

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, AUGUST 17, 2015 TIME: 5:45PM

## **AGENDA**

- 5:45PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: PROPERTY NEGOTIATIONS – RSA 91-A:2, I (b)
- 6:30PM – WORK SESSION RE: PRESCOTT PARK ARTS FESTIVAL PROPOSED STAGE RELOCATION

**I. CALL TO ORDER (5:45PM)**

**II. ROLL CALL**

**III. INVOCATION**

**IV. PLEDGE OF ALLEGIANCE**

**PRESENTATION**

1. Revaluation Update – Rosann Maurice-Lentz, City Assessor

**V. ACCEPTANCE OF MINUTES – JULY 20, 2015 AND AUGUST 3, 2015**

**VI. PUBLIC COMMENT SESSION**

**VII. PUBLIC HEARINGS**

- A. 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
- B. 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)
- C. 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)
- D. RESOLUTION FOR BORROWING AUTHORIZATION OF UP TO FOUR MILLION ONE HUNDRED THOUSAND DOLLARS (\$4,100,000) RELATED TO WATER SYSTEM UPGRADES AND IMPROVEMENTS
- E. RESOLUTION FOR BORROWING AUTHORIZATION OF UP TO FOUR MILLION DOLLARS (\$4,000,000) FOR FY16 SEWER SYSTEM UPGRADES

## VIII. APPROVAL OF GRANTS/DONATIONS

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

## 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”  
***(Postponed from the August 3, 2015 City Council meeting)***
- B. Adoption of 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
- C. Adoption of 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)
- D. Adoption of 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)
- E. Adoption of Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000) related to Water System Upgrades and Improvements
- F. Adoption of Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades
- G. Third and Final 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
- H. Third and Final reading of Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning North End as follows:
- (1) Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts as amended at second reading”;
  - (2) Amend Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” as amended at second reading; and

- (3) Amend the Zoning Map as set forth in the following maps as amended at second reading:
- a. Map 10.5A21A – Character Districts and Civic Districts;
  - b. Map 10.5A21B – Building Height Standards;
  - c. Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout & Uses

## X. CONSENT AGENDA

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

- A. Letter from Melissa Walden, American Lung Association, requesting permission to hold the 7<sup>th</sup> annual American Lung Association Cycle the Seacoast ride on Sunday, May 1, 2016 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Carolyn Ostrom, Susan G. Komen, requesting permission to hold the Susan G. Komen New Hampshire Race for the Cure on Saturday, May 7, 2016 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

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

- A. Letter from Rabbi David Ross Senter, Temple Israel, requesting permission to hold a public 9/11 ceremony at the African Burying Ground with a walk to the Veteran's Park ***(Sample motion – move to refer to the City Manager with power)***
- B. Letter from Attorney Bernard Pelech regarding Restoration of Involuntarily Merged Lots – RSA 674:39aa property located at 65 Mendum Avenue ***(Sample motion – move to refer to the Planning Department for report back)***
- C. Letter from Gerald Zelin regarding Character-Based Zoning for the North End

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### **A. CITY MANAGER**

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

- 1. First Reading of Proposed Resolutions and Ordinances:
  - 1.1 First Reading of Proposed Ordinance amending Chapter 10, Section 10.440, Table of Uses – Short-Term Vacation Rentals and Other Lodging Uses ***(Postponed from the August 3, 2015 City Council Meeting) (Action on this matter should take place under Section IX of the Agenda)***
- 2. Public Hearing/Adoption of Resolutions:
  - 2.1 Public Hearing/Adoption of 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 ***(Action on this matter should take place under Section IX of the Agenda)***

- 2.2 Public Hearing/Adoption of 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) **(Action on this matter should take place under Section IX of the Agenda)**
- 2.3 Public Hearing/Adoption of 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) **(Action on this matter should take place under Section IX of the Agenda)**
- 2.4 Public Hearing/Adoption of Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000) related to Water System Upgrades and Improvements **(Action on this matter should take place under Section IX of the Agenda)**
- 2.5 Public Hearing/Adoption of Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades **(Action on this matter should take place under Section IX of the Agenda)**
3. Public Hearing/Second Reading of Proposed Resolutions and Ordinances:
  - 3.1 Public Hearing/Second 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) (Tabled from the July 20, 2015 City Council meeting)**
4. Third and Final Reading of Proposed Ordinance:
  - 4.1 Third and Final 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)**
  - 4.2 Third and Final reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning – North End **(Action on this matter should take place under Section IX of the Agenda)**

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

1. "North End Portsmouth" Development – Proposed Land Transfers, Easements and License
2. Annual Omnibus Ordinance Change, Parking and Traffic

### **Informational items**

1. Events Listing
2. Report Back Re: Historic Cemeteries Update
3. Report Back Re: Athletic Fields
4. Report Back Re: Payment of Severance to former Deputy Police Chief Corey MacDonald
5. Report Back Re: Analysis Polling Hours
6. Report Back Re: Land Acquisition (Frank Jones Center Property)

### **B. MAYOR LISTER**

1. Appointments to be Considered: ***(Postponed from August 3, 2015 City Council meeting)***
  - Kathleen Bergeron to the Citywide Neighborhood Steering Committee
2. Appointments to be Voted: ***(Postponed from August 3, 2015 City Council meeting)***
  - Marie Kelleher to the Citywide Neighborhood Steering 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
3. City Manager's Evaluation ***(Postponed from August 3, 2015 City Council meeting)***
  - Councilor Spear, Chair
  - Councilor Lown
  - Councilor Thorsen
  - Councilor Dwyer
4. Appointment of Police Commissioner Citizen Review Panel
  - Tom Ferrini, Chair
  - Mike Magnant
  - Ruth Griffin
  - Reverend Rob Stevens
  - John Akar

### **C. ASSISTANT MAYOR SPLAINE**

1. \*Proposal for An Elected Charter Commission ***(Postponed from August 3, 2015 City Council meeting)***
2. \*Mayors For Peace -- Presentation

**D. COUNCILOR KENNEDY**

1. \*Charter Commission (***Postponed from August 3, 2015 City Council meeting***)
2. \*Supporting Small Business in Portsmouth (***Postponed from August 3, 2015 City Council meeting***)

**E. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the July 9, 2015 meeting (***Postponed from August 3, 2015 City Council meeting***) (***Sample motion – move to approve and accept the minutes of the July 9, 2015 Parking & Traffic Safety Committee meeting***)

**F. COUNCILOR SPEAR**

1. Peirce Island Non-Resident Fee Reconsideration (***Postponed from August 3, 2015 City Council meeting***)

**G. COUNCILOR THORSEN**

1. Irrigation Meters

**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 May 19, 2015 and June 16, 2015 meetings of the Board of Adjustment are now available on the City's website (***Postponed from August 3, 2015 City Council meeting***)
2. \*Notification that the minutes of the June 10, 2015 meeting of the Conservation Commission are now available on the City's website (***Postponed from August 3, 2015 City Council meeting***)
3. \*Notification that the minutes of the June 17, 2015 meeting of the Historic District Commission are now available on the City's website (***Postponed from August 3, 2015 City Council meeting***)
4. \*Notification that the minutes of the June 18, 2015 and June 25, 2015 meetings of the Planning Board are now available on the City's website (***Postponed from August 3, 2015 City Council meeting***)
5. \*Notification that the minutes of the June 30, 2015 meeting of the Site Review Technical Advisory Committee are now available on the City's website (***Postponed from August 3, 2015 City Council meeting***)

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

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** August 13, 2015  
**To:** Honorable Mayor Robert J. Lister and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on August 17, 2015 City Council Agenda

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**5:45 p.m. Non-meeting with counsel regarding proposed 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.

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***Work Session:***

**6:30 p.m.**

1. **Prescott Park Arts Festival Proposed Stage Relocation.** As you are aware on Monday evening at 6:30 p.m., the City Council will be meeting with representatives from the Prescott Park Arts Festival (PPAF) as well as Tracy Kozak from JSA Architects, regarding the proposed relocation of the stage. The Mayor's Working Group (consisting of Councilor Shaheen, Councilor Dwyer, Trustees of the Trust Member Tom Watson and the Mayor) have been discussing this matter with representatives from the PPAF and felt it was necessary now to bring this matter before the City Council to move it to the next step: the City's land use agencies.

***Presentation:***

1. **Update of Property Revaluation.** On Monday evening, City Assessor Rosann Maurice-Lentz will be updating the City Council on the City's revaluation, which is mandated in accordance with RSA 75:8 stating that "the Assessor shall reappraise all real estate within the municipality so that the assessments are at full and true value at least as often as every 5<sup>th</sup> year." The last revaluation took place in 2010.

## ***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 (Postponed from the August 3, 2015 City Council Meeting).** As you will recall at the August 3<sup>rd</sup> City Council meeting, the Council postponed first reading of a proposed Ordinance regarding Short-Term Vacation Rentals and Other Lodging Uses.

At the June 15<sup>th</sup> City Council 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 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 prepared the [attached revised Ordinance, under Section IX of the Agenda, 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 move to pass first reading and schedule a public hearing and a second reading of the proposed Ordinance, as presented, at the Tuesday, September 8, 2015 City Council meeting.*

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



2. **Public Hearing and Adoption of Proposed Resolutions:**

- 2.1 **Public Hearing and Adoption of Proposed Resolutions for Bond Authorizations for FY16 City Improvements.** As a result of the August 3<sup>rd</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the proposed [borrowing authorizations](#) identified in the Capital Improvement Plan ([see attached Resolutions and CIP pages](#)).

**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 conditions 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 Street 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 that 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 the 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.

- Department: Sewer Enterprise
- 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
- Justification: Improves quality of existing services; Reduces long-term operating costs

*I recommend that the City Council move the following motions:*

- 1) *Move to adopt a Bond Resolution for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements in the amount of up to \$6,100,000.*

- 2) *Move to adopt a Bond Resolution for FY16 purchase of Fire Apparatus in the amount of up to \$600,000.*
- 3) *Move to adopt a Bond Resolution for FY16 School Facilities Improvements in the amount of up to \$500,000.*
- 4) *Move to adopt a Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,100,000.*
- 5) *Move to adopt a Bond Resolution for FY16 Sewer System Upgrades in the amount of up to \$4,000,000.*

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

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

- 3.1 **Third and Final 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.** As a result of the August 3<sup>rd</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance amending Chapter 7, Article 1, Section 7.1 – Parking Meters.](#)

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.

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 third and final reading of the proposed Ordinance. Action on this matter should take place under Section IX of the Agenda.*

3.2 **Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning in the North End.** As a result of the August 3<sup>rd</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the [attached ordinances amending the Zoning Ordinance](#). The proposed revisions are presented in [three attached documents](#):

- (1) A proposed revision to Article 5A – Character Districts, replacing the existing Article 5A;
- (2) A document titled “Conforming Amendments to the Zoning Ordinance,” including amendments to Articles 4 (Zoning Districts and Use Regulations), 4 (Dimensional and Intensity Standards), 11 (Site Development Standards), 12 (Signs) and 15 (Definitions); and
- (3) A set of four maps showing the expanded Character-Based Zoning Area, including proposed Character Districts in the North End and minor revisions to the zoning in the original study area.

As you will recall, prior to passing second reading at the August 3<sup>rd</sup> meeting, the City Council voted to amend the proposed ordinances and maps as recommended by the Planning Board. The documents included in the Council packet reflect those amendments.

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

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

1. **“North End Portsmouth” Development – Proposed Land Transfers, Easements and License.** As the Council is aware, a significant mixed-use development is proposed on the site of the Sheraton Harborside surface parking lot, which is bordered by Russell St., Deer St., Maplewood Ave. and the Boston and Maine railroad tracks. The “North End Portsmouth” development will include a conference center, a 96-room hotel, 19 residential condominiums, a grocery store and other retail spaces, and a parking structure containing 523 below- and above-ground parking spaces. The project has received all required approvals from the City’s land use boards.

Attached are a letter and four exhibits from Chris Thompson of North End Master Development, LP, regarding land transfers, easements and licenses that are necessary to implement the development project as it has been approved by the land use boards. The letter requests that the City accept four parcels of land to implement roadway improvements on Market, Russell, Green and Deer Streets, and two easements for utility and access purposes. In addition, North End Master Development requests the City to grant a number of easements around the periphery of the site to accommodate foundations, roof overhangs, stairs, ramps, grease traps and related items.

Also attached is a memorandum from Rick Taintor, Planning Director, describing the purposes of the proposed land transfers, easements and licenses. As noted in the memorandum, the proposed land transfers to the City will allow for three important roadway improvements in the vicinity of the project, including realigning the Russell/Deer intersection to a “T” configuration, widening and realigning Green Street between Russell Street and the railroad crossing and, most significantly, converting the Market/Russell intersection to a modern roundabout as an extension of the Market Street Gateway project.

*I recommend that the City Council take the following actions:*

- (1) *Move to accept the land transfers substantially as shown on the Land Transfer Plan, subject to any minor adjustments that may be needed to accommodate the construction of a roundabout at the intersection of Market Street and Russell Street.*
- (2) *Move to accept the Utility Easement and the Access Easement as shown on the Easement Plan.*
- (3) *Move to approve the Foundation Easements, Roof Canopy Easements, Roof Overhang Easements, Door Opening Easements, Easements for Stairs, Wall, and Ramps, and Utility Easements for Grease Traps, substantially as shown on the Easement Plan, and to authorize the City Manager to execute the necessary instruments for such easements.*
- (4) *Move to approve the requested licenses substantially as shown on the License Plan, and to authorize the City Manager to execute the necessary instruments.*



2. **Annual Omnibus Ordinance Change, Parking and Traffic.** [Attached please find the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee](#) to be presented to the City Council at its meeting of August 17, 2015. This year's omnibus changes are detailed on the [attached sheets](#), and address changes to on-street spaces and update wording to reflect current conditions.

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

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

The [attached amendments to Chapter 7, Vehicles, Traffic and Parking](#) for the Council's consideration summarize the temporary parking regulations implemented by the Parking and Traffic Safety Committee between June 13, 2014 and June 11, 2015, as well as updates to reflect current conditions.

*I recommend the City Council move to authorize the City Manager to bring back for first reading the attached proposed Ordinance, as presented, at the Tuesday, September 8<sup>th</sup> City Council meeting.*

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

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on August 3, 2015. In addition, this can be found on the City's website.
2. **Report Back Re: Historic Cemeteries Update.** For your information, [attached is a report back](#), regarding an update on historic cemeteries.
3. **Report Back Re: Athletic Fields.** As you will recall, at the June 1, 2015 City Council meeting, the Council requested that I report back concerning two strategies for addressing the shortage of outdoor multi-use recreation fields in the City. [Attached for your information is the report back](#) regarding this matter.
4. **Report Back Re: Payment of Severance to former Deputy Police Chief Corey MacDonald.** As requested by the City Council, attached is a [memorandum from City Attorney Robert Sullivan](#) regarding the payment of severance to former Deputy Police Chief Corey MacDonald.

5. **Report Back Re: Analysis of Polling Hours.** For your information, [attached is a memorandum from Kelli Barnaby, City Clerk](#), regarding an analysis of the polling hours.
  
6. **Report Back Re: Land Acquisition (Frank Jones Center Property).** As requested by the City Council, I met with Brian Thibeault owner of the property known as Frank Jones Center. This property consists of 12.4 acres. Mr. Thibeault is willing to sell 8.77 acres for \$9,000,000 ([see attached letter and map](#)). Mr. Thibeault is interested in retaining 3.84 acres which includes the Frank Jones Center. I await for instructions from the City Council on how to proceed.