

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, NOVEMBER 17, 2014 TIME: 5:30PM

AGENDA

- I. CALL TO ORDER (5:30 P.M.)
- II. ROLL CALL
- III. ANTICIPATED “NON-MEETING” IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING COLLECTIVE BARGAINING
- IV. ANTICIPATED “NON-PUBLIC” SESSION
 - A. LAND NEGOTIATIONS IN ACCORDANCE WITH RSA 91-A:3, II (d)
 - B. PERSONNEL IN ACCORDANCE WITH RSA 91-A:3, II (a)
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Blue Ribbon Committee on Sustainable Practices
2. U.S. Post Office Relocation

- VII. ACCEPTANCE OF MINUTES – JULY 14, 2014
- VIII. PUBLIC COMMENT SESSION
- IX. PUBLIC HEARINGS
 - A. ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.901: - CONFLICT OF INTEREST OF THE ADMINISTRATIVE CODE
 - B. ORDINANCE AMENDING THAT THE FOLLOWING LOTS BE REZONED FROM INDUSTRIAL (I), OFFICE RESEARCH (OR) OR MUNICIPAL (M) TO CHARACTER DISTRICT 4 (CD4):
 - ASSESSORS MAP 163, LOTS 33, 34 AND 37;
 - ASSESSORS MAP 165, LOTS 1, 2 AND 14
 - ASSESSORS MAP 172, LOTS 1 AND 2;
 - ASSESSORS MAP 173, LOTS 2 AND 10

AND INCLUDING CATE STREET BETWEEN HODGSON'S BROOK AND BARTLETT STREET, AS SHOWN ON THE ATTACHED EXHIBITS TITLE "AREAS PROPOSED TO BE REZONED TO CHARACTER DISTRICT 4 (CD4)", AND FURTHER THAT THE ZONING MAP REFERENCED IN CHAPTER 10, ARTICLE 4, SECTION 10.420 (DISTRICT LOCATION AND BOUNDARIES) OF THE ORDINANCES OF THE CITY OF PORTSMOUTH BE REVISED ACCORDINGLY *(Continued from the September 22, 2014 City Council meeting)* **(Close the public hearing after comments are received)**

X. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Police Department Grant and Donations:

1. A grant from the Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), for the Internet Crimes Against Children Task Force - \$260,254.00
2. Donations:
 - a) A donation in the amount of \$3,000 from the Banyan Fund, under the aegis of Mr. and Mrs. Gerald W. Howe, to defray the cost of producing and airing Public Service Announcements (PSAs) regarding the department's opiate addiction initiative.
 - b) Donations in support of the Police Explorer Cadets:
 - A donation in the amount of \$50 from retired Chief David "Lou" Ferland
 - A donation in the amount of \$25 from former Commissioner William Mortimer
 - A donation in the amount of \$400 from the "Friends of the South End"

(Sample motion – move to approve and accept the grants and donation to the Portsmouth Police Department)

3. *Acceptance of Donation to Senior Services Program from the Balance of the Margaret Tebbetts Checking Account - \$813.52 ***(Sample motion – move to approve and accept the donation to the Senior Services Program, as presented)***

XI. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440 Table of Uses, use #15.20 and Section 10.1530 Terms of General Applicability, regarding Helipad and Heliport ***(Sample motion – move to pass first reading and schedule a second reading and public hearing for January 5, 2015 regarding the proposed Ordinance, as presented, and further refer this matter to the Planning Board for report back)***

- B. Second Reading of Proposed Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):
- Assessors Map 163, Lots 33, 34 and 37;
 - Assessors Map 165, Lots 1, 2 and 14
 - Assessors Map 172, Lots 1 and 2;
 - Assessors Map 173, Lots 2 and 10
- and including Cate Street between Hodgson’s Brook and Bartlett Street, as shown on the attached exhibits title “Areas Proposed To Be Rezoned to Character District 4 (CD4)”, and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly *(Continued from the September 22, 2014 City Council meeting)*
(Sample motion – move to table Second Reading until the December 8, 2014 City Council meeting)
- C. Second Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.901: - Conflict of Interest of the Administrative Code ***(Sample motion – move to pass second reading and schedule and third and final reading of the proposed Ordinance at the December 8, 2014 City Council Meeting.)***
- D. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Medallions/Licenses ***(Sample motion – move to pass third and final reading of the proposed Ordinance as presented)***
- E. Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.202, Table of Uses – Residential Mixed Residential, Business and Industrial Districts, by changing Use #1.30 (Townhouse) and Use #1.41 (Multifamily Dwelling, 3 or 4 Dwelling Units) from “P” (Permitted) to “S” (Special Exception) in the General Residence A and B (GRA & GRB) Districts ***(Sample motion – move to pass third and final reading of the proposed Ordinance as presented)***

XII. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. *Acceptance of Membership Dues to Art-Speak
- Portsmouth Pro Musica \$100.00
 - New Hampshire Theatre Project \$125.00
- (Sample motion – move to approve and accept the membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed)***
- B. Letter from Donald Allison requesting to hold the 20th Annual Eastern State 20 Mile Road Race on Sunday, March 29, 2015 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Donna Hepp, Seacoast Century C-Coordinator, Granite State Wheelmen, Inc, requesting to hold the Seacoast Century on September 26-27, 2015 ***(Anticipated action – move to refer to the City Manager with power)***

- D. Letter from Caroline Amport Piper, Friends of the South End, requesting permission to hold the Annual Fairy House Tour on Saturday, September 26, 2015 and Sunday, September 27, 2015 from 11:00 a.m. – 3:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)
- E. Request for Approval of Pole License to install 2 poles located at the intersection of Lafayette Road and the Route 1 ByPass in conjunction with the NHDOT Project replacing the Flyover bridge (***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***)
- F. Request for Approval of Comcast License agreement to install 40' of underground conduit located on Green Street to provide cable services to on-going developments on Green Street (***Anticipated action – move to approve the aforementioned Comcast 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. Request for License from Keith R. Malinowski, owner of Portsmouth Buddhist Center for property located at 84 Pleasant Street for a projecting sign on a bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Keith R. Malinowski, owner of Portsmouth Buddhist Center for a projecting sign at property located at 84 Pleasant 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***
- H. Request for License from Angel Williams, owner of SIX Degrees for property located at 47 Bow 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 Angel Williams, owner of SIX Degrees for a projecting sign at property located at 47 Bow 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***

XIII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Kyle Crosen-Langelier regarding The Board of Adjustment controversial denial of carport application
- B. Letter from Gloria Guyette regarding noise and other issues at Prescott Park
- C. Letter from Attorney Bernie Pelech Re: Rezoning Request for Cate Street/Route 1 ByPass Area Gateway District (*Refer to City Manager's comment in Section XIV. A.*)

XIV. 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:
 - 1.1 Report Back and First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440 Table of Uses, use #15.20 and Section 10.1530 Terms of General Applicability, regarding Helipad and Heliport (***Action on this items should take place under Section XI of the Agenda***)
- 2. Public Hearing/Second Reading of Proposed Resolutions and Ordinances:
 - 2.1 Public Hearing/Second Reading of Proposed Ordinance amending Chapter 1 , Article IX, Section 1.901: Conflict of Interest of the Administrative Code (***Action on this items should take place under Section XI of the Agenda***)

3. Third and Final Reading of Proposed Ordinances:
 - 3.1 Third and Final Reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Medallions/Licenses (**Action on this item to take place under Section XI of the Agenda**)
 - 3.2 Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.202, Table of Uses – Residential Mixed Residential, Business and Industrial Districts, by changing Use #1.30 (Townhouse) and Use #1.41 (Multifamily Dwelling, 3 or 4 Dwelling Units) from “P” (Permitted) to “S” (Special Exception) in the General Residence A and B (GRA & GRB) Districts (**Action on this item to take place under Section XI of the Agenda**)

City Manager’s Items Which Require Action:

1. Request for First Reading of Bonding Resolution of up to \$600,000.00 (Six Hundred Thousand Dollars) for the Purchase of a Heavy Rescue Fire Truck
2. Easement Deed for Public Service Company of New Hampshire for Transformer Pad in Prescott Park
3. Establish a Mayor’s Blue Ribbon Committee Re: City-Owned Sagamore Creek Land – Capital Improvement Plan Project
4. Report Back and Request for First Reading regarding a Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110- Off-street Parking for Conference Centers
5. Request for Special Non-Public Session with Counsel regarding discussions on Parking Garage Land Negotiations
6. Holiday Free Parking
7. Report Back and Request for First Reading Re: Rezone Cate street Area to Gateway
8. Request for Approval Re: Isles of Shoals Employee Parking Agreement
9. Request for Approval Re: Strawberry Banke Snow Ban Parking Agreement

Informational items

1. Events Listing
2. Planning Board Presentation and Public Hearing Re: Capital Improvement Plan
3. Senior Activity Center Update
4. Parking Shuttle Report
5. Meeting with Federal Aviation Administration in Burlington, Massachusetts
6. Final Bicycle and Pedestrian Plan
7. Annual Update on Complete Streets Policy Implementation

8. Update Re: Red Pine Scale
9. Airbnb and Similar Online Property Rental Arrangements
10. Update Re: Commercial Alley Lighting

B. MAYOR LISTER

1. Report Back Re: Meeting with Police Commission
2. *Report of Appointment Process
3. eCity Award (*See attached Award & Press Release*)
4. Appointment to be Considered:
 - Everett Eaton – Reappointment to the Economic Development Commission

C. COUNCILOR LOWN

1. Fire Department Study Committee Recommendation
2. Parking and Traffic Safety Committee Action Sheet and Minutes of the September 11, 2014 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the September 11, 2014 Parking and Traffic Safety Committee meeting***)

D. COUNCILOR THORSEN

1. Conflict of Interest Ordinance Amendment Options #1 - #3

XV. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

**Indicates Verbal Report*


INFORMATIONAL ITEMS

1. Notification from the Planning Board that the minutes of the June 19, 2014 and September 18, 2014 meetings are available on the city website
2. Notification from the Zoning Board of Adjustment that the minutes of the August 19, 2014 meeting are available on the city website

NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: November 14, 2014
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on November 17, 2014 City Council Agenda

5:30 p.m.

Anticipated “Non-Meeting” in accordance with RSA 91-A:2, I (a) Regarding Collective Bargaining

Immediately following the Non-Meeting with Counsel, there will be a nonpublic session.

Anticipated “Nonpublic” Session

- A. Land Negotiations in accordance with RSA 91-A:3, II (d),
- B. Personnel in accordance with RSA 91-A:3, II (a)

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

Presentations:

1. **Blue Ribbon Committee on Sustainable Practices.** On Monday evening, Chairman Bert Cohen and several members of the Blue Ribbon Committee on Sustainable Practices will be giving a presentation which will focus on the opportunity to continue and accelerate sustainable practices in our city. A brief history of what has been done and some possibilities to inspire us for future projects will be presented. According to Bert Cohen, the Committee is presenting now in order to be part of the context for the thinking we all will be putting into the vision for our 2015 ten-year master plan.

2. **U.S. Post Office Relocation.** As mentioned in the October 31, 2014 email to the City Council on the divestiture of the T.J. McIntyre Building in downtown Portsmouth, the GSA is proceeding with a program needs assessment of the current tenants of the building in accordance with federal divestiture guidelines. The guidelines require that the GSA complete the assessment and then find suitable locations for all McIntyre tenants except the US Post Office which is covered by a different Executive Order.

As landlord for the building, the GSA has given the Post Office written notification that its lease in the McIntyre Building will expire in 2016. This notification triggered the applicable Executive Orders which the US Post Office must follow to notify the public that the post office facility will be relocated to an alternate location in 2016.

The City Council working group established by Mayor Lister to participate in regular six week GSA updates on divestiture of the McIntyre Building expressed a strong desire to maintain a retail presence for the postal service in the Building following divestiture. In acting on this desire, the City requested, and the GSA agreed that scope of work in the Request for Proposals (RFP) for an appraisal of the Thomas J. McIntyre Federal Building include a Hypothetical Condition that the United States Post Office lease for a retail facility remain in place, however the size of the facility shall be reduced from its current size to 5,000 square feet.

Despite this action, the City has been notified by the Post Office that the GSA has “not changed their instructions to the Postal Service;” and it must still plan to vacate the premises by the end of its Occupancy Agreement with them. Therefore, the Postal Service is moving forward in accordance with required relocation notification procedures and will make a presentation on this at the November 17, 2014 City Council meeting. [Attached is a copy of the Postal Service notification that has been posted in the Daniel Street Post Office the week of November 3rd.](#)

Acceptance of Grants/Donations:

1. **Acceptance of Police Department Grant and Donations.** Attached [under Section X of the Agenda is a memorandum](#), dated October 22, 2014, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following grant and donations:
 - a) A grant in the amount of \$260,254 has been received from the Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), for the Internet Crimes Against Children Task Force. This grant provides funding for all the New Hampshire ICAC Task Force satellites throughout the state for FY14.
 - b) A donation in the amount of \$3,000 from the Banyan Fund, under the aegis of Mr. and Mrs. Gerald W. Howe, to defray the cost of producing and airing Public Service Announcements (PSAs) regarding the department’s opiate addiction initiative.

- c) Donations as follows in support of the Police Explorer Cadets:
- A donation in the amount of \$50.00 from retired Chief Dave ‘Lou’ Ferland.
 - A donation in the amount of \$25.00 from former Commissioner Wm. Mortimer.
 - A donation in the amount of \$400.00 from the “Friends of the South End”

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

2. **Acceptance of Donation to Senior Services Program.** The City of Portsmouth has received a donation in the amount of \$813.52 from the Balance of the Margaret Tebbetts Checking Account to the Senior Services Program.

I recommend that the City Council move to approve and accept the donation to the Senior Services Program, as presented. Action on this matter should take place under Section X of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **First Reading of Proposed Resolutions and Ordinances:**

- 1.1 **Report Back and First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440 Table of Uses, use #15.20 and Section 10.1530 Terms of General Applicability, regarding Helipad and Heliport.** As requested by Councilor Zelita Morgan, under Section XI of the Agenda, I am reporting back and bringing back for first reading the [attached proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440, Table of Uses, by amending use # 15.20 and Section 10.1530 Terms of General Applicability regarding helipad and heliport.](#)

Action is required on this matter by the City Council to act on first reading and schedule a second reading and public hearing at the January 5, 2015 City Council meeting regarding the proposed Ordinance, as presented, and further refer this matter to the Planning Board for report back. Action on this item should take place under Section XI of the Agenda.

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

2.1 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.901: Conflict of Interest of the Administrative Code.**

As a result of the October 20th City Council meeting, under Section IX of the Agenda, I am bringing back for public hearing and second reading the [attached proposed Conflict of Interest and Mandatory Financial Disclosure Ordinance](#).

If adopted this ordinance would accomplish the following:

1. Amend existing Mandatory Financial Disclosure ordinance (Section 1.901 et seq.) so that it applies to Police and Fire Commissions as well as City Council and School Board.
2. Amend existing Conflict of Mandatory Financial Disclosure so that violations of the ordinance will be treated as a violation of the City's Code of Ethics (Section 1.801 et seq.).
3. Create a new financial disclosure form modeled after state form.
4. Require that capital assets in excess of \$10,000 only and directly attributed to a business in the City of Portsmouth be disclosed.
5. Require mandatory disclosure of any sources of income whether or not connected with the City in an amount greater than \$10,000 calculated annually on a per calendar year basis.

Action on this matter is required by the City Council and should take place under Section XI of the Agenda.

2.2 **Report Back and Public Hearing/Second Reading of Proposed Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):**

- **Assessors Map 163, Lots 33, 34 and 37;**
- **Assessors Map 165, Lots 1, 2 and 14**
- **Assessors Map 172, Lots 1 and 2;**
- **Assessors Map 173, Lots 2 and 10**

and including Cate Street between Hodgson's Brook and Bartlett Street, as shown on the attached exhibits title "Areas Proposed To Be Rezoned to Character District 4 (CD4)", and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly (Continued from the September 22, 2014 City Council meeting). As you will recall, at the September 22, 2014 City Council meeting, the Council voted to continue the public hearing on this proposed rezoning until the Planning Board submitted a

report on the request of Portsmouth Land Acquisition, LLC, regarding rezoning to the Gateway district. [That report is included in your packet for this meeting under the City Manager's Action Items under Section XIV A.7.](#) As a result of Attorney Pelech's request for the Council to schedule first reading on the request for rezoning to the Gateway district, it is recommended that the Council continue the public hearing on the CD4 rezoning proposal to the December 8th City Council meeting. At that time, the Council may vote to take action on the proposed rezoning to CD4 and/or the request for rezoning to the Gateway district.

I recommend the City Council move the following motions:

- 1) *To close the public hearing under Section IX B of the Agenda; and,*
- 2) *Table the second reading until December 8, 2014 under Section XI B of the Agenda.*

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

- 3.1 **Third and Final Reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Medallions/Licenses.** As a result of the October 20th City Council meeting, under Section XI of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance amending Chapter 7, Article II, Section 7213, Fees and Terms for Medallions/Licenses](#), which has been requested by the Taxi Commission. The proposed Ordinance, which was drafted by the Taxi Commission itself appears to eliminate the fee for restoration of a taxi medallion which has been revoked and replaces it with the fee for restoration of medallions which have been suspended. However, even the suspension fee would not be due when the suspension is due to failure to meet a vehicle inspection and the vehicle is repaired within one business day after the suspension.

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

- 3.2 **Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.202, Table of Uses – Residential Mixed Residential, Business and Industrial Districts, by Changing Use #1.30 (Townhouse) and Use #1.41 (Multifamily Dwelling, 3 or 4 Dwelling Units) from “P” (Permitted) to “S” (Special Exception) in the General Residence A and B (GRA and GRB) Districts.** As a result of the October 20th City Council meeting, under Section XI of the Agenda, I am bringing back for third and final reading the [aforementioned attached proposed Ordinance](#).

The Planning Board considered this proposed amendment to the Zoning Ordinance at its meeting on August 21, 2014, and voted unanimously to

recommend in favor of it. [Attached is a memorandum from Rick Taintor, Planning Director, outlining the intent of the Ordinance amendment.](#)

I recommend the City Council move to pass third and final reading of the proposed Ordinance, as presented. Action on this item should take place under Section XI 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 Pro Musica \$100.00
- New Hampshire Theatre Project \$125.00

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 XII of the Agenda.

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

- Keith R. Malinowski, owner of Portsmouth Buddhist Center for property located at 84 Pleasant Street.
- Angel Williams, owner of SIX Degrees for property located at 47 Bow Street.

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 XII of the Agenda.

City Manager's Items Which Require Action:

1. **Request for First Reading of Bonding Resolution of up to Six Hundred Thousand Dollars (\$600,000) for the Purchase of a Heavy Rescue Fire Truck.** The Fire Department is requesting a Bonding Resolution of up to Six Hundred Thousand (\$600,000) Dollars for the FY15 purchase of a Heavy Rescue Fire Truck. I am requesting that the City Council authorize the City Manager to bring back for first reading at your December 8th City Council meeting a Bonding Resolution for this expenditure. [See attached memorandum from Fire Chief Steve Achilles.](#)

As you are aware, Bonding Resolutions require a public hearing, two readings and a two-thirds vote is required of the City Council for passage.

I have also [attached a copy of the Bonding Resolution and FY15 CIP Sheet, Page 39](#) for your review.

Therefore, I am requesting the City Council move to authorize the City Manager bring back for first reading at your December 8th City Council meeting, a Bonding Resolution appropriating the sum of up to Six Hundred Thousand (\$600,000) Dollars, for the FY15 purchase of a Heavy Rescue Fire Truck, as presented.

2. **Easement Deed for Public Service Company of New Hampshire for Transformer Pad in Prescott Park.** [Attached is an Easement Deed from the City to Public Service Company of New Hampshire \(PSNH\) with an attached diagram showing the easement area.](#) The purpose of this easement is to provide sufficient utility service to the docks for the South Floating Docks project at Prescott Park. The Trustees of the Trust Funds and PSNH have reviewed and approved the Easement Deed. The City's Legal Department has reviewed and approved the form of the Easement Deed.

I recommend the City Council move to authorize the City Manager to execute an easement to Public Service Company of New Hampshire across property owned by the City of Portsmouth in Prescott Park for the purpose of providing utility service to the soon to be renovated docks for the South Floating Docks project.

3. **Establish a Mayor's Blue Ribbon Committee Re: City-Owned Sagamore Creek Land – Capital Improvement Plan Project.** As you know, in recent years, the City's Capital Improvement Plan (CIP) has included funding for a master plan and its implementation for a parcel of City-owned land along Sagamore Creek and Jones Avenue. A total of \$50,000 has been previously set aside for this project through the CIP. At the request of Mayor Lister, I have worked with City staff to develop a process for moving forward on this project.

The approximately 66-acre parcel is bordered to the north and east by residential properties, to the south by tidal flats abutting the Sagamore Creek and to the west by residential properties and Portsmouth High School athletic fields. The site is currently used for informal passive recreation and has a number of important natural resource values. A series of cross country paths utilized by the High School are located on the parcel, which also serve as nature trails for general public use. A closed and capped landfill makes up approximately 8 acres of the parcel, which is fenced and maintained and monitored by the City in coordination with the New Hampshire Department of Environmental Services (NHDES). I have [attached visual of the property](#) for your reference.

In the past, the City has successfully used a master planning process to guide the development of the 27-acre city-owned Peirce Island into a well-utilized public outdoor space. The master plan for Peirce Island resulted in the creation of a conceptual use map

and identified future capital investments that over time and - as funds became available - resulted in the creation of a network of high-quality amenities that function together. The Sagamore Creek land located off of Jones Avenue presents a similar opportunity for the City.

At this time, I am recommending that a Mayor's Blue Ribbon Committee be established to include representatives from key City Boards and Commissions to work with City staff and advise the City Council on this project going forward. I would suggest that representatives from the City Council, Recreation Board, Conservation Commission, and School Board be assembled for this purpose. Once initiated, I will recommend the appointment of at least two staff representatives to work with the group and move this project forward.

I recommend the City Council move to authorize the City Manager to work with the Mayor to establish a Mayor's Blue Ribbon Committee, as described in the above referenced comment.

4. **Report Back and Request for First Reading regarding a Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110- Off-street Parking for Conference Centers.** As you will recall, at the January 13, 2014 City Council meeting, the Council voted to refer the following zoning amendment, proposed by Councilor Morgan, to the Planning Board for a report back:

Add a new line item to table 10.1112.30 Off-Street Parking Requirements so as to require conference centers, convention centers, and event centers to provide one (off-street) space per 2 persons of rated capacity.

Attached is a report back from Rick Taintor, Planning Director, regarding this matter. After extensive discussion regarding this issue over three meetings, the Planning Board voted on October 16, 2014, to report as follows:

- 1) The existing parking standards for conference centers outside the Downtown Overlay District are appropriate and do not need to be revised;
- 2) The Downtown Overlay District should be exempted from the maximum number of allowed parking spaces in Sec. 10.1112.50 of the Ordinance; and
- 3) Before making a recommendation on conference center parking standards in the Downtown Overlay District, the Board needs more information from the City Council regarding parking policy for the downtown, including whether additional public parking is going to be provided.

Also, attached is a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-street Parking for Conference Centers.

If the City Council chooses, a first reading of the proposed Ordinance may be scheduled for the December 8, 2014 City Council meeting.

Therefore, I recommend the City Council move to authorize the City Manager to bring back for first reading the proposed Ordinance as recommended by the Planning Board at the December 8, 2014 City Council meeting, as presented.

5. **Request for Special Nonpublic Session with counsel regarding discussions on Parking Garage Negotiations.** I am requesting that the City Council meet in a nonpublic session on Monday, December 15, 2014 to discuss the negotiations for the purchase of land for a new parking garage at 165 Deer Street.

I recommend the City Council move to hold a nonpublic session to discuss a parking garage at 165 Deer Street.

6. **Holiday Free Parking.** As the December holidays approach, it is time to reconsider a Portsmouth tradition - free holiday parking in the downtown. In past years, the City Council has approved roughly three weeks of free parking beginning in mid-December and running through January 2nd (the day after New Years). During this time, parking enforcement officers would check for time-limit violations only and inserts would be placed in all single-space and pay & display parking meters, stating, "Seasons Greetings, 3 Hours Free Parking" or "4 Hours Free Parking", as appropriate.

This year, I am requesting that the City Council approve holiday free parking commencing on Monday, December 15, 2014 through Friday, January 2, 2015 with meter enforcement restarting on Saturday, January 3, 2015. The cost for the 19-day period would be roughly \$126,000 in meter revenue and parking violation fees.

I recommend the City Council move to approve Holiday Free Parking commencing on Monday, December 15, 2014 through Friday, January 2, 2015.

7. **Report Back and Request for First Reading Re: Rezone Cate Street Area to Gateway.** Portsmouth Land Acquisition, LLC, has requested that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):

- Assessors Map 163, Lots 33, 34 and 37,
- Assessors Map 165, Lots 1, 2 and 14,
- Assessors Map 172, Lots 1 and 2,
- Assessors Map 173, Lots 2 and 10,

and including Cate Street between Hodgson's Brook and Bartlett Street, and that the Zoning Map be revised accordingly; and further that the Zoning Ordinance, Article 7, Section 10.730 – Gateway Planned Development, be amended by inserting a new Section 10.734.40 as follows:

10.734.40 Workforce Housing Incentives

If a GPD with a Residential Component contains 10% or greater Workforce Housing Units, the following shall apply:

- 10.734.41 The minimum lot area per dwelling unit shall be 1,000 square feet.
- 10.734.42 The maximum building length set forth in Article 5, Section 10.522 shall be increased to 350 feet.
- 10.734.43 Required off-street parking may be located in a required front yard or between a principal building and a street.

The City Council received this request at its meeting on September 22, 2014, and voted to refer it to the Planning Board for a report. At the same time, the Council voted to continue its second reading and public hearing on the proposed rezoning to CD4 until after the Planning Board has submitted its report.

The Planning Board held a public hearing on the requested amendments to the Zoning Map and Zoning Ordinance at its meeting on October 16, 2014. Following the public hearing, the Board voted as follows:

Voted to report to the City Council that the Planning Board does not support re-zoning these parcels at this time and would recommend moving forward including them in the Charrette process currently scheduled for February.

It was noted that the Planning Board's action did not imply any specific outcome of the charrette process, and that in fact the result of the visioning and planning process could be to recommend rezoning these parcels to the Gateway district rather than to a Character district.

On November 12, 2014, Attorney Bernard Pelech, representing Portsmouth Land Acquisition, LLC, submitted a letter requesting that first reading on the requested zoning amendments be scheduled for the City Council meeting on December 8, 2014 ([see attached letter under Section XIII of the Agenda](#)). If the Council votes to proceed as requested by Attorney Pelech, the Planning Department will draft the additional ordinance revisions that are necessary to address the building height/setback and workforce housing issues described in the Planning Director's memorandum ([see attached](#)). At first reading the Council may vote to schedule a public hearing and second reading for its meeting on January 20, 2015, which would allow the requested amendments to be considered in parallel with the charrette process currently anticipated for late February 2015.

I recommend the City Council move to authorize the City Manager to bring back for first reading the proposed Ordinance, as presented, at the December 8th City Council meeting.

8. **Request for Approval Re: Isles of Shoals Employee Parking Agreement.** Building off of last year's successful pilot effort with the Isles of Shoals Steamship Company, Inc. and the Pease Development Authority, Division of Ports and Harbors, the City's Parking Division would like to offer a seasonal permit parking program for downtown employees at the company's parking lot (hereinafter "Lot"). The program will use 51 parking spaces at the Isles of Shoals Steamship Company Lot, and charged permit holders \$25 per month per space.

Passes for permit holders will be sold at the Parking Clerk's office and permit revenues will be used to offset the Department of Public Work's set-up, maintenance, and management costs. Funds over and above those costs will to be remitted to the Isles of Shoals Steamship Company, Inc.

Last year's results for the first three months of the program showed 50-70% of the spaces were permitted. The last two months of the program experienced 100% sales, with a waiting list. Feedback from permit holders was uniformly positive.

The [attached Employee Parking Agreement](#) formalizes the agreement for this year and gives the City Manager the authority to renegotiate the terms of future agreements without further action of the City Council.

I recommend the City Council move to authorize the City Manager to negotiate and enter into an Agreement with Pease Development Authority, Division of Ports and Harbors and the Isles of Shoals Steamship Company, Inc., to allow employees of the downtown area to purchase City permits to park in the Lot. This Motion gives the Manager the authority to renegotiate the terms of this agreement in the future without further action of the City Council.

9. **Request for Approval Re: Strawberry Banke Snow Ban Parking Agreement.** Historically Strawberry Banke Museum has allowed City residents to park in its parking lot during snow bans at no charge. The [attached Parking Agreement](#) formalizes this agreement for a ten-year term.

I recommend the City Council move to authorize the City Manager to negotiate and enter into an Agreement with Strawberry Banke Museum to allow residents to park in its parking lot during snow bans.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on October 20, 2014. In addition, this can be found on the City's website.

2. **Planning Board Presentation and Public Hearing Re: Capital Improvement Plan.** On Thursday, December 18, 2014, the Planning Board will hold the Capital Improvement Plan (CIP) Presentation and Public Hearing. This will be the only PowerPoint presentation regarding the entire FY16 CIP. As discussed at the City Council Retreat, the Council is invited to attend this meeting or view the presentation on the City Website.
3. **Senior Activity Center Update.** [Attached for your information is a memorandum from Brinn Chute, Senior Services Coordinator,](#) regarding an update on the Senior Activity Center.
4. **Parking Shuttle Report.** [Attached is a memorandum from Juliet Walker, Transportation Planner,](#) regarding Parking Shuttle ridership, costs, and operations. The information in the report is current as of the weekend of service ending Sunday, November 2, 2014 and also refers to the bridge agreement with Connect Community Church for the parking lot use.
5. **Meeting with Federal Aviation Administration in Burlington, Massachusetts.** For your information, the Federal Aviation Administration (FAA) has offered to meet with Portsmouth City Officials at their office in Burlington on Thursday, November 20, 2014. The number of participants is limited to five. Mayor Lister, Councilor Morgan (by telephone), Councilor Thorsen, Deputy City Manager David Allen and Airport Manager William Hopper from the Pease Development Authority (PDA) will participate in this meeting. The Deputy City Manager will attend in my place as I will be attending the PDA Board meeting.
6. **Final Bicycle and Pedestrian Plan.** I am forwarding for the City Council's information the final Bicycle and Pedestrian Plan for the City of Portsmouth ([a hard copy of the final report is on the inside cover of your packet](#)). This Plan, which was prepared by the Planning Department and its consultants, Toole Design Group, identifies desired bicycle and pedestrian route networks in the City, and recommends actions to improve the safety, connectivity, and quality of facilities for biking and walking in the City. The preparation of a City-wide bicycle and pedestrian plan was recommended in the 2005 Master Plan.

The preparation of the Bicycle and Pedestrian Plan included broad involvement by City staff and by the community at large:

- A Steering Committee representing the Planning, Public Works, Police, Fire, School and Senior Services departments met with the consultants four times.
- An Advisory Committee, consisting of 10 local residents with interests related to biking and walking, also met four times to provide input into the planning process.
- Two public meetings (February 6 and June 5, 2014) each attracted more than 50 interested residents.

- An online mapping tool (the "WikiMap") provided opportunities for individuals to identify important biking and walking routes and to suggest improvements at specific locations.

Through text, maps, tables and illustrations, the Plan presents:

- An analysis of existing conditions for bicycling and walking;
- A vision statement and goals and objectives;
- A proposed bicycle and pedestrian network designed to enhance safety, connectivity and equity for pedestrians and bicyclists throughout the City;
- A "Facility Toolkit" illustrating the types of pedestrian and bicycle facilities proposed in the plan;
- A detailed and prioritized list of recommended infrastructure improvements to form an interconnected network of bicycle and pedestrian facilities throughout the City; and
- A prioritized list of recommended non-infrastructure actions to support and promote walking and biking in the City.

The Bicycle and Pedestrian Plan is a stand-alone document to guide planning, capital improvements and programming related to biking and walking. It will also be incorporated into the Transportation chapter of the City's Master Plan.

After a work session and a public hearing, the Planning Board voted on August 21 to adopt the Bicycle and Pedestrian Plan. The Plan is posted on the City's website at <http://www.planportsmouth.com/bike-pedestrian-masterplan2014.html>.

7. **Annual Update on Complete Streets Policy Implementation.** As you are aware, the City Council adopted a Complete Streets Policy in October 2013, which commits the City to “approach every transportation improvement and project phase as an opportunity to create safe, more accessible streets for all users,” and to use the best and latest design standards available. A copy of the policy can be viewed online at http://www.planportsmouth.com/completestreet_policy.pdf. The Policy requires that the Planning Department provide an annual update to the City Council on the City’s progress towards implementation of the Complete Streets Policy. For your information, [attached is the annual update on complete streets policy implementation from Juliet Walker, Transportation Planner.](#)
8. **Update Re: Red Pine Scale.** [Attached is a memorandum from Peter Rice, Public Works Director, regarding Red Pine Scale,](#) which the State of New Hampshire Division of Forest and Lands has identified as a new exotic insect. This insect infests red pine trees

and causes a rapid decline in the trees' health. The Public Works Director's memorandum explains how the City is addressing this issue. Also, attached are a brief fact sheet and also a figure showing the Red Pine areas identified in the City along with figures showing a zoomed in view of each location.

9. **Airbnb and Similar Online Property Rental Arrangements.** For your information, attached is a memorandum from City Attorney Robert Sullivan, regarding Airbnb and similar online property rental arrangements.

10. **Update Re: Commercial Alley Lighting.** A Commercial Alley stakeholder meeting was held in Conference Room A on October 28, 2014 to discuss the request and potential opportunities for additional historic lighting in the Alley. Staff provided an overview to the business and property owners in attendance of existing lighting and received feedback on a plan to install additional wall-mounted period lights on the Market Street end and to upgrade the lighting and maintain the seating area and trees at the Penhallow Street end of the Alley. Going forward, Public Works representatives will be reaching out to PSNH to repair the utility pole-mounted light in the Alley and to develop agreements with property owners where required.