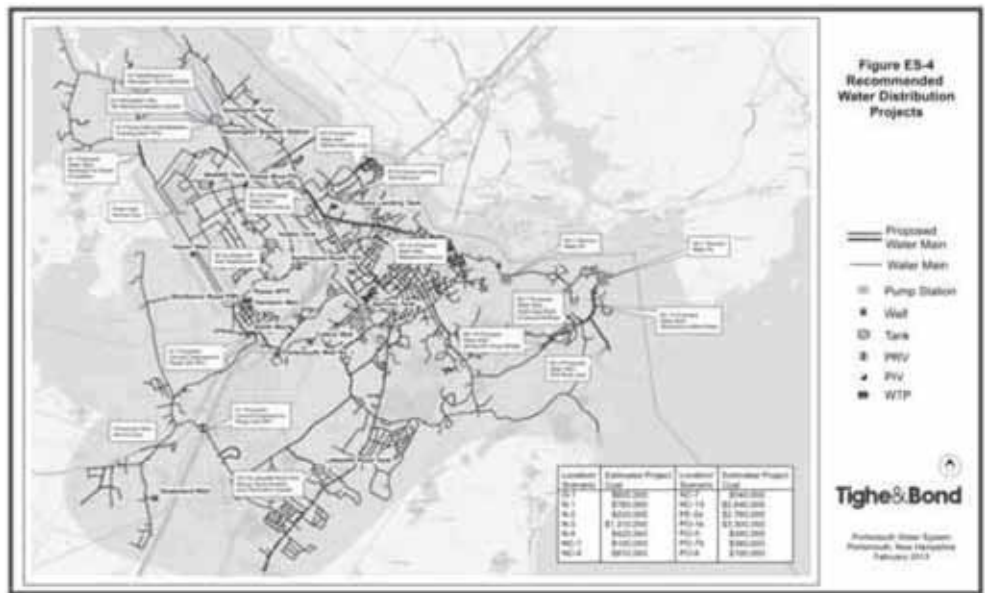
The project consists of replacing approximately 7,500 feet of 6" and 8" 90 year old waterline on Maplewood Avenue with new 16" cement-lined ductile iron waterline. The replacement would begin at the intersection of Woodbury Avenue and Maplewood Avenue and continue to the intersection of Raynes Avenue 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.



| | | FY 15 | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Totals 14-19 | 6 PY's Funding | Totals |
|--------------|--------|-------------|-------|-----------|-------|---------------------|-------|--------------|----------------|-------------|
| GF | 0% | | | | | | | \$0 | \$0 | \$0 |
| Fed/State | 0% | | | | | | | \$0 | \$0 | \$0 |
| Bond/SRF | 92% | 3,300,000 | | | | | | \$3,300,000 | \$0 | \$3,300,000 |
| Other | 0% | | | | | | | \$0 | \$0 | \$0 |
| Revenues | 8% | | | | | | | \$0 | \$300,000 | \$300,000 |
| PPP | 0% | | | | | | | \$0 | \$0 | \$0 |
| | Totals | \$3,300,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$3,300,000 | \$300,000 | \$3,600,000 |
| Commence FY: | | Quarter: | 1st | Priority: | | Impact On Operating | | Negligible | | |

EF-WD-07: WATER SYSTEM PRESSURE AND STORAGE IMPROVEMENTS.

Project consists of design and construction of new water main, a new water tank and/or booster pump system to improve flow and pressure in the southerly portion of the water system as well as sections of the system which have been identified as needing upgrades as part of the water system hydraulic model and master plan update currently in progress.



| | | FY 15 | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Totals 15-20 | 6 PY's Funding | Totals |
|--------------|---------------|-----------|-----------|-----------|-----------|-----------------------------|-------|--------------|----------------|-------------|
| GF | 0% | | | | | | | \$0 | \$0 | \$0 |
| Fed/State | 0% | | | | | | | \$0 | \$0 | \$0 |
| Bond/SRF | 100% | \$500,000 | \$500,000 | \$500,000 | \$500,000 | | | \$2,000,000 | \$0 | \$2,000,000 |
| Other | 0% | | | | | | | \$0 | \$0 | \$0 |
| Revenues | 0% | | | | | | | \$0 | \$0 | \$0 |
| PPP | 0% | | | | | | | \$0 | \$0 | \$0 |
| | Totals | \$500,000 | \$500,000 | \$500,000 | \$500,000 | \$0 | \$0 | \$2,000,000 | \$0 | \$2,000,000 |
| Commence FY: | | Quarter: | 1st | Priority: | II | Impact On Operating Budget: | | Negligible | | |

2015

CITY OF PORTSMOUTH
TWO THOUSAND AND FOURTEEN
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # - 2014

A 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) FOR COSTS RELATED TO THE PEASE WASTE WATER TREATMENT PLANT UPGRADES.

RESOLVED:

THAT the sum of up to One Million Dollars (\$1,000,000) is appropriated for Pease Waste Water Treatment Plant upgrades;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to One Million (\$1,000,000) Dollars through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the Pease Waste Water Treatment Plant;

That the expected useful life of the project is determined to be at least twenty (20) years,
and;

That this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, CMC/CNHMC
CITY CLERK

EF-SD-03: PEASE WASTEWATER TREATMENT PLANT UPGRADES

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.



| | | FY 15 | FY 16 | FY 17 | FY 18 | FY 19 | FY 20 | Totals 15-20 | 6 FY's Funding | Totals | |
|--------------|---------------|-------------|-------|-----------|-------------|-----------------------------|-------|--------------|----------------|-------------|--|
| GF | 0% | | | | | | | \$0 | \$0 | \$0 | |
| Fed/State | 0% | | | | | | | \$0 | \$0 | \$0 | |
| Bond/SRF | 95% | \$1,000,000 | | | \$3,700,000 | | | \$4,700,000 | \$3,500,000 | \$8,200,000 | |
| Other | 0% | | | | | | | \$0 | \$0 | \$0 | |
| Revenues | 5% | | | \$400,000 | | | | \$400,000 | \$50,000 | \$450,000 | |
| PPP | 0% | | | | | | | \$0 | \$0 | \$0 | |
| | Totals | \$1,000,000 | \$0 | \$400,000 | \$3,700,000 | \$0 | \$0 | \$5,100,000 | \$3,550,000 | \$8,650,000 | |
| Commence FY: | 2013 | Quarter: | 1st | Priority: | II | Impact On Operating Budget: | High | | | | |

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That the Ordinances of the City of Portsmouth, 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.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY THE CITY COUNCIL:

Kelli L. Barnaby, City Clerk

MEMORANDUM

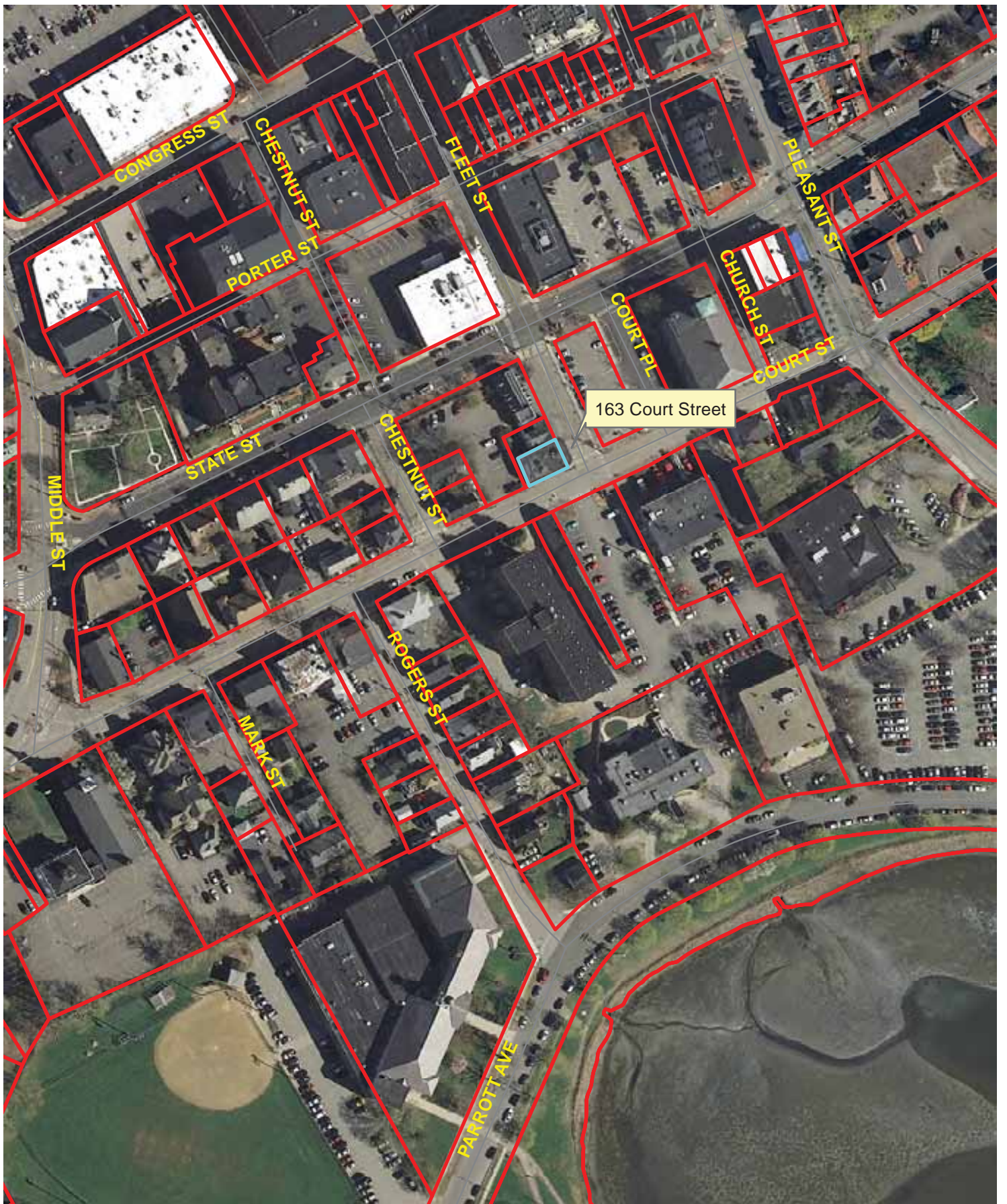
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: August 18, 2014
RE: City Council Referral – Projecting Sign
Address: 163 Court Street
Business Name: Barre & Soul
Business Owner: Andrea Lucas

Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 48" x 36"
Sign area: 12.0 sq. ft.
Height from sidewalk to bottom of sign: 12'0"

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
3. 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.



Request for Projecting Sign License 163 Court Street

Barre & Soul
163 Court Street
1 Projecting Sign





Customer Name

Sign Type

Sign Size


Barre & Soul
163 Court St.

Vinyl Graphics
on Non-Illuminated
1/2" Thick MDO

36" Tall x 48" Wide
12 Sq/Ft.

FASTSIGNS
SIGN & GRAPHIC SOLUTIONS MADE SIMPLE
781-938-7700 Fx: 781.938.7102

M E M O R A N D U M

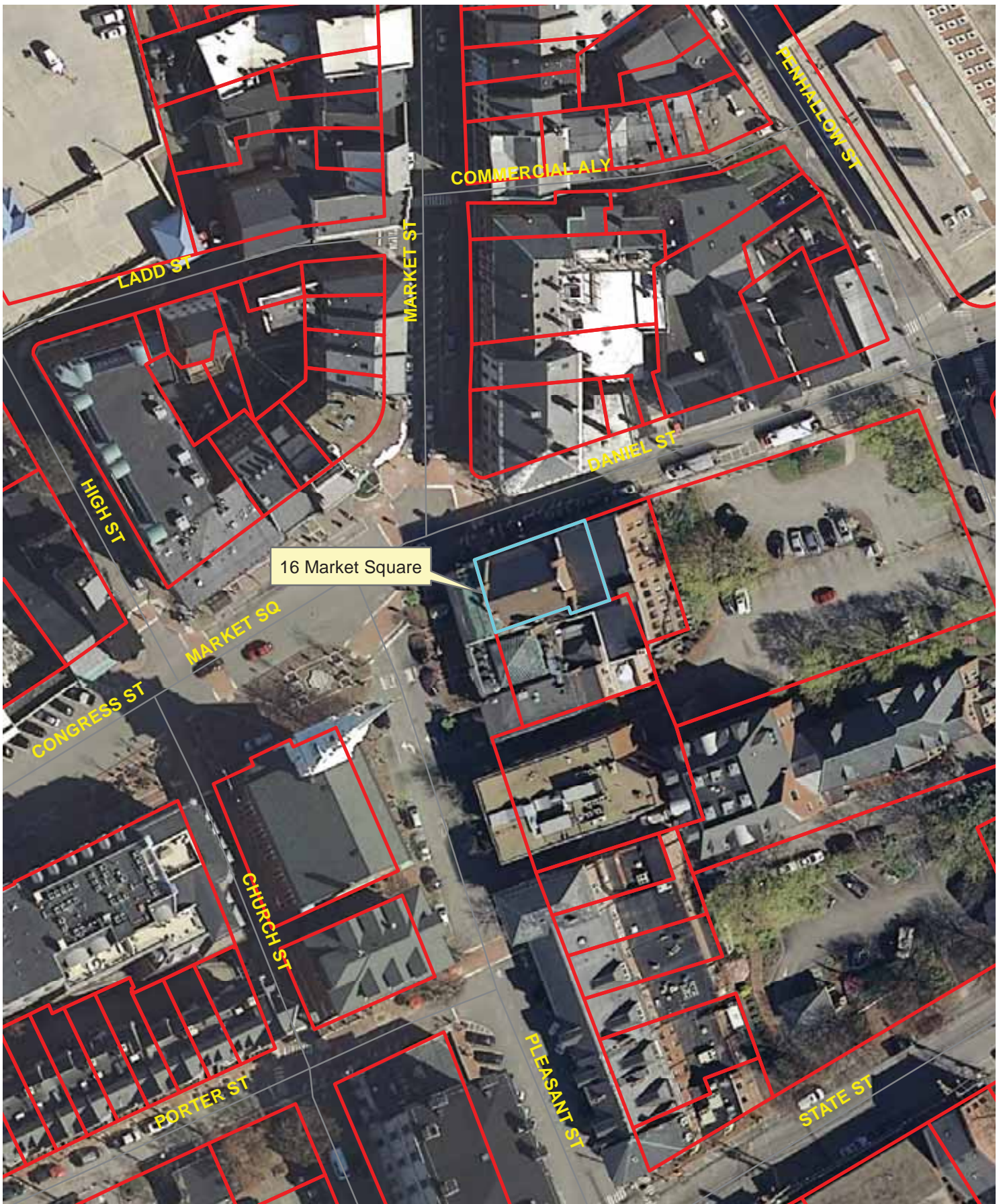
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director 
DATE: August 18, 2014
RE: City Council Referral – Projecting Sign
Address: 16 Market Square, Unit #3
Business Name: Dapresy
Business Owner: Rudy Nadilo

Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 32" x 18"
Sign area: 4.0 sq. ft.
Height from sidewalk to bottom of sign: 14'0"

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
3. 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.



Request for Projecting Sign License 16 Market Square

Dapresy
16 Market Square
1 Projecting Sign



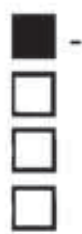
PROOF for: Dapresy Sign

Company Dapresy
 Name Jessica Goudreault e-mail jessica.goudreault@dapresy.com
 Phone 854-0042
 Date 7/30/14
 Est. Due Date _____
 Saved as: dapresy.cdr



TIMBERLINE SIGNS

139 Lafayette Road Rye, NH 03870
 p.603-964-1575 f.603-964-1576
 www.timberlinesigns.com chuck@timberlinesigns.com



Format vinyl on pvc
 Size 18" x 32"
 Sides 2
 Quantity 1
 Color Scheme _____

Installation _____
 Hardware _____
 Misc. _____

I hereby authorize TIMBERLINE SIGNS to produce the above layout. 100% Payment will be expected upon completion of project unless other arrangements have been made prior. Customer has the option to purchase the artwork to be used as a logo or for other personal promotions for a determined fee. For pricing please inquire within. All designs and custom artwork remain the property of Timberline Signs until the order is complete and paid in full.

Please review, make necessary corrections, sign and fax or return to Timberline Signs, LLC. We will not begin production until this document is signed and returned. A 50% deposit is required to begin production on all jobs exceeding \$100.

Note: Designs are not actual size and Colors do not accurately represent finished product colors.

Signature: _____ **Date:** _____

Please Return signed Fax to **603.964.1576**



July 29, 2014

City of Portsmouth
City Manager
1 Junkins Avenue
Portsmouth, NH 03801

Dear John,

On behalf of the NH Film Festival we would like to ask the City's permission to close Chestnut Street on Friday, October 17 for the NHFF red carpet opening night gala. The area would include the length of Chestnut Street from Congress Street to Porter Street. If there are any additional actions or permits that are required, please let us know.

Thanks again for your support. We look forward to another successful film festival season in downtown Portsmouth.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Nicole Galovski".

Nicole Galovski
Programming Director
NH Film Festival

cc: Nicole Gregg, NHFF Executive Director



X. F.

City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Tom Richter, Engineering Technician
DATE: July 24, 2014
SUBJECT: PSNH License Agreement 63-0577

I have reviewed the pole location information provided by PSNH for Petition and Pole License 63-0577.

This request is to license 2 poles on Heritage Avenue.

The installation of these poles poses no impact to existing City infrastructure. The Public Works Department recommends approval of this license.

Attached are pictures of the new poles. Please call with any questions you may have.

cc: Peter Rice, P.E. Director of Public Works
Kelli Barnaby, City Clerk

A handwritten signature in black ink, appearing to be 'TR', is located to the right of the distribution list.



**Public Service
of New Hampshire**

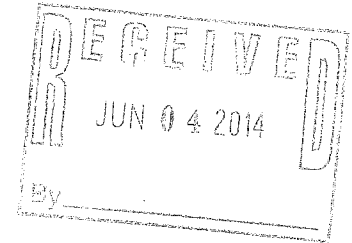
60 W. Pennacook Street, Manchester, NH 03101

Public Service Company of New Hampshire
P.O. Box 330
Manchester, NH 03105-0330
(603) 669-4000

The Northeast Utilities System

June 3, 2014

Office of the City Clerk
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801



Dear City Clerk,

Public Service of New Hampshire is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find three copies of PSNH Petition and Pole License number 63-0577 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "**Portsmouth**" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

Lisa-Marie Pinkes

Lisa-Marie Pinkes
Customer Operations Support - Licensing
Public Service of New Hampshire
PO Box 330
Manchester, NH 03105-9989
Tel. 603-634-2218
E-Mail: lisa-marie.pinkes@nu.com

Enclosure(s)

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

May 28, 2014

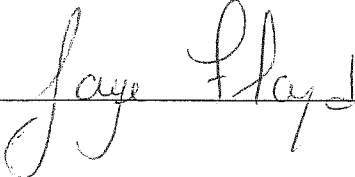
To the City Council of the City of Portsmouth New Hampshire.

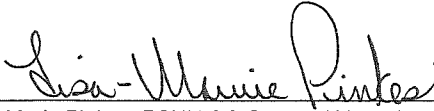
PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License two (2) pole(s), 312/14Y, 312/12A located on Heritage Avenue in the City of Portsmouth.

Northern New England Telephone Operations LLC
d/b/a FairPoint Communications-NNE

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: 

BY: 
Lisa-Marie Pinkes, PSNH CO Support/ Licensing

LICENSE

Upon the foregoing petition and it appearing that the public good so requires, it is hereby

ORDERED

This 28th day of May, 2014, that, PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE be and hereby are granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked "PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE No. 63-0577, dated 5/28/2014, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

Received and entered in the records of the City of Portsmouth, New Hampshire, Book _____, Page _____

Date: _____

ATTEST: _____

Town Clerk

ADDENDUM PER RSA 231:163

- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All licensee(s) and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the city; and
- 3) Failure of the licensee(s) and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

Approved by City Council:



UNITED STATES
POSTAL SERVICE
Portsmouth P & DF
Portsmouth, NH



X. G.

City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Tom Richter, Engineering Technician
DATE: July 24, 2014
SUBJECT: Comcast License Agreement for Longmeadow Road

I have reviewed the underground conduit location information provided by Comcast for an underground conduit system on Longmeadow Road.

This system is intended to provide cable services to a business at the end of Longmeadow Road.

The installation of this underground system poses no impact to existing City infrastructure. The Public Works Department recommends approval of this license.

Attached is a picture of the system corridor. Please call with any questions you may have.

cc: Peter Rice, P.E. Director of Public Works
Kelli Barnaby, City Clerk

A handwritten signature in black ink, appearing to be 'PR', is written to the right of the 'cc:' line.



July 17/14

Kelli Barnaby
City Clerk
One Junkins Ave
Portsmouth NH



Dear Kelli

On behalf of Comcast Please find enclosed a Conduit Request to place conduit from our current conduit location To the side of Lafayette Rd and Longmeadow Rd,. Additionally you will find a set of plans depicting the work proposed on Lafayette And Longmeadow Rd

I have discussed this work with the City's Public Works Department.

Should you have any questions please contact me at 603-679-5695 X 1037 Cell 617-279-6360

Sincerely,

Comcast

Michael Collins
Project Coordinator

334B Calef Highway
Epping NH 03042

PETITION AND CONDUIT LICENSE

PETITION

Portsmouth New Hampshire

July 17, 2014

To the City Council of the City of Portsmouth New Hampshire

Comcast of New Hampshire requests a license to install and maintain underground conduits, cables and maintain structures with cables conduits and devices thereon, together with such sustaining strengthening and protecting fixtures as may be necessary along and under the following public way

Lafayette Rd & Longmeadow Rd – one (1), 3” PVC conduit at an approximate depth of twenty four down, from Lafayette Rd to the pedestal location 497’ down Longmeadow to feed 2 new customers. Should it become as issue, Comcast will move the conduit at our expense in the event of any development in the Longmeadow Rd area. Work shall be complete within 60 days of said notice

ORDERED

This day of 2014 that Comcast be and hereby is granted a license to install and maintain underground conduits and devices thereon together with such sustaining strengthening and protecting fixtures in the public way covered by said petition. All conduits shall be installed in accordance with the city’s Public Works Departments specifications

City of Portsmouth New Hampshire

BY:

BY:

BY:

BY:

BY:

BY:

Received and entered in the records of the City of Portsmouth New Hampshire

Book Page

Date

Attest

City Clerk

ADDENDUM PER RSA 231:163

- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All licensee(s) and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the city; and
- 3) Failure of the licensee(s) and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

Approved by City Council:



Image Landsat

Longmeadow Rd





70 Kensington Road
Portsmouth, N.H. 03801

August 13, 2014

Dear Mayor Lister and City Councilors,

I urge the City Council to take *immediate* steps to save the North End from overdevelopment. Our current land use laws contain three major loopholes that should be closed promptly, before now-vacant lots in the North End are covered with buildings as huge as Portwalk III.

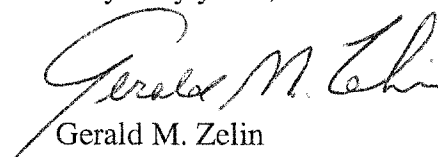
1. The zoning ordinance sets no effective building footprint limit for the North End. The ordinance allows a structure in Central Business District A or B to occupy up to 95 percent of the lot, no matter how large the lot may be. This is a major problem in the North End, where urban renewal created huge parcels and a developer can combine multiple lots into a single lot.
2. The Northern Tier Study wisely recommended that the city create a greenway along the southern shore of the North Mill Pond Creek, with pedestrian access to that greenway from downtown. The City has done nothing to implement that recommendation.
3. The Planning Board's site plan review regulations allow developers to gain immunity from foreseeable zoning amendments by applying for "design review." The City Council can and should deprive the Planning Board of authority to exercise design review. (See the attached Appendix.)

On April 7, 2014, the City Council amended the zoning ordinance by limiting building height. This was accomplished by restricting the availability of conditional use permits. Councilors who voted in favor of that zoning amendment also made it clear that this was a start, not the end. They expected the City to promptly adopt a new "mini master plan" or "vision plan" for the North End as a prelude for more nuanced land use controls.

Months later, there has been no visible progress. No meetings have even been announced to seek public input on a North End master plan or vision plan. In the meantime, the Cindy Ann Cleaners lot has been placed on the market and the Gary's Beverage lots are in play.

If we do not act immediately, the North End will soon be lost. History may then judge us as it judges the Roman emperor Nero, who reputedly fiddled while his city burned.

Very truly yours,



Gerald M. Zelin

APPENDIX REGARDING DESIGN REVIEW

Background. According to state statute, a town's or city's legislative body may authorize the local planning board to review and approve site plans for commercial and multi-family residential buildings.

Once the local legislative body authorizes the planning board to review site plans, the planning board may *at its option* adopt a process known as "preliminary review." RSA 676:4, II. Preliminary review precedes an application for site plan approval. The plans submitted for preliminary review are much simpler and less expensive to create than the plans required for site plan approval.

The statute describes preliminary review as a two-step process. The first step is the "preliminary consultation phase." The second step is the "design review phase." RSA 676:4, II(a) and (b).

By statute, once a developer files an application for design review, the project depicted on those plans "vests" and is exempt from subsequent amendments to the town's or city's land use laws. RSA 676:12, VI. Without design review, a project does not vest until the developer formally files for site plan approval, which requires much more detailed engineering drawings.

Portsmouth's Planning Board adopted the design review process in the spring of 2013 at the behest of architects for developers. The expressed purpose was to accelerate vesting.

The process adopted by the Planning Board is also the most extreme variant imaginable. It allows a developer to skip the first step described in the statute, the "preliminary consultation phase," and start with step two, the "design review phase."

"Design review" is a misnomer. Although an application for design review triggers a public hearing, the hearing is a charade, because vesting arises before the public hearing. Within the Historic District, a developer who genuinely seeks public input can engage in a work session with the Historic District Commission, which does not trigger vesting.


The evils of design review.

- 1. Design review allows a developer to purchase immunity from foreseeable amendments to local land use laws. This subordinates the public interest to the interest of developers.**
- 2. Design review allows an unelected body, the planning board, to subvert land use reforms enacted by an elected body, the city council. This is undemocratic.**

The solution. The Portsmouth City Council should enact an ordinance depriving the Planning Board of authority to adopt design review. Specifically, the ordinance previously enacted by the City Council empowering the Planning Board to review site plans should be amended by adding the following new condition – that the Planning Board is not authorized to adopt a "design review" process that triggers vesting.

**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.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: August 14, 2014
RE: Request from Brett and Lisa Comack for Restoration of Involuntarily Merged Lots at 2 Sylvester Street Under RSA 674:39-aa

In a letter dated July 28, 2014, Bernard W. Pelech on behalf of Brett and Lisa Comack has requested that the City Council restore two lots to their premerger status pursuant to RSA 674:39-11.

Property Description

The property that is the subject of this request is located at 2 Sylvester Street and is shown on Assessors Map 232 as Lot 35. The Assessors Map indicates that the lot contains 0.363 acre (15,812 sq. ft.) and has 198 feet of frontage on Sylvester Street and 80 feet of frontage on Middle Road. Attached is an orthophoto showing the parcel in question and abutting parcels.

The request letter states that the existing lot corresponds to 5 separate lots on a 1903 plan, and that at some undetermined point between 1903 and 2000 three of these lots were involuntarily merged by the City into a single lot (former Lot 232-35). The other two original lots were also combined at some point into a single lot (former Lot 232-34), but the request letter does not indicate whether this merger was voluntary or involuntary. However, the letter does state that a previous owner voluntarily merged lots 34 and 35 to create the current Lot 35, and includes the Voluntary Lot Merger Form dated 2/24/2005.

Statutory Requirements

RSA 674:39-aa provides that “lots or parcels that were involuntarily merged prior to September 18, 2010 ... shall at the request of the owner, be restored to their premerger status” The statute distinguishes between “involuntary” and “voluntary” mergers as follows:

- “Involuntary merger” and “involuntarily merged” mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.
- “Voluntary merger” and “voluntarily merged” mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.

RSA 674:39-aa only applies where “no owner in the chain of title voluntarily merged his or her lots.” Further, RSA 674:39-aa,II(b) states “If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration.”

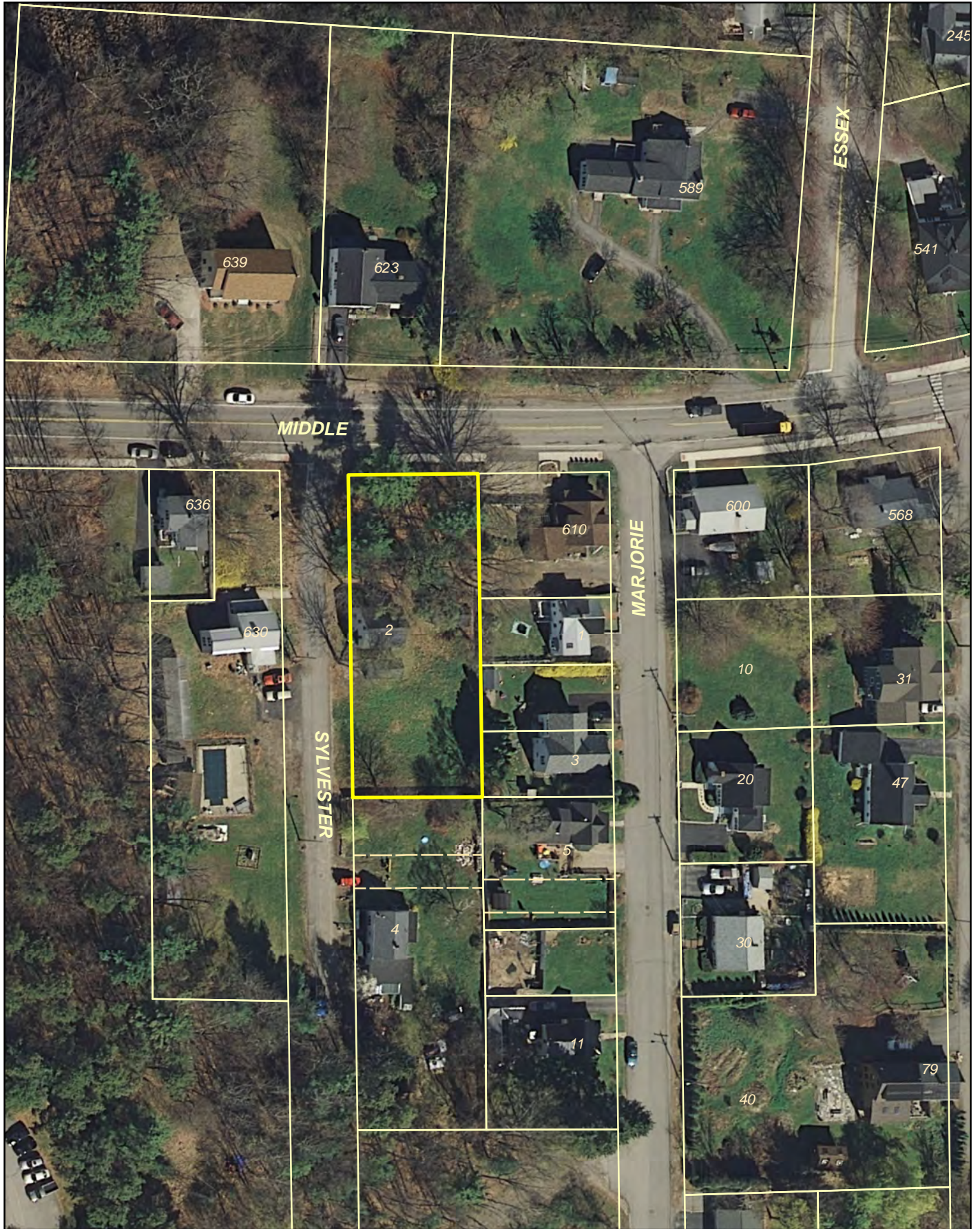
RSA 674:39-aa assigns the responsibility for “restoration of involuntarily merged lots” to the City Council. If the merged lots meet the criteria in the statute, the Council must vote to restore them to their premerger status. Conversely, if the merged lots do not meet the criteria in the statute, the City Council has no jurisdiction to grant a request to split the lots. A decision by the Council regarding a request to restore lots to their premerger status may be appealed to the Zoning Board of Appeals, but no standards for such appeals are set forth in the statute. Unlike other situations where lots are proposed to be merged or separated, there is no role for the Planning Board in this process.

Analysis

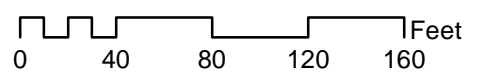
Regardless of any involuntary lot merger in the past, the fact that the previous owner voluntarily combined the lots into a single lot is clearly an “overt action or conduct” constituting a “voluntary merger” under the statute. Because the existing parcel was created by a voluntary lot merger, the provisions of RSA 674:39-aa do not apply to this parcel, the owners are estopped from requesting restoration, and the City Council does not have the jurisdiction to restore the original (1903) lots to their premerger status.

Attachment

- Orthophoto with parcel lines



2 Sylvester Street



Law Offices of
WHOLEY & PELECH

55 CONGRESS STREET, SUITE B
P.O. BOX 395
PORTSMOUTH, NEW HAMPSHIRE 03802-0395

BERNARD W. PELECH*

JOHN J. WHOLEY
(1922-2001)

ADMITTED NH & ME BARS

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Fax 603-433-7491

bernie@wholey-pcicch.com



July 28, 2014

Honorable Mayor Robert Lister
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Restoration of involuntarily merged lots - RSA 674:39aa
2 Sylvester Sheet, Portsmouth

Dear Mayor Lister and Members of the City Council:

This office represents Brett and Lisa Comack, owners of property located at 2 Sylvester Street in Portsmouth. 2 Sylvester Street is shown as Lot 35 on City of Portsmouth Assessor's Map 232.

The lot was originally comprised of 5 separate lots as shown on the attached 1903 plan of Prospect Park.

Lots 231, 232, and 233 as shown on the 1903 Prospect Park plan were involuntarily merged by the City of Portsmouth and were shown as 1 lot, Tax Map 232, Lot 35 on the April, 2000 Portsmouth Tax Maps.

Subsequently, Irving W. Spinney who owned Tax Map 232, Lots 34 and 35 voluntarily merged the lots which Voluntary Merger is recorded in the Rockingham County Registry of Deeds at Book 4456, Page 0664.

On behalf of the present owners the Comacks, I would respectfully request that the City Council vote to unmerge the lot shown as Lot 231 on the 1903 Prospect Park Plan. This lot was involuntarily merged with lots 232 and 233 by the city and should be entitled to be unmerged pursuant to the statute.

Page Two
Honorable Mayor Lister
July 28, 2014

It is my understanding that this matter will be referred to the legal department for review and recommendation.

Thank you for your cooperation in this matter,

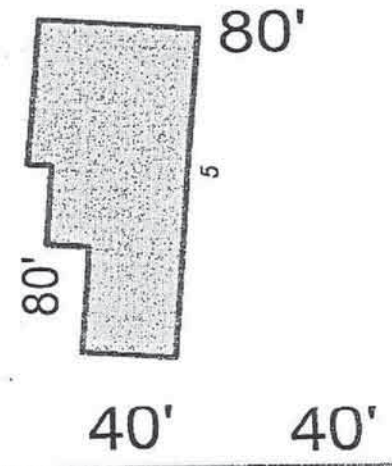
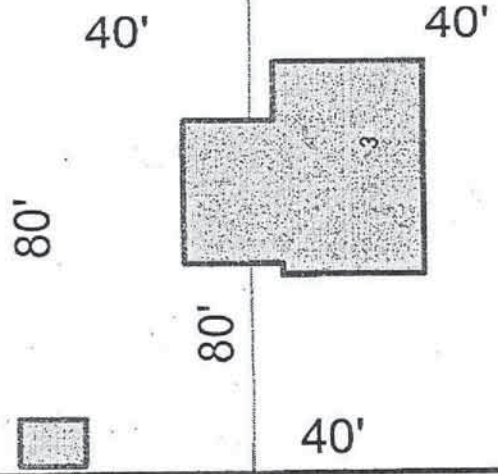
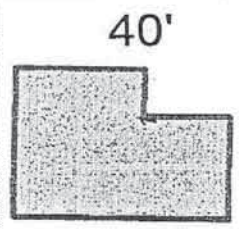
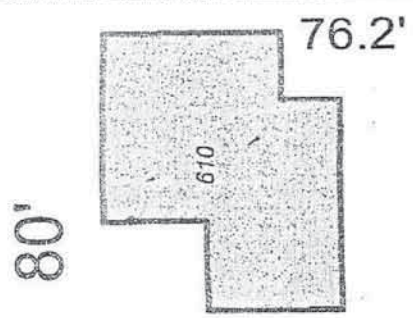
Sincerely,

A handwritten signature in black ink, appearing to read "Bernard W. Pelech". The signature is fluid and cursive, with a large initial "B" and a long, sweeping tail.

Bernard W. Pelech

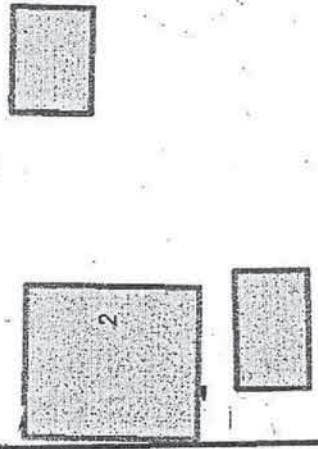
BWP/ ajs
Enclosures

W. D. B. RD



80' 77.34'

CURRENT TAX MAP
232
LOT #
35



UNMERGE
DISMISSED
LOT #
231

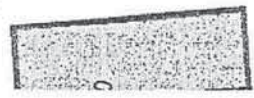
80' 40'

160'



SILVER ST

240'



East

020018

VOLUNTARY LOT MERGER FORIVI

As provided for in RSA 674:39-a, the undersigned Applicant requests that the City of Portsmouth, New Hampshire, hereby merge the following parcels of land for the purposes of being assessed and treated for regulatory purposes as a single tract or parcel of land:

Name of record owner(s) (must be identical for all lots consolidated): • Irving W. Spinney

Mailing address of owner(s): 2 Sylvester Street, Portsmouth, NH 03801

The following existing parcels are to be consolidated into a single parcel:

| Lot | Area | Street Address | DEED REFERENCE | |
|-----|------|------------------------------------|----------------|-----|
| | | | Estg | Age |
| 232 | 34 | Middle Road, Portsmouth, NH | 980 | 257 |
| 232 | 35 | 2 Sylvester Street, Portsmouth, NH | 1960 | 89 |

Dated: _____, 2005
Sharon Cuddy Somers, A'tehiey for Applicant

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

By signing below, the Applicant agrees that (i) this request is subject to approval of the Planning Board or its designee to assure such merger does not create a violation of the current zoning ordinance or subdivision regulations, (ii) that upon approval, a copy of this agreement shall be recorded in the Rockingham County Registry of Deeds, and(iii) subsequent to the approval of this agreement, the owner(s) shall not separately convey or encumber any of the previously existing parcels. Any attempt to separately convey any parcel or part of a parcel submitted hereunder shall require subdivision approval from the Portsmouth Planning Board.

Dated: 2/24, 2005
W. Spinney, wner, by Janice Karkos
und r Power of Attorney



TAX
V/C A T

PROPERTY MAP

PORTSMOUTH

HEW

ca 9 109 209

SCALE: 1" = 100 FEET

'90 RV

232

60225
00225

PROSPECT PA porcznisoutrib ANNEX NO. 3.

Belonging to Lfwilt, WoodworT1 Sweatt
50 Court Street, Boston, illiss.

0.1eve_y ea Apr; 30.1303 by John tr. tAccrneck, A C.
field Work by EltworIA IL Sowson, bosr9n. floss.

Scale; r. 40'

504 E 303 302 301

298 297 296 295 294 293 292 291 290 289

Lois

st.

5 Jr'E l'Appearifnok

| | | | | | | | | | | | | | | | |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 273 | 274 | 275 | 276 | 277 | 278 | 279 | 280 | 281 | 282 | 283 | 284 | 285 | 286 | 287 | 288 |
| 272 | | | | | | | | | | | | | | | |
| 271 | 269 | 268 | 267 | 266 | 265 | 264 | 263 | 262 | 261 | 260 | 259 | 258 | 257 | 256 | 255 |
| 270 | | | | | | | | | | | | | | | |

St.

| | | | | | | | | | | | | | | |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 237 | 240 | 241 | 242 | 243 | 244 | 245 | 246 | 247 | 248 | 249 | 250 | 251 | 252 | 253 |
| 236 | | | | | | | | | | | | | | |
| 233 | 237 | | | 238 | | 226 | 225 | 224 | 223 | 222 | 221 | 220 | 219 | 218 |

Sylvester

| | | | | | | | | | | | | | | | | | | |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 198 | 199 | 200 | 201 | 202 | 203 | 204 | 205 | 206 | 207 | 208 | 209 | 210 | 211 | 212 | 213 | 214 | 215 | 216 |
| 197 | | | | | | | | | | | | | | | | | | |

Middle Road

Joseph

1903
PLAN OF
PROSPECT TRAK

SUBJECT
LOT

REC'D AUG 01 2014

FLYNN & MCGEE, P.A.

222 COURT STREET, PORTSMOUTH, NH 03801-4451

TELEPHONE 603-436-5360

FAX 603-436-7833

MAILING ADDRESS:

P.O. BOX 507, PORTSMOUTH, NH 03802-0507

JUL 30 2014

JOHN P. MCGEE, JR.

THOMAS E. FLYNN
(1922-1989)

July 28, 2014

John Bohenko, City Manager
City of Portsmouth, City Hall
Junkins Avenue
Portsmouth, NH 03801

Re: Dearborn Street

Dear Mr. Bohenko:

Please be advised that I represent Brian Regan who is the co-owner of certain premises on Dearborn Street. The other co-owner is his ex-wife Susan Regan.

Mr. Regan is in the process of following certain requirements imposed by the Portsmouth Board of Adjustment which includes removing the retaining wall which existed in front of his premises. While the embankment which was enclosed by the retaining wall will be pushed back there will still be a need for the steps to intrude into the street. A sketch of the intrusion is enclosed.

On behalf of Mr. Regan, I would request that you present this matter to the Portsmouth City Council in the hopes that they will issue a license for this to be accomplished.

Should you need any further information, please don't hesitate to contact me.

Very truly yours,

John P. McGee, Jr.

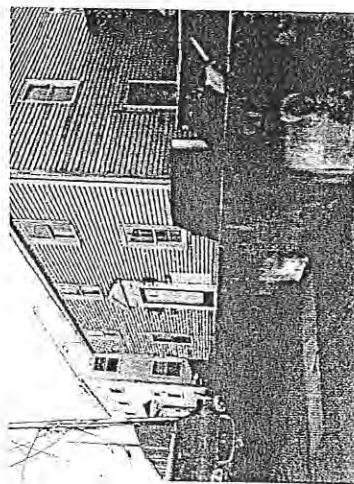
JPM:bf
enclosure

cc: Brian Regan
Frederick Taintor, City Planner
Nicholas J. Cracknell, Assistant City Planner
Bernard Pelech, Esquire

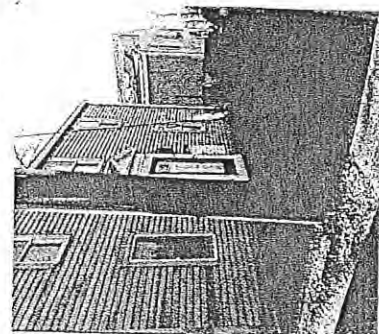
Betty/correspondence/reganlettertobohenko



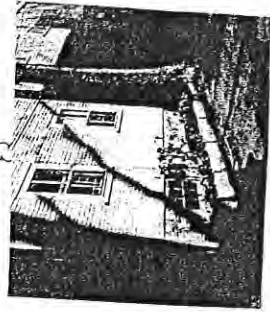
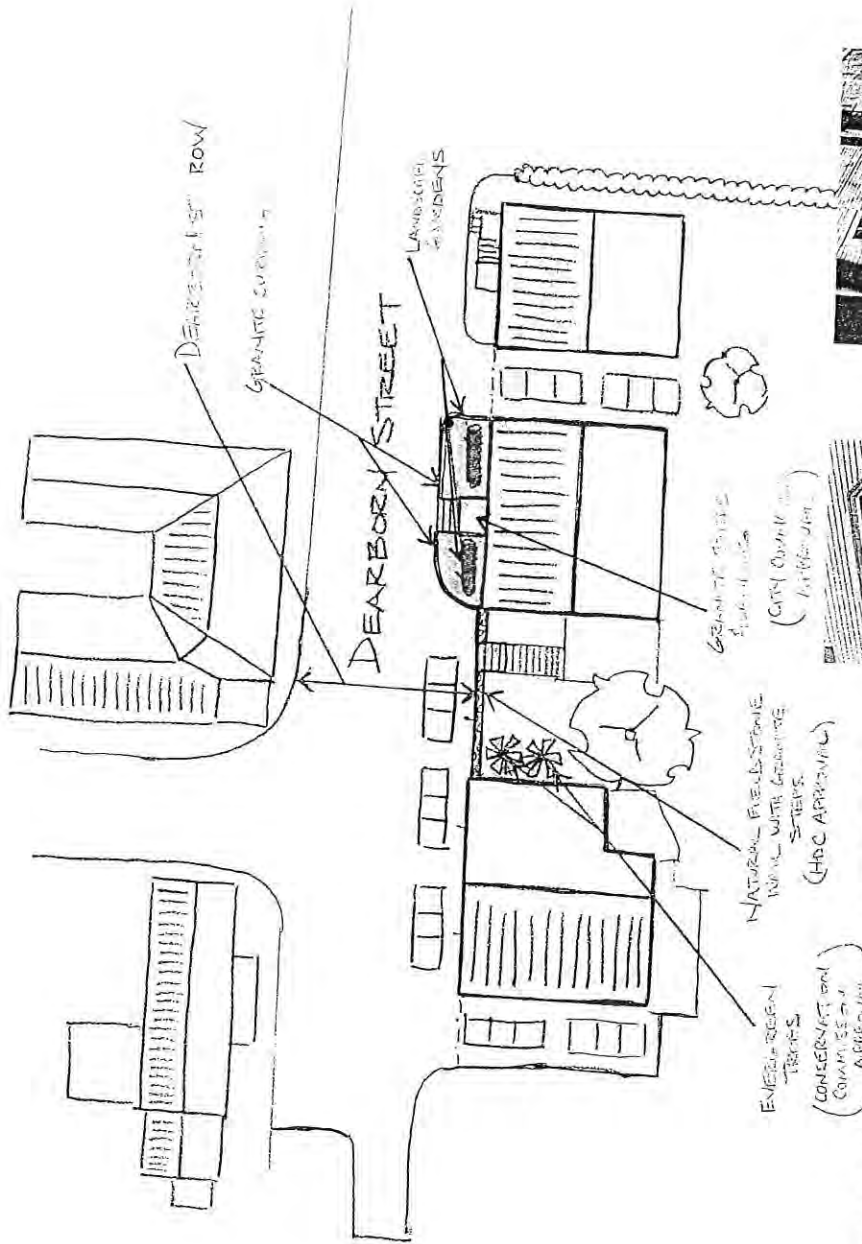
Existing Streetscape



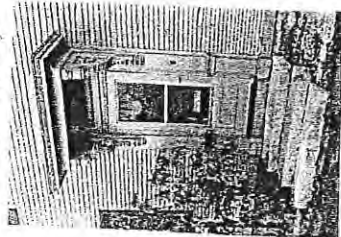
Existing Conditions



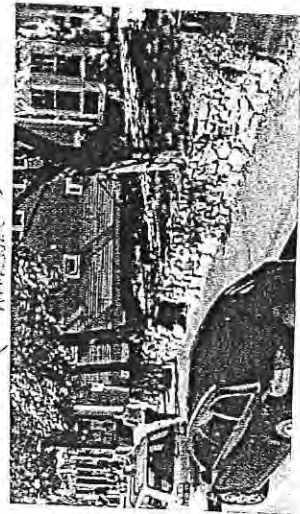
Existing Conditions



Proposed Granite Curbing & Landscape Gardens



Proposed Granite Landing and Steps



Proposed Fieldstone Wall (36-42" high) & Granite Steps

REVISED SITE PLAN

28-32 DEARBORN STREET, PORTSMOUTH, NH

Event Listing by Date

Starting Date: 8/ 4/2014

Ending Date: 12/31/2014

| Start End | Type Description | Location | Requestor | Vote Date |
|------------------------|---|---|--------------------------------|------------|
| 8/ 6/2014 8/ 6/2014 | BLOCK Doug Bates if the contact for this event. Telephone number 436-5118 This is the 2014 Street.life! Annual Dinner | Pleasant Street | Greater Portsmouth Chamber of | 7/14/2014 |
| 8/ 9/2014 8/ 9/2014 | FUND Tim Dame is the contact for this event - (603) 834-1896. This event is for two days July 12th and August 9th in Market Square. | Market Square | Portsmouth Professional Fire F | 6/ 2/2014 |
| 8/23/2014 8/23/2014 | BIKE TOUR This event begins and ends at Stratham Hill Park. The cyclists will be travelling through the city at approximately 10:30 a.m. and the last cyclist should be departing by 1:00 p.m. Travelling on Marcy Street onto Route 1B South. | Through the City to and from Stratham Hill Park | National Multiple Sclerosis So | 6/16/2014 |
| 8/23/2014 8/23/2014 | ROAD RACE Thunder Chicken Community Road Race Series This race begins at 9:00 a.m. Contact: Justin Finn - 433-5515 | Pierce Island | Portsmouth Rotary Club | 11/18/2013 |
| 9/ 1/2014 9/ 1/2014 | RACE Sister Mary Agnes is the contact for this event. Contact No. 781-3108 www.runningnuns.com/race | Pease Tradeport | St. Charles Children's Home | 8/ 4/2014 |
| 9/ 7/2014 9/ 7/2014 | BIKE TOUR Contact: Thomas Martin, Race Director | Downtown Portsmouth | Portsmouth Criterium | 12/16/2013 |
| 9/13/2014 9/13/2014 | ROAD RACE Celebrate Pink Community Road Race Series Contact: Wendy McCoolle | | My Breast Cancer Support | 11/18/2013 |
| 9/14/2014 9/14/2014 | WALK Peter Newbury is the contact for this event. Telephone No. 206-218-9134 | Little Harbour School to Lafayette Park | Open Streets | 3/ 3/2014 |
| 9/19/2014 9/21/2014 | FILM EXPO Chris Curtis is the contact for this event. Contact Number: 766-2199 ccurtis@themusichall.org This event begins on Friday, September 19th at 5:00 p.m. and runs to Sunday, September 21, 2014 until 6:30 p.m. | Congress Street to Porter Street | Music Hall | / / |
| 9/20/2014 9/21/2014 | BIKE TOUR Donna Hepp is the contact for this event. Cell #(414)837-8976 This event begins in Hampton Beach and ends in Cape Neddick then they return on same route. | Rte. 1B over Memorial Bridge to Cape Neddick | Granite State Wheelmen, Inc. | 7/14/2014 |
| 9/20/2014 9/21/2014 | FAIR Caroline Amport Piper (603) 686-4338 This event is for two days. | South End | Friends of the South End | 5/19/2014 |

Event Listing by Date

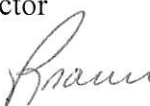
Starting Date: 8/ 4/2014

Ending Date: 12/31/2014

| Start End | Type Description | Location | Requestor | Vote Date |
|--------------------------|--|------------------------|--------------------------------|------------|
| 9/20/2014 9/20/2014 | ROAD RACE Holly Davis and Melissa Mikulski are the contacts for this event. hdavis@bottomline.com or mmikulski@bottomline.com This event is being held at Pease. | Pease Tradeport | Bottomline Technologies | 2/18/2014 |
| 9/27/2014 9/27/2014 | ROAD RACE Karen Butz Webb is the contact for this event. She can be reached at projectsafetyassociation@gmail.com. This race begins and ends at Portsmouth High School at 8:30 a.m. | Portsmouth High School | Project Safety Association | 11/18/2013 |
| 9/27/2014 9/27/2014 | WALK Ken La Valley is the contact for this event. This event begins and ends at Peirce Island . Registration being at 8:30 a.m. | Peirce Island | American Foundation for Suicid | 4/ 7/2014 |
| 9/28/2014 9/28/2014 | WALK Becky Coliandris, Development Officer is the contact for this event. This event begins and ends at Strawberry Banke. Walk site opens at 8:30 a.m., the walk kicks off at 10:00 a.m. | Strawbery Banke | Alzheimer's Association | 1/21/2014 |
| 10/11/2014 10/11/2014 | RACE Contacts: Catherine Edison, Community Child Care Center (603) 422-8223 Ben Anderson and Hannah Comeau, Prescott Park Arts Festival (603) 436-2848 or hannah@prescottpark.org Community Road Race Series | | Prescott PPAF/Seacoast Communi | 11/18/2013 |
| 10/18/2014 10/18/2014 | WALK Mary-Jo Monusky, Executive Director of Arts in Reach is the contact for this event. This event begins at 9:00 a.m. to 11:00 a.m. | 11 Jewel Court | Arts in Reach | 7/14/2014 |
| 11/27/2014 11/27/2014 | ROAD RACE Contact: Matt Junkin | | Seacoast Rotary Club | 11/18/2013 |
| 12/13/2014 12/13/2014 | ROAD RACE This event begins and ends at Little Harbour School. Time: Registration 9:00 a.m. Race: 10:00 a.m. | Little Harbour School | The Arthritis Foundation | 7/14/2014 |

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Assessor

DATE: August 7, 2014
TO: John P. Bohenko, City Manager
CC: Judie Belanger, Finance Director
FROM: Rosann Lentz, City Assessor 
RE: 2015 Cyclical Revaluation

John:

As required by New Hampshire State Statute 75:8-a, the City of Portsmouth Assessor's Office will begin its Five-Year Reappraisal effort. The purpose of a Five-Year Reappraisal effort is to provide a vehicle for the assurance of current, accurate and equitable property assessments. If property valuations are accurate across the entire city, inefficiencies and inequities in property taxation are greatly reduced.

The 2015 Cyclical Revaluation will be conducted using the City's in-house staff and contracted vendor services as follows:

Monitor

I will be responsible for monitoring and overseeing the Cyclical Revaluation for Fiscal Year 2016 / Tax Year 2015. The Assessing Staff will also be utilized in various aspects throughout the revaluation to assure assessments are accurate, equitable and in compliance with all revaluation standards.

Commercial/Industrial Reappraisal

The Commercial/Industrial Reappraisal and Utility Appraisal Review has been awarded once again to Steve Traub of Property Valuation Advisors (PVA); Mr. Traub also conducted the 2010 Commercial/Industrial Revaluation. Mr. Traub is a designated and Accredited Senior Appraiser of the American Society of Appraisers and holds various accreditations including the Certified Property Assessor Supervisor by the NH Department of Revenue Administration.

Residential Reappraisal

The Residential Reappraisal has been awarded to Ken Rogers and Rob Tozier of KRT Appraisal. Both Ken and Rob hold the accreditation of Certified Property Assessor Supervisor by the NH Department of Revenue and have over 34 years of combined revaluation experience. Ken Rogers has worked on various reappraisal projects within Portsmouth and is very familiar with the City's neighborhood makeup and diverse residential properties.

Utility Reappraisal

The Utility Reappraisal has been awarded to MR Valuation Consulting, LLC. MRV Consulting is an independent valuation consulting company with extensive valuation and appraisal experience in appraising energy and utility properties throughout the country.

For the past three years, a full measure and list of all properties throughout the City has been undertaken and completed as part of the 2015 Cyclical Revaluation.

Public relations will be ongoing throughout the revaluation process utilizing the City's web page, council presentations, and if necessary public forums. Individuals with questions can contact the Assessors Office at any time. The revaluation time line is tentatively scheduled as follows:

Tentative Time Line

Start Up Meeting – August 2014

Sales Review and Analysis - September 2014 thru May 2015

Notices with Preliminary Assessments – May 2015

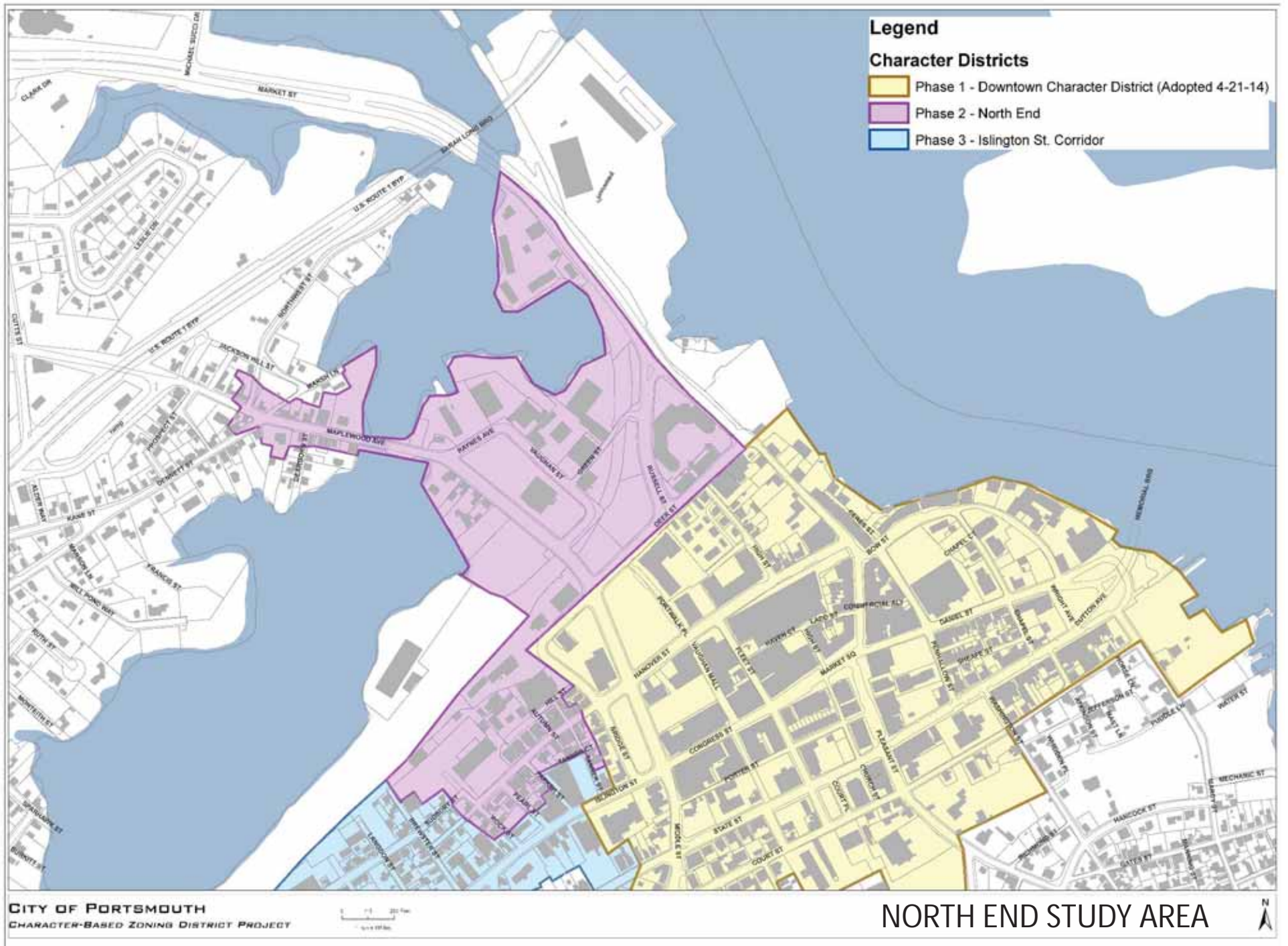
Hearings - June 2015

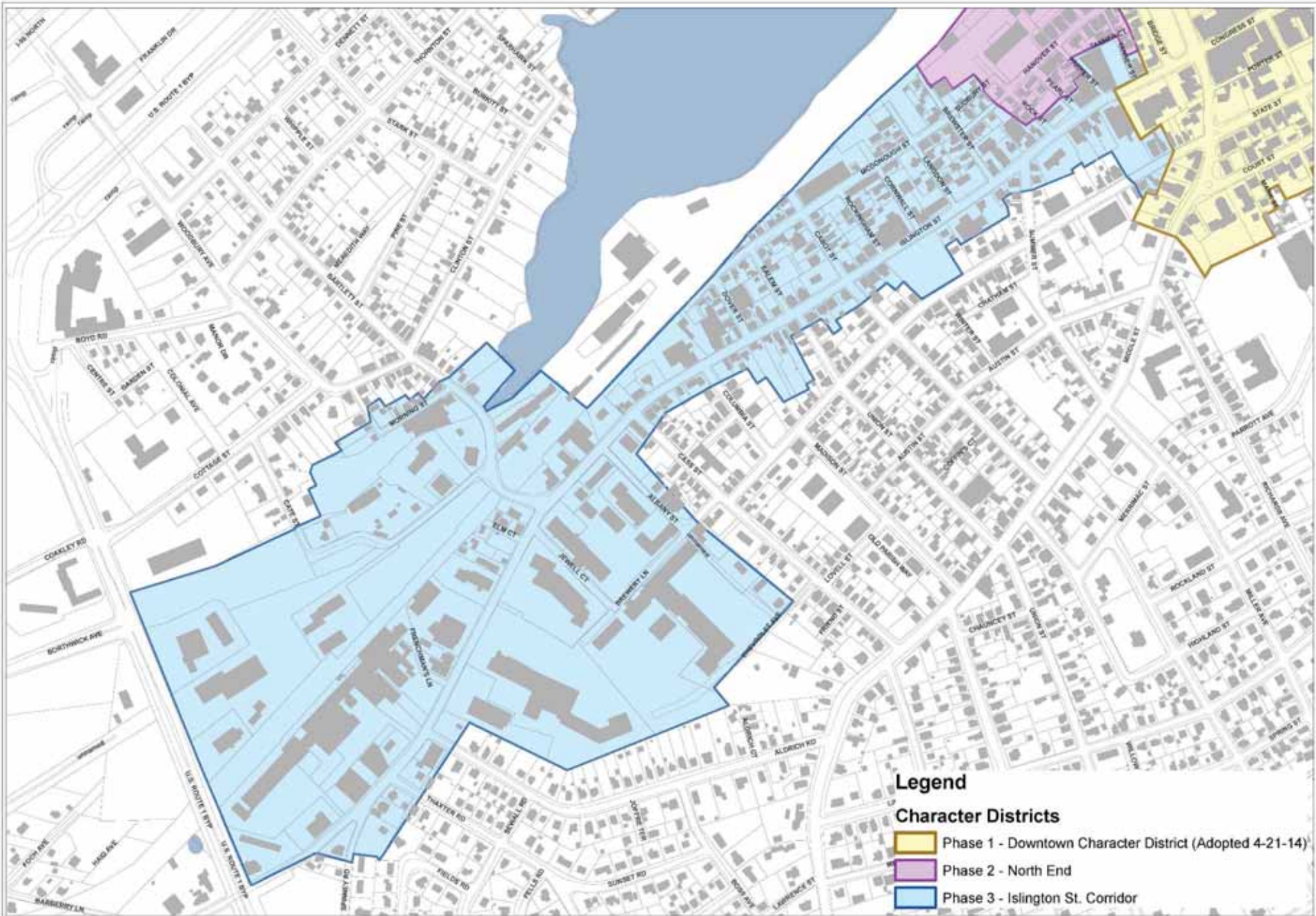
Finalize Values – July 2015

MS-1 – City Valuation - September 2015

Tax Rate Set - October 2015

Tax Bills - November 2015 (Reflecting New Assessments)





City of
Portsmouth



MEMORANDUM

DATE: August 13, 2014

TO: John P. Bohenko, City Manager

**FROM: Mark Nelson, Director of Parking
& Transportation**

**Peter H. Rice, P.E.
Director of Public Works**

**SUBJECT: Impact of Project at 185
Austin Street on Parking**

The Parking Traffic and Safety Committee was asked to evaluate the construction project and requested encumbrance license at 185 Austin Street to determine if it would cause an adverse impact on parking or pedestrian traffic around that property. On August 12, 2014 the Committee reviewed the proposed project, and determined it would not require the temporary removal of parking in the course of the project, and would allow safe passage of pedestrians. The Committee agreed that no further action by the Parking, Traffic and Safety Committee was needed.

Trees & Public Greenery Committee
Portsmouth Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801
peter.loughlin@pjllaw.com



"There is not a village in America, however badly planned at first, or ill-built afterwards, that may not be redeemed, in a great measure, by the aid of shade trees in the streets ... and it is never too late or too early to project improvements of this kind."

Andrew Jackson Downing (1815-1852)

August 13, 2014

Portsmouth City Council
Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801

Re: Lafayette Road/Route 1 Bypass Intersection Improvements

Dear Council Members:

At a recent meeting of the Trees & Public Greenery Committee, the landscaping at the intersection of the Route 1 Bypass and Lafayette Road was discussed. The landscape improvements have added greatly to that area and, on behalf of the Committee, I have forwarded a letter to the Department of Transportation commending them for the job that they have done.

While the DOT deserves a great deal of credit for these improvements, the City Council will be pleased to know that the driving force for the landscaping improvements came from the Portsmouth Planning Staff and the Public Works Department.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter J. Loughlin".

Peter J. Loughlin, Chairman

PJL/dea

Cc: Rick Taintor, Planning Director
Peter Rice, Public Works Director
Trees & Public Greenery Committee

TreeComm\2014-08-13 Ltr to Council Re Landscape Improvements

*Trees & Public Greenery Committee
Portsmouth Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801
peter.loughlin@pjllaw.com*

*"There is not a village in America, however badly planned at first,
or ill-built afterwards, that may not be redeemed, in a great measure,
by the aid of shade trees in the streets ... and it is never too late
or too early to project improvements of this kind."*
Andrew Jackson Downing (1815-1852)

August 13, 2014

Christopher D. Clement, Commissioner
New Hampshire Department of Transportation
John O. Morton Building
7 Hazen Drive
PO Box 483
Concord, NH 03302-0483

**Re: Portsmouth - Lafayette Road/Route 1 Bypass Intersection
Improvements**

Dear Commissioner Clement:

On behalf of the Portsmouth Trees & Public Greenery Committee, I am writing to thank and congratulate the New Hampshire Department of Transportation for the landscape improvements recently installed at the intersection of the Route 1 Bypass and Lafayette Road. The traffic improvements were most beneficial, however, the landscape improvements have added greatly to the attractiveness of this part of Portsmouth.

Respectfully submitted,



Peter J. Loughlin, Chairman

PJL/dea

Cc: Portsmouth City Council

Trees & Public Greenery Committee

TreeComm\2014-08-13 Ltr to Commissioner Clement Re Landscape Improvements

*Trees & Public Greenery Committee
Portsmouth Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801
peter.loughlin@pjllaw.com*

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Andrew Jackson Downing (1815-1852)

August 13, 2014

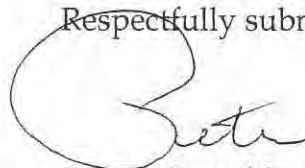
John Ricci, Chairman
Portsmouth Planning Board
Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801

Re: Yokens/Cumberland Farms Improvements

Dear Chairman Ricci:

At its last meeting, the Trees & Greenery Committee discussed the landscape improvements recently installed at the former Yokens site and at the Cumberland Farms site on Lafayette Road. The elimination of expansive curb cuts, construction of controlled entrances and the replacement of expanses of pavement with extensive and attractive landscape islands at both building sites, is a tremendous improvement. The Trees & Greenery Committee recognizes that these positive changes came about as a result of the vigilance and diligence of the Planning Staff and Planning Board and wish to commend you for this effort.

Respectfully submitted,



Peter J. Loughlin, Chairman

PJL/dea

Cc: ✓ Portsmouth City Council

Trees & Public Greenery Committee

TreeComm\2014-08-13 Ltr to Ricci Re Landscape Improvements

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume' along with this application

Committee: Citywide Neighborhood Committee Renewing applicant

Name: Cristy Cardoso Telephone: 603-512-3634

Could you be contacted at work? YES NO - If so, telephone # 603-501-7414
(internal use only)
please

Street address: 199 Concord Way

Mailing address (if different): _____

Email address (for clerk's office communication): CNCCHAIR@gmail.com

How long have you been a resident of Portsmouth? 18 years

Occupational background:

Media Analyst. Background in
Corporate Communications, Knowledge
management, Graphic design and
marketing.

Would you be able to commit to attending all meetings? YES NO

Reasons for wishing to continue serving: We are working to
fill the Committee with a goal
of electing a new Chair person
before my next term is up.

Please list any organizations, groups, or other committees you are involved in:

Atlantic Heights Neighborhood Assoc.

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Thomas Ferrini 742-5222 (51 Central ave Dover)
Name, address, telephone number

2) Nancy Clayburgh 905 FW Hartford dr. (Nancy Clayburgh@comcast.net.)
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Cindy Candoso Date: 3/25/14

CITY CLERK INFORMATION ONLY:

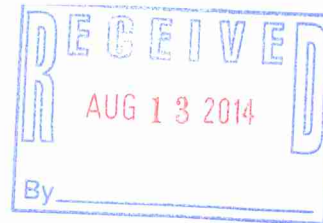
New Term Expiration Date: 4-1-2017

Annual Number of Meetings: Not available Number of Meetings Absent: N/A

Date of Original Appointment: 6/2/2008

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

From: **steven marison** kurtiekash@comcast.net
Subject: **Hubbard,Chris**
Date: **August 12, 2014 at 11:14 AM**
To: **city of Portsmouth**



Hey guys,

I was waiting to be sure all my real estate purchases and sales went through before officially announcing my retirement from the Peirce Island Committee. Since all is now final, please consider this my notification that I will no longer be on the board (now I will merely be one of the visiting tourists who enjoy the island on occasion).

Take care,

Chris Hubbard



City of Portsmouth, N.H.

Police Department



Stephen J. DuBois
CHIEF OF POLICE

Corey F. MacDonald
DEPUTY CHIEF OF POLICE

received
8/14/14

August 12, 2014

The Honorable Robert J. Lister
Mayor of the City of Portsmouth
PORTSMOUTH CITY HALL
1 Junkins Avenue
Portsmouth, NH 03801

RE: Traffic Issues in City Neighborhoods

Dear Mayor Lister:

I understand the city council has been inundated with complaints from the public regarding traffic issues in specific neighborhoods.

We are finding the root cause of many of these complaints has been the shift in the flow of traffic into certain neighborhoods due to recent bridge closures. For example, on a typical day approximately 10,000 vehicles travel Maplewood Avenue, 8,000 travel on Sagamore Avenue, and 20,000 use Islington Street. With the associated bridges on each of these roads closed, the traffic volume is displaced into neighborhoods that are not accustomed to that level of activity, or designed for a significant volume of cars. Along with that comes loud motorcycles and those who speed and do not stop for stop signs.

With that said, the Police Department is committed to traffic safety in the city. Our response to this prolonged temporary circumstance is stepped up active enforcement efforts by patrol officers, and the deployment of educational instruments such as our speed awareness signs. Feel free to forward to my attention any specific complaints so I can deploy my officers appropriately. We have also ordered an additional speed sign and utilizing grant funds, we will also deploy additional resources to targeted neighborhoods.

Very truly yours,
PORTSMOUTH POLICE DEPARTMENT

Stephen DuBois, Chief of Police

SJD:kml

Board of Police Commissioners
of the
City of Portsmouth, N.H.

August 14, 2014


Honorable Mayor & City Council
CITY OF PORTSMOUTH
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor and Council:

The Portsmouth Police Commission, as charged by the city charter, has administrative oversight of the issues related to the police department. As I stated previously, because of the concerns over the events involving the estate of Geraldine Webber, the Commission, at the appropriate time, will authorize an independent review of the events and decisions that were made, which have given rise to concerns both internally and externally. By independent, the commission means an outside and unaffiliated entity.

If the Council has questions that they would like addressed, please forward them to the police commission so we can incorporate them into the review.

Very truly yours,
PORTSMOUTH POLICE COMMISSION


John F. Golumb, CHAIRMAN

JFG:kml

Wednesday, August 13, 2014

To: The City Council
From: Jim Splaine, City Councilor

For the Portsmouth City Council Agenda of Monday, August 18th, I have asked that the following item be considered under my name:

The Webber Estate Matter.

At that meeting, I will offer suggestions for action by the City Council dependent on the status of the Webber Estate matter at that time. Between now and then, the Portsmouth Police Commission and the Portsmouth Fire Commission may have taken a position on the mediated settlement, which reduces Portsmouth's share set forth in the Webber Will. Since our obligation is to have Council Agenda items into city officials by Wednesday 12:00 Noon, pending action on this matter has not yet been taken as I write this memo. The Police Commission is scheduled to meet this afternoon.

If the Police or Fire Commissions have accepted the mediated settlement, I will offer a motion at Monday's meeting that the City Council not accept the settlement that reduces Portsmouth's share. I hope they do not accept the settlement, but if they do I think the City Council should decline. In such a case, it is likely that the matter will go to Court for decision.

Regardless of acceptance of the mediated settlement, I will further propose that an INDEPENDENT REVIEW PANEL be created within the next 30 days to fully evaluate the involvement of city officials and employees surrounding the Webber Estate matter. This panel may include one or more persons independent of the City of Portsmouth, and should include the New Hampshire Attorney General's Office. Oversight of this matter is, quite simply, needed and cannot be long delayed. And on this, we have to get it right the first time.

I am convinced that this is the right thing to do. I have become engaged in this matter with the realization that after talking with a number of Portsmouth citizens about this matter, we can no longer delay bringing out the facts, and determining the truth, about all those involved. The integrity of our city government is at the core of this matter.

Too much secrecy and rumor has surrounded the Webber Estate matter, and since substantial dollars are involved that directly affect Portsmouth's interests and those of our taxpayers, we have no option than to make decisions and take action now to learn and determine facts and truth. With that objective in mind, any report or findings already done by the New Hampshire Attorney General's Office or other officials should be publicly released.

As we undertake the discussion about the Webber Estate matter, some principles and steps should be:

- 1. That we have a fully independent review, regardless of what the Police Commission may do by itself in investigating the matter.
- 2. That we examine our city's Code of Ethics -- for employees as well as appointed and elected officials.
- 3. The discussion about this matter must not be in a "non-meeting."
- 4. That a public vote must be taken following public discussion on this matter.
- 5. That a public hearing must be held on this matter IF there is a desire by the majority of the City Council to approve the mediated settlement.
- 6. Our goal must be to protect the integrity and credibility of those involved, and the interests of the taxpayers of the City of Portsmouth.
- 7. We should agree up-front from the beginning that the report and results of such an independent review will be fully released to the public. Everyone deserves the right to know what happened on this matter -- the mediated settlement reduces the amount of funds that would go to the City of Portsmouth so it directly impacts our community finances and our taxpayers.

I'm trying to make sure that we bring as much sunshine and sunlight to what has to this point been dealt with in secrecy and behind closed-doors. The bottom line isn't just about dollars or ethics, it's about process and procedure, and that overview is necessary to evaluate as we move forward. This is not so much a personnel matter as it is one of process and procedure - the process of city government and its interactions with our citizenry, and the procedure of how we guarantee integrity and credibility in our government.

Now that mediation has been accomplished and has been publicly revealed, there is no room for secrecy, nor any justification for secrecy, on this issue in moving forward. Such secrecy just further provides fuel for rumors. If we want facts and truth, it has to be in public. The concept of a "Cone of Silence" was from a 1960s comedy series, and has no use here. This is the time for full transparency.

As a personal note, my over 45 years in government -- much of that spent in local government -- tells me something is wrong here. None of us really want to have to look into matters like these, but waiting until we hope it goes away isn't how we serve the public's interest, nor make corrections if that is necessary. This is a time to do the right thing, and that is to force this into a public discussion, and to determine the truth to protect the interests of Portsmouth and our citizens. It's our job.

When someone suspects wrongdoing, there is an obligation to speak up. We have seen some of our citizens come forward to point out their concerns. To fulfill our obligations as City Councilors, we cannot do any less than to seek the truth and determine the facts. None of us should abandon people who have the courage to stand up and speak out. They should not stand alone or be gagged or shut up as they try to bring out the truth. We should do what we need to do in order to bring out that truth, and determine the facts.

Proposed Ordinance- Bequests and Gifts to City Employees

No individual employee of the City of Portsmouth may accept any bequest or gift from any Portsmouth area resident unless the following conditions are met:

- A. The testator/donor is of sound mind, as certified by the testator/donor's treating physician at the time of the document evidencing such gift or bequest; and
- B. The gift or bequest is made more than two years from the testator/donor's date of death; and
- C. The testator has a relationship with such employee that is not based on or primarily related to the official duties of such employee; and
- D. The testator/donor has not amended or revoked any prior will or testamentary document under which the testator/donor includes a gift or bequest to a family member of such testator/donor.

The legatee or donee of any gift or bequest that does not satisfy the above criteria must disclaim the gift or bequest.

Revised 8-7-14 Brad Lown

August 4, 2014

City Hall, City Council Meeting
Portsmouth, NH 03801

Mayor, City Council Members and City Manager,

My name is Stuart Wisong

My address is: 41 South Mill Street.

I moved to Portsmouth in 2005. I have lived in seven cities including Vancouver Canada. Of all the cities I have lived in Portsmouth continues to be the leader in addressing the needs of its citizens.

You have received a copy of my Letter to the Editor that was **not** printed in the newspaper. It expresses the negative impact on our city by the Helicopters that fly over each day. I have lodge several complaints with the PDA at Pease air port.

As you can see by the Helicopter tour schedule, they can begin as early as 7 AM and continue until 10 PM, 365 /DAYS A YEAR.

I have passed out information that addresses the adverse conditions that affect our city from the continued loud sounds of Helicopters flying over our city, river, water ways and homes. These are serious issues that affect our health and the value of our homes.

You know that our Federal government and their departments such as the Department of Transportation can be very slow to take action on behalf of the wellbeing of citizens, this was mentioned in today's paper by Mayor Lister. It seems the FAA took action very quickly so that a corporation could begin their business at the detriment of the families of Portsmouth.

Many cities in the United States, such as Portsmouth, have moved forward, addressing the needs of its citizens. We have all seen an example of this in the tremendous progress that has been made in the last ten years. Portsmouth is the best example of a city government consistently improving the lives of its citizens.

I am grave concerns over the FAA decision to ignore the adverse health concerns of our citizens by giving Seacoast Helicopter Limited Liability Company the air rights for their helicopter tours and helicopter school to fly over our city 365 days a year.

Since the FAA has used their dictatorial power to over ride the will of the Portsmouth citizens and our city council, we have no recourse but to seek the assistance of our state elected representatives to align with our congressional elected representatives to repeal the FAA decision. Surely one or more of our Congressional Senators and Representatives will plead our case to the President.

There has been much dialogue from both political parties concerning too much Federal Government power at the sake of States Rights. Here we have an example of the Federal Aviation Administration usurping the local authority of our elected city council that represents the citizens of Portsmouth. If we are concerned about States Rights, we must include our own right for self-determination on the local level for that is where Democracy was born.

August 8, 2014

Bob,

I am waiting for the photos of the dome paint but in the mean time I wanted to share with you my original letter that I was going to read to the City Council last Monday.

I thought I would have five minutes but when I heard "3" minutes I became anxious and didn't want to be cut off without finishing my letter so I cut most of what I had written in the letter to the bare essence of the point I was making.

I especially wanted to compliment the city council and you for the extraordinary projects that have been completed under your watch through out the city.

If you would like to pass this on to share with the city council and Mayor, feel free to do so.

Stuart Wisong