

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JULY 13, 2015 TIME: 6:30PM

AGENDA

- 6:30PM – AN ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS – RSA 91-A:2, I (b)

I. CALL TO ORDER (6:30 PM)

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. Edward McDonough, Superintendent of Schools

V. ACCEPTANCE OF MINUTES – JUNE 15, 2015

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

[NOTE: Public Hearings A, B, C and D each concern proposed Charter Amendments on which the City Council will vote whether or not to place the question on the ballot for referendum vote on November 3, 2015. Per RSA 49-B:5, alternative statements of a single amendment are prohibited from referendum vote. For any Charter Amendment to be adopted it must pass by at least 3/5 of the ballots cast at the municipal election.]

- A. PROPOSED CHARTER AMENDMENT #1 WHICH WOULD ALLOW FOR THE MAYOR BE AN ELECTED POSITION WITH THE CANDIDATES FOR MAYOR BEING LIMITED TO THOSE PERSONS WHO ARE ALSO CANDIDATES FOR THE CITY COUNCIL (*If the City Council wishes to move forward with any of the proposed charter amendments an appropriate motion would be: Move that subject to state review required by RSA 49-B:5 proposed Charter Amendment #___be placed on the ballot for the November 3, 2015 election*)
- B. PROPOSED CHARTER AMENDMENT #2 WHICH WOULD EXPAND THE MEMBERSHIP OF THE POLICE COMMISSION FROM THREE (3) MEMBERS TO FIVE (5) MEMBERS BY THE ADDITION OF THE MAYOR AND THE CITY MANAGER OR THEIR RESPECTIVE DESIGNEES (*If the City Council wishes to move forward with any of the proposed charter amendments an appropriate motion would be: Move that subject to state review required by RSA 49-B:5 proposed Charter Amendment #___be placed on the ballot for the November 3, 2015 election*)

- C. PROPOSED CHARTER AMENDMENT #3 WHICH WOULD ELIMINATE THE POLICE COMMISSION SO THAT THE POLICE DEPARTMENT WOULD BE ADMINISTERED UNDER THE COUNCIL/MANAGER FORM OF GOVERNMENT IN THE SAME MANNER AS ANY REGULAR CITY DEPARTMENT AND WHICH WOULD PROVIDE THE CITY COUNCIL WITH AUTHORITY TO CREATE A CIVILIAN POLICE REVIEW BOARD BY ORDINANCE TO INVESTIGATE COMPLAINTS BY MEMBERS OF THE PUBLIC CONCERNING MISCONDUCT OF POLICE OFFICERS *(If the city Council wishes to move forward with any of the proposed charter amendments an appropriate motion would be: Move that subject to state review required by RSA 49-B:5 proposed Charter Amendment #___be placed on the ballot for the November 3, 2015 election)*

- D. PROPOSED CHARTER AMENDMENT #4 WHICH WOULD EXPAND THE MEMBERSHIP OF THE THREE (3) MEMBER POLICE COMMISSION TO FIVE (5) MEMBERS BY THE ADDITION OF THE CITY MANAGER AND A MEMBER TO BE SELECTED BY THE CITY COUNCIL AND WHICH WOULD PROVIDE THE CITY COUNCIL WITH AUTHORITY TO CREATE A CIVILIAN POLICE REVIEW BOARD BY ORDINANCE TO INVESTIGATE COMPLAINTS BY MEMBERS OF THE PUBLIC CONCERNING MISCONDUCT OF POLICE OFFICERS *(If the city Council wishes to move forward with any of the proposed charter amendments an appropriate motion would be: Move that subject to state review required by RSA 49-B:5 proposed Charter Amendment #___be placed on the ballot for the November 3, 2015 election)*

- E. ORDINANCE AMENDING CHAPTER 7, ARTICLE II – TAXICABS BY DELETING ARTICLE II IN ITS ENTIRETY AND REPLACE WITH A NEW ARTICLE II ENTITLED TRANSPORTATION SERVICES (NEW PROPOSED AMENDED LANGUAGE) *(Tabled from the June 15th City Council meeting)*

VIII. APPROVAL OF GRANTS/DONATIONS

(There are no Items under this Section of the Agenda this evening)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 10 as follows:
 - (1) Amend Section 10.440, Table of Uses, by adding a new use #10.30 – Short-term vacation rental”, modifying the standards for use #10.50 – “Hotel or motel”, and combining “conference hotel” and “conference center” into a single use;
 - (2) Insert a new Section 10.837.20 – Short-Term Vacation Rentals;
 - (3) Amend Article II – Site Development Standards to establish an off-street parking requirement for short-term vacation rental; and
 - (4) Amend Article 15 – Definitions, by revising the definitions of “Bed and Breakfast” and adding new definitions for “Short-term vacation rental” and “Transient”.

- B. First reading of Ordinance amending Chapter 11, Article II, Section 11.216:B - Sewer User Charges/Records/Hook-Up by the Elimination of Irrigation Meters

- C. First reading of Ordinance amending Chapter 7, Article I, Section 7.1 – Parking Meters, Section 7.102 Parking Meter Zones (A) Downtown High Occupancy Zone – Parking Rate shall be one dollars and seventy-five cents (\$1.75) per hour and (B) Parking in all other parking meter zones shall be at the rate of one dollars twenty-five cents (\$1.25) per hour and EasyPark Resident Discount
- D. First reading of Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning North End
- E. Second reading of Ordinance amending Chapter 7, by the addition of a new Article II – Transportation Services *(New Proposed Amended Language)*
- F. Third and final reading of Ordinance amending the Zoning Map by rezoning the following lots 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 amending the Zoning Ordinance as follows:
 - Article 7, Section 10.730 – Gateway Planned Development:
 - Amend Section 10.734.20 – Lot Requirements, by establishing front yard standards relative to streets other than Lafayette Road;
 - Amend Section 10.734.33 by modifying the maximum building height standards;
 - Insert a new Section 10.734.40 – Workforce Housing Incentives, to allow increased building height and building length, and to allow parking to be located in a required front yard or between a principal building and a street, for a Gateway Planned Development that contains 10% or greater workforce housing units.
 - Article 15 – Definitions:
 - Amend Section 10.1530 – Terms of General Applicability, by inserting definitions of “workforce housing” and “workforce housing unit.”

(Tabled from the June 15, 2015 City Council meeting)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Request for License from Mary Dolan, owner of Starling Hair & Beauty for property located at 5 Market Street for a projecting sign located on Daniel Street on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Mary Dolan, owner of Starling Hair & Beauty for a projecting sign located on Daniel Street on an existing bracket 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 Patricia Snider, owner of The Glass Pear for property located at 10 Commercial Alley for a projecting sign located on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Patricia Snider, owner of The Glass Pear for a projecting sign located on 10 Commercial Alley on an existing bracket 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. Request for License from Kristen Ward, owner of Wanderbird Floral for property located at 94 Pleasant Street for a projecting sign located on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Kristen Ward, owner of Wanderbird Floral for a projecting sign located on 94 Pleasant Street on an existing bracket 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. Request for License from Nicole Ray & Laurie Rourke, owners of In Boston Salon, LLC for property located at 168 Fleet Street for a projecting sign located on an existing bracket and a canopy on an existing frame (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Nicole Ray & Laurie Rourke, owners of In Boston Salon, LLC for a projecting sign located on 168 Fleet Street on an existing bracket and a canopy on an existing frame 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***

- E. Request for License from Melissa Lake, owner of Better Homes & Garden Real Estate for property located at 79 Congress Street for a projecting sign located on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Melissa Lake, owner of Better Homes & Garden Real Estate for a projecting sign located on 79 Congress Street on a new bracket 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***

- F. Request for License from Mohammed Enyat, owner of ABC Fine Rugs, Inc. for property located at 50 Daniel 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 Mohammed Enyat, owner of ABC Fine Rugs, Inc. for a projecting sign located on 50 Daniel Street on an existing bracket 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***

- G. Request for License from Rossli Chace, owner of Lashbar for property located at 10A Ladd 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 Rossli Chace, owner of Lashbar for a projecting sign located on 10A Ladd Street on an existing bracket 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. Letter from Martha Netsch, Seacoast Rotary International Chair, requesting permission to hold the Polio Plus Memorial Bridge Walk on Saturday, October 24, 2015 (***Anticipated action – move to refer to the City Manager with power***)

- I. Letter from John Linville, Event Coordinator, Federal Employees Metal Trades Council, Portsmouth Naval Shipyard, requesting permission to hold Pedals for Paws charity bicycle ride and adoption event on Saturday, August 22, 2015 (***Anticipated action – move to refer to the City Manager with power***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Bernard W. Pelech regarding Third and Final Reading of Gateway Zoning for the West End
- B. Letter from David Whitham regarding Zoning Ordinance Changes pertinent to Short Term Vacation Rentals
- C. Letter from Abby and Jeffrey Cooper regarding Short Term Vacation Rentals – Home Occupation Permit
- D. Letter from Jim Merrill, The Bernstein Shur Group regarding Proposed Uber Edits to Draft Transportation Services Ordinance

- E. Letter from Lawrence Cataldo regarding exempting ride-share operations

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:
 - 1.1 First reading of Ordinance amending Chapter 10 as follows:
 - (1) Amend Section 10.440, Table of Uses, by adding a new use #10.30 – Short-term vacation rental”, modifying the standards for use #10.50 – “Hotel or motel”, and combining “conference hotel” and “conference center” into a single use;
 - (2) Insert a new Section 10.837.20 – Short-Term Vacation Rentals;
 - (3) Amend Article II – Site Development Standards to establish an off-street parking requirement for short-term vacation rental; and
 - (4) Amend Article 15 – Definitions, by revising the definitions of “Bed and Breakfast” and adding new definitions for “Short-term vacation rental” and “Transient”. ***(Action on this matter should take place under Section IX of the Agenda)***
 - 1.2 First Reading of Proposed Ordinance amending Chapter 11, Article II, Section 11.1216:B by the Elimination of Irrigation Meters ***(Action on this matter should take place under Section IX of the Agenda)***
 - 1.3 First reading of Ordinance amending Chapter 7, Article I, Section 7.1 – Parking Rates ***(Action on this matter should take place under Section IX of the Agenda)***
 - 1.4 First reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character Base Zoning – North End ***(Action on this matter should take place under Section IX of the Agenda)***
- 2. Public Hearings:
 - 2.1 Public Hearing/Proposed Charter Amendment Re: Election of Mayor ***(Action on this matter should take place under Section VII. of the Agenda)***
 - 2.2 Public Hearing/Proposed Charter Amendments Re: Police Commission ***(Action on this matter should take place under Section VII. of the Agenda)***
- 3. Public Hearing/Second Reading of Proposed Ordinance:
 - 3.1 Public Hearing/Second Reading of Proposed Ordinance Amending Chapter 7, by the addition of a new Article II – Transportation Services (New Proposed Amended Language) ***(Action on this matter should take place under Section IX of the Agenda)***

4. Third and Final Reading of Proposed Ordinance:
 - 4.1 Third and Final Reading of Proposed Ordinance amending the Zoning Map by rezoning the following lots 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 amending the Zoning Ordinance as follows:
 - Article 7, Section 10.730 – Gateway Planned Development:
 - Amend Section 10.734.20 – Lot Requirements, by establishing front yard standards relative to streets other than Lafayette Road;
 - Amend Section 10.734.33 by modifying the maximum building height standards;
 - Insert a new Section 10.734.40 – Workforce Housing Incentives, to allow increased building height and building length, and to allow parking to be located in a required front yard or between a principal building and a street, for a Gateway Planned Development that contains 10% or greater workforce housing units.
 - Article 15 – Definitions:
 - Amend Section 10.1530 – Terms of General Applicability, by inserting definitions of “workforce housing” and “workforce housing unit.” ***(Action on this matter should take place under Section IX of the Agenda) (Tabled from the June 15, 2015 City Council meeting)***

City Manager's Items Which Require Action:

1. Replacement of Municipal Alarm System
2. Report Back Re: Land Donation (Map 296, Lot 2)
3. Request for First Reading for Bonding Resolutions:
 - Resolution for Borrowing Authorization of up to Six Million One Hundred Thousand Dollars \$6,100,000 for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements
 - Resolution for Borrowing Authorization of up to Six Hundred Thousand Dollars (\$600,000) for FY16 purchase of Fire Apparatus (Page 39 of CIP FY16-21)
 - Resolution for Borrowing Authorization of up to Five Hundred Thousand Dollars (\$500,000) for FY16 School Facilities Improvements (Pages 50-51 of CIP FY16-21)
 - Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000) related to Water System Upgrades and Improvements
 - Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades

4. Request to Dispose of Surplus Equipment and Vehicles
5. Request for Acceptances of Sidewalk Easement Re: 233 Vaughan Street, LLC
6. Report Back Re: St. Nicholas Greek Orthodox Church Back Lot (Map 229, Lot 6-A)

Informational items

1. Events Listing
2. Report Back Re: Roberts Investigatory Panel Report

B. MAYOR LISTER

1. Appointments to be Considered:
 - Marie Kelleher to the Citywide Neighborhood Blue Ribbon Committee
 - Richard Shea reappointment as an Alternate to the Historic District Commission
 - Sylvia Olson to the Peirce Island Committee
 - William Townsend to the Peirce Island Committee
2. Appointments to be Voted:
 - Vincent Lombardi to the Historic District Commission as a regular member
 - John Mayer to the Historic District Commission as an alternate member

C. COUNCILOR SHAHEEN

1. *Update on Prescott Park Arts Festival

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the June 11, 2015 meeting (***Sample motion – move to approve and accept the minutes of the June 11, 2015 Parking & Traffic Safety Committee meeting***)

E. COUNCILOR MORGAN & ASSISTANT MAYOR SPLAINE

1. Civility Resolution - (***Sample Motion - Move to adopt the Civility Resolution, as presented below:***

"As members of the Portsmouth City Council, we agree that civility in our municipal government has been an important and core past tradition, and is a current and future expectation for each of us.

This principle should apply during the campaign which precedes our election, because relationships which are established during the campaign carry over into the operation of the government after the election. While serving in office, we realize that we should act in a manner which is respectful of other City Councilors, the staff, and the public in as much as possible. We know that sometimes passion may prevail since indeed the process of governing often

leads to disagreement, but we know that we must, individually and collectively, seek to reach the high standards of civility, integrity, and respect toward one another.

Civility includes respecting each other's right to speak his or her viewpoint, without undue interruption, so that the dialogue of ideas so vital to our democracy can be shared by our citizens and those in elected office.

Additionally, we should refrain from being intentionally insulting or attacking of one another during our service. Government works best when good people come together to solve problems in a cooperative, collaborative, and positive manner.")

F. COUNCILOR THORSEN

1. Memo to the City Council Re: Parking Programs
2. Memo to the City Council Re: Transportation Ordinance
3. Memo to the City Council Re: Transportation Services Ordinance Policy Analysis (Rideshare)
4. Memo to the City Council Re: Electronic Communications

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*


INFORMATIONAL ITEMS

1. *Notification that the minutes of the April 8, 2015; April 29, 2015 and May 13, 2015 meetings of the Conservation Commission are now available on the City's website
2. *Notification that the minutes of the January 28, 2015; May 6, 2015; May 13, 2015 and May 27, 2015 meetings of the Historic District Commission are now available on the City's website
3. *Notification that the minutes of the May 21, 2015 meeting of the Planning Board are now available on the City's website

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

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: July 9, 2015
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on July 13, 2015 City Council Agenda

6:30 p.m. Non-meeting with counsel regarding negotiations in accordance with RSA 91-A:2, I (b)

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

Presentation:

1. **Presentation to Edward McDonough, Superintendent of Schools.** On Monday evening, the Mayor and City Council will make a presentation to Edward McDonough, Superintendent of Schools.

Items Which Require Action Under Other Sections of the Agenda:

1. **First Reading of Proposed Ordinances.**
 - 1.1. **First Reading of Proposed Ordinance amending Chapter 10, Section 10.440, Table of Uses - Short-Term Vacation Rentals and Other Lodging Uses.** As you will recall, at the June 1, 2015, City Council meeting, the Council did not pass first reading of a proposed Ordinance regarding Short-Term Vacation Rentals and Other Lodging Uses, and instead scheduled a work session on June 15th to discuss issues and concerns about these uses. At the June 15th work session, there was a general consensus that Short-Term Vacation Rentals should only be allowed in the central business district and the Islington Street corridor and neighborhoods, and that Bed and Breakfasts should only be allowed in those areas and the immediately

surrounding neighborhoods. Further, the Council indicated that annual inspection and permitting of such uses should be pursued in addition to regulation through zoning.

Based on the work session, staff have prepared the [attached revised Ordinance](#), which maintains the existing limits on Bed and Breakfast uses with respect to zoning districts, and limits Short-Term Vacation Rentals to the central business districts (including the CD4 and CD5 character districts) and the Business district. In addition, the revised Ordinance includes a provision (sec. 10.837.27) stating that “Noncompliance with any condition listed ... or any other condition of the granting of a special exception for the short-term vacation rental use, shall be deemed to constitute abandonment of said use resulting in the termination of the special exception.”

I recommend that the City Council pass first reading and schedule a second reading of the proposed Ordinance, as presented, at the August 3, 2015, City Council meeting. Action on this matter should take place under Section IX of the Agenda.

- 1.2 **First Reading of Proposed Ordinance amending Chapter 11, Article II, Section 11.216:B – Sewer User Charges/Records/Hook-up - by the Elimination of Irrigation Meters.** As a result of the June 15th City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the [attached proposed Ordinance](#) amending Chapter 11, Article II, Section 11.216:B – Sewer User Charges/Records/Hook-up regarding the elimination of irrigation meters.

Chapter 11 Section 11.216:B of the City’s Ordinance currently allows single-family residential water customers on the City’s water and sewer system to have separate irrigation meters which are only billed for water usage:

“Sewer user charges shall be based upon water use whenever possible. No allowance shall be made for watering lawns, watering gardens or washing cars, except for single residential customers who have installed at their cost a second meter, meeting the specifications determined by the Water Department to measure water use which is reasonably calculated not to be discharged into the sewer system. Where such second meters have been installed, a separate account will be established and no sewer charges will be applied to this usage. (Amended 11/17/97)”

As part of the recent Water and Sewer Rate Study, the City’s rate consultant, Municipal and Financial Services Group, Inc. (MFSG), reviewed various policy options for changing the City’s rate structure. One of the options explored and brought forward to City Council would allow for the expansion of irrigation meters to other customer categories. The consultant recommended that the City not expand irrigation meter availability to multi-family and commercial customers as this would be inconsistent with the City’s sustainability goals. This would also be contradictory to the City’s recent implementation of water efficiency rebate programs. In addition, the City has recently been contacted by legal counsel

representing a number of businesses that feel that the current ordinance treats them unfairly as it allows for second meters for single family residential properties only. Therefore, they may litigate to be able to have second meters installed for irrigation the same as our residential customers.

MFSG's analysis showed that if second meters were allowed to be expanded to multi-family and commercial properties, sewer rates would have to be increased anywhere from 10 to 15% due to the potential loss of metered sewer revenue (\$1.4 to \$2.1 million/year). This could result in an annual increase of \$117.00 for an average residential customer using five units of water per month.

The current high demand of water in our water supply system has also highlighted the impact that irrigation is having on the City's water system. Recent water demands show that irrigation can increase our water demand by 50%. Expanding irrigation meters to a larger customer base would likely increase this demand more. Again, this is inconsistent with the City's sustainability goals.

There are currently 300 irrigation meters in our water system. These customers paid the cost to re-plumb their irrigation systems from their existing water plumbing to provide a separate water line for this usage. They also paid the City for the meter, radio and labor to install the meter, at a total cost of \$258.00 (based on a 5/8 inch meter) per customer. If Council votes to eliminate irrigation meters from the system, it would be recommended to reimburse each customer \$300.00 for the cost they paid to the City for the installation and not remove the meter from the property, however, charge both meters for water and sewer usage and charge only one monthly service fee.

Therefore, City staff recommend that the City Ordinance allowing for second meters for irrigation be eliminated.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading for the August 3, 2015 City Council meeting, as presented. Action on this matter should take place under Section VIII of the Agenda.

- 1.3 **First Reading of Proposed Ordinance amending Chapter 7, Article I, Section 7.1 – Parking Meters, Section 7.102 Parking Meter Zones (A) Downtown High Occupancy Zone – Parking Rate shall be one dollar and seventy-five cents (\$1.75) per hour and (B) Parking in all other parking meter zones shall be at the rate of one dollar and twenty-five cents (\$1.25) per hour and EasyPark Resident Discount.** In a continuing effort to improve parking utilization, the Fee Committee reviewed on-street parking patterns and has recommended the expansion of the Downtown High Occupancy Meter Zone, changes to the existing rates, and the creation of a Residents Discount Program.

The Committee looked at parking utilization in the Downtown High Occupancy Meter Zone and the surrounding areas and makes the recommended changes ([see attached maps](#)).

Additionally, the Fee Committee has also recommended the current rate of \$1.50 per hour in the Downtown High Occupancy Meter Zone be increased to \$1.75 per hour. Parking in all other Zones will be increased \$0.25 from \$1.00 to \$1.25 per hour. This increase is consistent with parking management recommendations made by Donald Shoup in his book, *The High Cost of Free Parking* and Mike Mansfield's presentation to PS21 in April of this year.

[Attached under Section IX of the Agenda is a redlined proposed ordinance change amending Chapter 7, Article 1, Section 7.1 – Parking Meters.](#)

In an effort to minimize impact to residents, a Residential Parking Discount Program has been recommended to accompany these rate increases. Parking for verified Portsmouth residents using an approved personal meter device, as defined in Section 7.101, would be at a rate of \$0.25 less than this rate. Proof of residency shall be determined using standards established by the Portsmouth Tax Collector.

To facilitate this Resident Discount Program, the EasyPark Personal Parking Meter would be utilized. A resident could purchase this device and, after residency verification, park at the discounted rate.

An example of the savings from this program is as follows: a resident who parks in the Downtown High Occupancy Meter Zone for 10 hours a week and participates in the Residential Parking Discount Program would save over \$84 a year compared to a non-resident or resident not participating in the program.

I recommend the City Council move to pass first reading and schedule a public hearing and a second reading of the proposed Ordinance for the August 3, 2015 City Council meeting, as presented.

- 1.4 **First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning North End.** As you will recall, the Planning Department and its consultants, Town Planning and Urban Design Collaborative (TPUDC), have been working to extend the existing character-based zoning to the North End, based on the results of a charrette held in November 2014. At the same time, staff have undertaken a thorough review of the character-based zoning ordinance that was adopted in April 2014, and have drafted proposed revisions to address identified substantive and procedural issues. The proposed revisions are intended to eliminate redundancies and conflicts, and to better integrate the development review process in the Character Districts into the City's broader regulatory framework.

[Attached in your packet are the following three documents:](#)

- (1) [a proposed revision to Article 5A – Character Districts;](#)

(2) a set of four maps showing the expanded Character-Based Zoning Area, proposed districts for the North End, and some minor revisions to the zoning in the original study area; and

(3) a document titled “Conforming Amendments to Zoning Ordinance.”

At the April 20th meeting, the Council voted to refer the proposed Zoning Ordinance and Zoning Map amendments to the Planning Board for recommendations and to schedule first reading for June 1, 2015. At the June 1st meeting, the Council voted to postpone first reading to the July 13th meeting in order to allow additional time for the Planning Board to conduct its public hearing and review.

Following a public hearing at its meeting on June 18, 2015, the Planning Board voted to report to the Council that it is moving toward a favorable recommendation on the North End zoning, but continued the matter to its July 16th meeting for further consideration of workforce housing, building heights and other issues. It is anticipated that the Board will vote on its report at that time, and will present additional revisions to the proposed amendments in time for a public hearing at the Council’s meeting on August 3, 2015.

I recommend that the City Council pass first reading and schedule a public hearing and second reading of the proposed Ordinances at the August 3, 2015, City Council meeting. Action on this matter should take place under Section IX of the Agenda.

2. **Public Hearings:**

- 2.1 **Public Hearing/Proposed Charter Amendment Re: Election of Mayor.** As a result of the June 15th City Council meeting, under Section VII of the Agenda, I am bringing back the [attached proposed Charter Amendment regarding the Election of the Mayor and vote on this matter at Monday’s meeting.](#)

Action is required on this matter and should take place under Section IX of the Agenda.

- 2.2 **Public Hearings Re: Police Commission.** As a result of the Monday, June 29, 2015 Special City Council Meeting, under Section VII of the Agenda, the Council will hold public hearings regarding proposed Charter amendments as it relates to the Police Commission.

[NOTE: Public Hearings A, B, C and D each concern proposed Charter Amendments on which the City Council will vote whether or not to place the question on the ballot for referendum vote on November 3, 2015. Per RSA 49-B:5, alternative statements of a single amendment are prohibited from referendum vote. For any Charter Amendment to be adopted it must pass by at least 3/5 of the ballots cast at the municipal election.]

If the Council wishes to move forward with any of the proposed amendments an appropriate motion would be:

MOVED that subject to state review required by RSA 49-B:5 proposed Charter Amendment #_____ be placed on the ballot for the November 3, 2015 election.

- A. Proposed Charter Amendment #1 which would allow for the Mayor to be an elected position with the candidates for Mayor being limited to those persons who are also candidates for the City Council.*
- B. Proposed Charter Amendment #2 which would expand the membership of the Police Commission from three (3) members to five (5) members by the addition of the Mayor and the City Manager or their respective designees.*
- C. Proposed Charter Amendment #3 which would eliminate the Police Commission so that the Police Department would be administered under the Council / Manager form of government, in the same manner as any regular City Department and which would provide the City Council with authority to create a Civilian Police Review Board by ordinance to investigate complaints by members of the public concerning misconduct of police officers.*
- D. Proposed Charter Amendment #4 which would expand the membership of the three (3) member Police Commission to five (5) members by the addition of the City Manager and a member to be selected by the City Council and which would provide the City Council with authority to create a Civilian Police Review Board by ordinance to investigate complaints by members of the public concerning misconduct of police officers.*

3. **Public Hearing/Second Reading of Proposed Ordinance.**

- 3.1 **Public Hearing/Second Reading of Proposed Ordinance Amending Chapter 7, by the addition of a new Article II - Transportation Services (New Proposed Amended Language).** As a result of the June 15th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached new proposed Transportation Services Ordinance with amended language. The Ordinance was brought forward for second reading at the June 15th City Council meeting by Assistant Mayor Jim Splaine also serving as Member of the Taxi Commission.

Therefore, before passage of second reading, the City Council has established a public hearing on this matter for your July 13, 2015 meeting.

Move to pass second reading as amended at the June 15, 2015 City Council meeting, and schedule a third and final reading at the August 3, 2015 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

4. **Third and Final Reading for Proposed Ordinance.**

4.1 **Third and Final Reading of Proposed Ordinance Amending the Zoning Map by Rezoning Lots Outlined in the Ordinance from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW) and including Cate Street Between Hodgson’s Brook and Bartlett Street; and Amending the Zoning Ordinance Article 7, Section 10.730 Gateway Planned Development and Article 15 – Definitions (Tabled from the June 15, 2015 City Council meeting).**

As you will recall at the June 15th City Council meeting, the Council tabled third and final reading of the aforementioned proposed Ordinance. Under Section IX of the Agenda, [attached is a copy of the proposed Ordinance](#) amending the Zoning Map by Rezoning Lots Outlined in the Ordinance from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW) and including Cate Street Between Hodgson’s Brook and Bartlett Street; and Amending the Zoning Ordinance Article 7, Section 10.730 Gateway Planned Development and Article 15 – Definitions.

As you are aware, the Planning Board recommended the following amendments, which were voted on by the City Council at the June 1st City Council meeting:

- (1) The “workforce housing incentives” in the previous draft has been replaced by the new “modification of standards” language (item 2.C on page 2 of both versions) as discussed above; and
- (2) A stand-alone definition of the term “affordable” has been added, where previously it was embedded in the definition of “workforce housing unit” (item 2.D on pages 2-3).

[Attached is a letter from Attorney Bernard Pelech under Section XI of the Agenda, regarding this matter.](#)

I recommend that the City Council move the following motions:

- 1) Move to remove from the table; and,*
- 2) Move to pass third and final reading on the proposed Ordinance amendment, as presented.*

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

Consent Agenda:

1. **Request for License to Install Projecting Signs.** Attached under Section X of the Agenda are requests for a projecting sign licenses (see attached memorandums from Rick Taintor, Planning Director):
 - Mary Dolan, owner of Starling Hair & Beauty for property located at 5 Market Street (Projecting Sign is located on Daniel Street).
 - Patricia M. Snider, owner of The Glass Pear for property located at 10 Commercial Alley.
 - Kristen B. Ward, owner of Wanderbird Floral for property located at 94 Pleasant Street.
 - Nicole Ray & Laurie Rourke, owner of In Boston Salon, LLC for property located at 168 Fleet Street.
 - Melissa Lake, owner of Better Homes & Garden Real Estate for property located at 79 Congress Street.
 - Mohammed Enyat, owner of ABC Fine Rugs, Inc. for property located at 50 Daniel Street.
 - Rossli Chace, owner of Lashbar for property located at 10A Ladd Street.

I 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 this License Agreements for these requests. Action on this item should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Replacement of Municipal Alarm System.** Attached is a copy of a memorandum from Fire Chief Steve Achilles regarding the municipal alarm system. In order to move forward with replacement of the municipal alarm system, in accordance with the City Ordinance, Chapter V, Section 5.503, the City Council must approve permanent removal of the fire alarm boxes. Chief Achilles will be present to answer any questions that the City Council may have regarding this matter.

I recommend the City Council move to approve the request for the permanent removal of the municipal fire alarm boxes.

2. **Report Back Re: Donation of Land to City (Map 296, Lot 2).** As you will recall at the June 15, 2015 City Council meeting, the Council referred the attached request from the Michael J. Decristofaro Revocable Trust 2015, to the Planning Board and Conservation Commission for report back to the City Council.

Attached is a memorandum from Rick Taintor, Planning Director, regarding the donation of a 6.6-acre parcel (Map 296, Lot 2) to the City. At its meeting on June 18, 2015, the Planning Board voted unanimously to recommend that the City accept the donation of the parcel.

At its meeting on July 8, 2015, the Conservation Commission voted unanimously to recommend that the City accept the donation of the 6.6 acre Decristofaro parcel (Map 296, Lot 2). [See attached memorandum from Peter Britz, Environmental Planner.](#)

I recommend the City Council move to accept the donation of the 6.6-acre parcel (Map 296, Lot 2) as recommended by the Planning Board and the Conservation Commission, and further, authorize the City Manager to execute all necessary documents.

3. **Request for First Reading Re: Bonding Resolutions.** I am requesting that the City Council schedule a first reading for the list of proposed bonding projects identified in the Capital Improvement Plan at the August 3rd City Council meeting ([see attached CIP Pages](#)). As you are aware, Borrowing Resolutions require two readings and adoption, which includes a public hearing and two-thirds vote of the City Council.

GENERAL FUND

I. Resolution for Borrowing Authorization of up to Six Million One Hundred Thousand Dollars (\$6,100,000) for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements.

a. Bicycle/ Pedestrian Plan Implementation - \$1,000,000 (page 94 of CIP FY16-21):

This project is to implement the bicycle and pedestrian related projects identified in the Bicycle/ Pedestrian Plan. Demand for bicycle/ pedestrian access and related equipment has increased. These funds are to meet the current need and expansion of the City's bicycle/ pedestrian infrastructure.

- Department: Public Works
- Project Location: Citywide
- Project Type: New or Upgraded Facilities
- Justification: Supports City Bicycle/ Pedestrian Friendly Policy, identified in Bicycle/Pedestrian Plan.

b. Citywide Sidewalk Reconstruction - \$800,000 (page 96-97 of CIP FY16-21)

This program is in conjunction with the ongoing Bicycle Pedestrian Plan. The sidewalk inventory consists of over 50 miles of sidewalks, made from asphalt, concrete, brick, or stone. Reconstruction work is required to bring these to standard. Reconstruction is based upon need and is coordinated with other street improvements. To aid in prioritizing sidewalk upgrades, the DPW will be including sidewalk condition to their annual road condition assessment starting in FY16.

- Department: Public Works
- Project Location: Citywide
- Project Type: Upgraded Existing Facilities
- Justification: Upgrade Existing Facilities

c. *Islington Street Sidewalk - \$250,000 (page 99 of CIP FY16-21):*

This project will install a new sidewalk along Islington Street from the Plains Ball Field to U.S. Route 1 Bridge. This project is to accommodate increased pedestrian traffic along this section of roadway.

- Department: Public Works
- Project Location: Islington Street (Plains to Route 1)
- Project Type: New Construction
- Justification: Improves quality of existing service, identified in the Bicycle/ Pedestrian Plan.

d. *Market Street Gateway Improvements - \$550,000 (page 110 of CIP FY16-21):*

This project is a continuation of phased improvements along the Market Street right-of-way as it extends from I-95 to Deer Street. The next phase is in design and is anticipated to be constructed in FY16 and includes improvements from the I-95 Exit 7 interchange to the Route 1 Bypass Bridge. This will be followed by a final construction phase once the Sarah Long Bridge is completed.

- Department: Public Works
- Project Location: Market Street
- Project Type: Upgraded Existing Facilities
- Justification: Identified in Planning Document

e. *Street Paving, Management and Rehabilitation - \$3,000,000 (page 111-112 of CIP FY16-21):*

In 1993 the City began a Pavement Condition Management Program. This on-going program produces a report showing existing conditions for each publicly owned street and aids in setting priority for the best dollar investment as well as shows “What If” scenarios and estimated project costs. These scenarios project future street conditions based upon various levels of expenditures. The most recent condition report recommends an expenditure of \$1,500,000 per year to maintain street conditions at its current level. The indicated expenditures are capital costs to implement the improvements over a two-year period with all work lasting 20 years. (The Public Works operational budget includes those costs associated with maintenance work with an expected life of only 10 years.)

- Department: Public Works

- Project Location: Citywide
- Project Type: Upgraded Existing Facilities
- Justification: Alleviates Substandard Conditions.

*f. **Islington Street Improvements - \$500,000 (page 113 of CIP FY16-21):***

The Islington Street Improvement Action Plan was completed in 2009 with the goal of improving the appearance of Islington Street in the area between Maplewood Avenue and Rt. 1 Bypass. This project involved development of a plan for capital improvements, regulatory strategies and non-regulatory public/private approaches to revitalization. The streetscape will be enhanced in a coordinated way as properties are improved through the site review process. Final design is underway with the first phase of improvements starting at Congress St. with construction anticipated Spring 2016.

- Department: Public Works
- Project Location: Islington Street
- Project Type: Rehabilitation of Existing Facilities
- Justification: Improves quality of existing services, identified in Islington Street Improvement Action Plan 2009.

II. Resolution for Borrowing Authorization of up to Six Hundred Thousand Dollars (\$600,000) for FY16 purchase of Fire Apparatus Page 39 of CIP FY16-21):

This project continues the CIP Rolling Stock replacement program for large apparatus. This allocation will purchase a new custom rescue pumper with a 4-person cab with medical compartments, 500 gallon water tank, 1,500 gpm pump, and related equipment to replace the 1987 Emergency One pumper. Funds include complete set-up (including radio, lettering and striping and equipment).

- Department: Fire Department
- Project Location: Station 3
- Project Type: Equipment acquisition
- Justification: Improves quality of existing services

III. Resolution for Borrowing Authorization of up to Five Hundred Thousand Dollars (\$500,000) for FY16 School Facilities Improvements (Page 50-51 of CIP FY16-21):

The Portsmouth School Department has maintenance responsibilities for seven buildings with over 600,000 square feet of space. The tri-annual appropriation will be used for building improvement projects such as: roof, windows, and boiler replacement and improvements to security and climate control system infrastructure.

- Department: School Department
- Project Location: District Wide
- Project Type: Rehabilitation of existing facilities
- Justification: Alleviates substandard conditions or deficiencies.

WATER FUND

IV. Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000) related to Water System Upgrades and Improvements

a. Stage Two Disinfection By-Product Rule - \$3,600,000 (Page 127 of CIP FY 16-21):

This item addresses the impact the EPA Stage Two Disinfection By-product rule will have on the City's water distribution system. This rule came into effect in 2013 and requires additional treatment of surface water prior to entering the distribution system. Upgrades to Newington Booster Station will be necessary to install treatment of water at booster tank. Work will also include complete replacement of pumps and associated electrical equipment which are over 60 years old. Design of these upgrades is currently underway.

** Intent to modify Memorandum of Agreement with the Air Force to include \$1.2 million in reimbursement for cost associated with the Booster System dedicated to the Pease International Trade Port. **

- Department: Water Enterprise
- Project Location: Water System
- Project Type: Rehabilitation
- Justification: Responds to Federal Safe Drinking Water Act requirement

b. Water System Pressure and Storage Improvements - \$500,000 (page 130 of CIP FY16-21):

This project consists of design and construction of a new water main, a new water tank and/or pump systems to improve flow and pressure in 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 the recently completed water system master plan update.

- Department: Water Enterprise
- Project Location: Water System
- Project Type: Rehabilitation
- Justification: Identified in Water System Master Plan

SEWER FUND

V. Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades

a. *Fleet Street Utilities Upgrade - \$500,000 (page 148 of CIP FY15-20):*

This item is a utilities upgrade project which will be done prior to the road and streetscape improvements along Fleet Street from Court Street to Hanover Street. The project will replace sewer and drain pipes which have outlived their design life.

- Project Location: Fleet Street (from Court Street to Hanover Street)
- Project Type: New construction or expansion of existing facility, street or utility
- Justification: Improves quality of existing services; Reduces long-term operating costs.

*This is a carry-over item from FY15 CIP

b. *Lafayette Road Pumping Station Upgrade - \$3,500,000 (page 138 of CIP FY16-21):*

This pumping station project involves replacement of equipment that has exceeded its design life and modifications to the facility to meet current standards as well as improve odor control. The work will include replacement of 50 year old pumps, upgrades to the stations electrical systems, an odor control system and potential expansion of the building to house the standby generator. Design of the improvements are ongoing.

- Department: Sewer Enterprise
- Project Location: 605 Lafayette Road
- Project Type: New construction or expansion of existing facility, street or utility

I recommend the City Council move to authorize the City Manager to bring back for first reading the various proposed CIP projects to be bonded, as presented, for the August 3, 2015 City Council meeting.

4. **Request to Dispose of Surplus Equipment and Vehicles.** The City currently has for disposal, various rolling stock/equipment from the Public Works and Police Departments (see attached). As in the past, we have disposed of surplus inventory through a sealed bid process in which the item is sold to the highest bidder. According to City Ordinance Section 1.505, property valued at \$500.00 or more must receive approval from the City Council prior to bidding.

I would recommend the City Council move to authorize the City Manager to dispose of surplus equipment and vehicles by the sealed bid process.

5. **Request for Acceptance of Sidewalk Easement Re: 233 Vaughan Street, LLC.** As part of the approved site plan for the mixed use project at 233 Vaughan Street, the applicant, 233 Vaughan Street, LLC, was required to provide an easement to the City for future construction of a sidewalk in the area. The easement area is highlighted on the [attached plan](#). The Legal Department has approved the form of the easement.

I recommend the City Council move to authorize the City Manager to accept a required sidewalk easement from 233 Vaughan Street, LLC.

6. **Report Back Re: St. Nicholas Orthodox Church Back Lot (Map 229, Lot 6-A).** As you will recall, at the June 1, 2015 City Council meeting, the Council referred the [attached request from Fr. Robert J. Archon, Saint Nicholas Greek Orthodox Church](#), regarding St. Nicholas Greek Orthodox Church Back Lot (Map 229, Lot 6-A) to the Planning Board for report back to the City Council.

[Attached is a memorandum from Rick Taintor, Planning Director](#), regarding this matter.

At its meeting on June 18, 2015, the Planning Board acted on the Church's requests as follows:

- A. Voted to recommend that the City Council accept Ledgewood Drive up the cul-de-sac as a City Street.
- B. Voted to recommend that the City Council defer action on the requested easement until a specific site plan has been prepared for submission to the Planning Board.

I recommend the City Council accept the Planning Board's aforementioned recommendation.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on June 15, 2015. In addition, this can be found on the City's website.
2. **Report Back Re: Roberts Investigatory Panel Report.** As you will recall at the June 15, 2015 City Council meeting, Assistant Mayor Splaine requested legal counsel to determine the legal options, rights, remedies and obligations that the City Council has concerning the findings of the Roberts Investigatory Panel Report. [Attached is a memorandum from City Attorney Sullivan](#) regarding this matter.