

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JANUARY 9, 2017 TIME: 6:15PM

AGENDA

- 6:00PM – NON-MEETING RE: STRATEGY OR NEGOTIATIONS WITH RESPECT TO COLLECTIVE BARGAINING - RSA 91-A:2,I (a) – PORTSMOUTH AFSCME 1386 TENTATIVE AGREEMENT
- 6:15PM – WORK SESSION RE: FY18 BUDGET PROCESS AND PROPOSED BUDGET GUIDELINES

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

PRESENTATIONS

1. Comprehensive Annual Financial Report (CAFR) – Scott McIntire, Melanson & Heath
<http://cityofportsmouth.com/finance/CAFR16.pdf>.
2. Update on 150 Greenleaf Avenue
3. Update on Wastewater Treatment Facility and Combined Sewer Overflows

V. ACCEPTANCE OF MINUTES – DECEMBER 19, 2016

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donation to the Portsmouth Fire Department
 - Newburyport Five Cents Savings Bank - \$500.00
(Sample motion – move to accept and approve the donation from the Newburyport Five Cents Savings Bank)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217 *(Tabled Second Reading at the December 19, 2016 City Council Meeting)*
- B. Third and final reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 2, 3, 11 and 15, to implement housekeeping changes relative to conformance with state law, nonconforming buildings and structures, setback requirements for parking areas, and the definition of “structure”
- C. Third and final reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5 and 15, to revise and clarify provisions related to yards (i.e., setbacks), exceptions to yard requirements, and projections into required yards; and to clarify the definition of “building coverage”

- D. Third and final reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5, Section 10.521, to reduce the maximum building height from 35 feet to 30 feet in the Residential districts, and from 40 feet to 35 feet in the Mixed Residential districts
- E. Third and final reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 4, 8 and 15, to allow accessory dwelling units and garden cottages by conditional use permit from the Planning Board, and to establish standards and procedures for such uses, in order to comply with a new state law
- F. Third and final reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5A and 6, regarding the Historic District, to reference Design Guidelines adopted by the Historic District Commission, to revise and expand the list of activities that are exempted from HDC review and approval, and to clarify that exempted uses are subject to administrative review and approval
- G. Third and final reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1010 – Wetlands Protection, to expand the jurisdictional wetlands to include a portion of the Piscataqua River shorefront north of the I-95 bridge, to clarify the existing allowance for expansion of a single or two-family dwelling, and to require restoration of a vegetated buffer strip to the extent feasible
- H. Third and final reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 12 – Signs, to limit the type and manner of illumination of signs using “direct illumination,” such as LED or plasma signs

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Request for License to Install Projecting Sign:

Nancy Morgan owner of Nancy Morgan Art for property located at 238 State Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement 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 projecting sign, for any reason, shall be donate 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. *Acceptance of Donation to the Coalition Legal Fund:
 - Town of Carroll - \$1,000.00

(Anticipated action – move to accept the donation to the Coalition Legal Fund)
- C. Letter from Jeanine Sylvester, Runner's Alley, requesting permission to hold the 20th Annual Runner's Alley/Redhook Brewery Memorial 5k on May 28, 2017 at 11:00 a.m.
(Anticipated action – move to refer to the City Manager with power)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney William Scott regarding Restoration of Involuntarily merged lots – RSA 674:39-aa – 21 Elwyn Avenue *(see attached memorandum from Rick Taintor, Planning Director)* ***(Sample motion – move to Planning Board for report back)***
- B. Letter from Attorney Christopher Mulligan regarding Restoration of Involuntarily merged lots – RSA 674:39-aa – 70 Sims Avenue ***(Sample motion – move to Planning Board for report back)***
- C. Proposed Resolution regarding Schiller Station from concerned citizens ***(Sample motion – move to refer to the City Manager for report back)***

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Update Re: Federal McIntyre Building
2. Report Back Re: Parking Enforcement Hours and Revenues
3. Report Back Re: Atlantic Heights Emergency Access
4. Acceptance of Street Re: New Parking Garage

Informational items

1. Events Listing

B. MAYOR BLALOCK

1. Appointment to be Considered:
 - Appointment of Molly Bolster to the Historic District Commission
2. Appointments to be Voted:
 - Reappointment of Philip Cohen to the Economic Development Commission
 - Appointment of Sarah LaChance to the Economic Development Commission
 - Appointment of Jane Begala to the Planning Board as an Alternate member
3. Reappointment to the PDA – John P. Bohenko, City Manager
4. Acceptance of Resignation from Joseph Almeida, Historic District Commission

5. Acceptance of Resignation from John Ricci, Planning Board effective March 1, 2017
6. Board of Ethics Selection Process by Lot
7. *Establish Guidelines for FY18 General Fund Operating Budget (**Sample motion – move to accept the Joint Budget Committee recommendation of 4% for the Operating Budget for FY18**)

C. ASSISTANT MAYOR SPLAINE

1. Statement Supporting New Hampshire Legislation for Equality of Our Transgender Residents, and Banning So-Called Gay Conversion Therapy for Minors

D. COUNCILOR SPEAR

1. *Request that the Legislative Subcommittee look into the City of Portsmouth taking over its own Pension Program

E. COUNCILOR DENTON

1. *Winter Parking Ban Text Message (**Sample motion – Move that City Staff to report back on sending out a Winter Parking Ban text message to only those that sign up to receive them when Winter Parking Bans go into effect and when they are lifted**)

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*


INFORMATION ITEMS

1. Notification that the minutes of the November 29, 2016 meeting of the Site Review Technical Committee 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: January 5, 2017
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on January 9, 2017 City Council Agenda

6:00 p.m. Non-Meeting Re: Strategy or Negotiations With Respect to Collective Bargaining - RSA 91-A:2,I (a) – Portsmouth AFSCME 1386 Tentative Agreement

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

Work Session:

6:15 p.m.

1. **FY18 Budget Process and Proposed Budget Guidelines.** On Monday evening, I am requesting a Work Session at 6:15 p.m. to discuss the FY18 Budget process and proposed budget guidelines. The JBC is established for the purposes of advising the City Manager and the City Council on issues pertaining to the development of the Annual Budget.

7 Voting Members

- Mayor Jack Blalock
- (2) City Councilors - Eric Spear and Joshua Cyr
- (2) School Board Members - Nancy Novelline Clayburgh and Roseann Vozella-Clark
- Fire Commission Member – Jennifer Matthes
- Police Commission Member - Joseph Onosko

5 Non-voting Ex-officio Members

- City Manager John P. Bohenko
- Finance Director Judie Belanger
- Superintendent of Schools Steve Zadravec
- Fire Chief Steven Achilles
- Police Chief David Mara

Charge of the JBC

- The JBC shall advise the City Manager and City Council on the adoption of guidelines for the preparation of the proposed FY18 budget by January 9, 2017.
- City Staff will provide information to the Committee on factors impacting the development of the municipal budget.
 - Health Insurance rates
 - Retirement rates
 - Contractual Obligation impacts
 - Any and all other costs which would impact the Operating Budget
- JBC Agenda Format
 - Anticipated to have one meeting a month from September through March
 - Agenda to be put together by the Mayor and City Manager with input from various departments and elected officials
 - At the beginning of each meeting, opportunity for any elected official to bring up a topic and speak to it
 - At the end of each meeting, opportunity for citizens to speak
- The Committee shall not assume responsibilities of the City Manager or the City Council as outlined in the City Charter.

On Thursday, December 14, 2016 after reviewing the FY 2018 budget projections, the JBC is recommending to the City Council a goal for the Operating Budget by no more than 4% increase in FY18.

At the Work Session on Monday evening, Finance Director Judie Belanger and Acting City Manager Nancy Colbert Puff will present salient points with regard to the budget process as well as estimated budget numbers for Fiscal Year 2018.

Action on this matter will take place under Mayor Blalock's name.

Presentations:

1. **Comprehensive Annual Financial Report (CAFR) – Melanson, Heath & Company, P.C.**. Scott McIntire of Melanson, Heath & Company, P.C. will report on the Annual Audit and Financial Statements for the Year Ending June 30, 2016. [On the inside cover of your packet, I am providing you with a copy of the City's Comprehensive Annual Financial Report \(CAFR\)](#), which includes the financial statements for the fiscal year ending June 30, 2016 (Annual Audit). The Fiscal Year 2016 Audit was prepared by the firm of Melanson, Heath & Company, P.C. Also, [enclosed on the inside cover of your packet is the Management Letter](#) for the year ending June 30, 2016, prepared by our auditor. On Monday evening, Scott McIntire from Melanson, Heath & Company will be in attendance to make a presentation on the CAFR, which is available at <http://cityofportsmouth.com/finance/CAFR16.pdf>.
2. **Update Re: 150 Greenleaf Avenue.** On Monday evening, City staff will present an overview as it relates to the 150 Greenleaf Avenue Toyota case.
3. **Update Re: Peirce Island Wastewater Treatment Facility; Combined Sewer Overflows (CSO's).** City Engineer Terry Desmarais will update the City Council regarding the following two items:
 - 1) Peirce Island Wastewater Treatment Facility
 - 2) Combined Sewer Overflows

For your information, I have [attached](#) a copy of the draft PowerPoint.

Acceptance of Grants and Donations:

1. **Acceptance of Donation to the Portsmouth Fire Department.** The Portsmouth Fire Department has received a donation in the amount of \$500.00 from Newburyport Five Cents Savings Bank.

I recommend the City Council move to accept and approve the donation from the Newburyport Five Cents Savings Bank. Action on this matter should take place under Section VII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **Second Reading of Proposed Ordinance Amendments.**
 - 1.1 **Second Reading of Proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217 (Tabled Second Reading at the December 19, 2016 City Council Meeting).** As a result of the December 5th City Council meeting, under Section VIII of the Agenda, I am bringing back the [attached](#) redlined version

of the proposed new Taxi Ordinance. This version incorporates the proposed motions that were shared with the City Council at the last meeting and takes into account several comments made during the public hearing.

In summary, the redline changes address the following items:

- a. Deletion of driver fees;
- b. Deletion of signage and requirement of fixed light;
- c. Making the ordinance more consistent with State law regarding background checks and disqualifying conduct;
- d. Correcting a typo;
- e. Deleting the requirement that the state inspection must be done by a manufacturer's dealer; and
- f. Changing from five minutes to fifteen minutes the time that a taxi may remain in a taxi stand.

I recommend that City Council move the following motions:

- 1) *Move to remove from the table;*
- 2) *Move to adopt all those changes shown in the redline version of the taxi ordinance as distributed in the City Council agenda packet for this meeting; and, further,*
- 3) *Move to pass second reading and schedule a third and final reading of the proposed Ordinance at the January 23, 2017 City Council meeting.*

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

2. **Third and Final Reading of Proposed Ordinance Amendments.**

- 2.1 **Third Reading of Proposed Zoning Ordinance Amendments (“Zoning Omnibus, Part 1”)**. As a result of the December 19th City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading seven proposed Zoning Ordinance amendments ([see attached documents](#)). The proposed amendments address a variety of issues throughout the Zoning Ordinance, ranging from simple housekeeping matters to implementation of the new State mandate regarding accessory dwelling units. The City Council will be acting on each of the seven proposed ordinances separately.

B. Third reading of proposed ordinance amending Chapter 10 – Zoning Ordinance, Articles 2, 3, 11 and 15, to implement housekeeping changes relative to conformance with state law, nonconforming buildings and structures, setbacks requirements for parking areas, and the definition of “structure”.

This ordinance will amend and update four provisions in the Zoning Ordinance:

- Article 2 – Administration and Enforcement: Extend the life of variances and special exceptions from 1 year to 2 years, to conform to a change in state law.
- Article 3 – Nonconforming Lots, Buildings, Structures and Uses: Revise one provision relating to changes to nonconforming buildings and structures, and delete three other provisions, in order to eliminate inconsistencies and clarify the intent.
- Article 11 – Site Development Standards: Off-Street Parking: Add the Gateway district to two tables of setback requirements for off-street parking areas. (These tables were not updated when the Gateway district was established.)
- Article 15 – Definitions: Amend the definition of “structure” to exclude fences up to 4 feet in height.

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 VIII of the Agenda.

C. Third reading of proposed ordinance amending Chapter 10 – Zoning Ordinance, Articles 5 and 15, to revise and clarify provisions related to yards (i.e., setbacks), exceptions to yard requirements, and projections into required yards; and to clarify the definition of “building coverage”.

This ordinance revises and clarifies several provisions relating to yards, exceptions to yard requirements, and projections into required yards; and amends the definition of “building coverage” to clarify items that are exempted from the definition.

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 VIII of the Agenda.

D. Third reading of proposed ordinance amending Chapter 10 – Zoning Ordinance, Article 5, Section 10.521, to reduce the maximum building height from 35 feet to 30 feet in Residential districts and from 40 feet to 35 feet in the Mixed Residential districts.

This ordinance is intended as a first step in addressing concerns about infill residential development that is out of scale with the surrounding neighborhood. As amended at the December 19th meeting, the proposed ordinance will add definitions for the terms “flat roof” and “sloped roof,” and will reduce maximum allowed building heights for buildings with flat roofs from 35 feet to 30 feet in Single Residence and General Residence districts, and from 40 feet to 30 feet in Mixed Residential zoning districts.

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 VIII of the Agenda.

E. Third reading of proposed ordinance amending Chapter 10 – Zoning Ordinance, Articles 4, 8 and 15, to allow accessory dwelling units and garden cottages by conditional use permit from the Planning Board, and to establish standards and procedures for such uses, in order to comply with a new State law.

This ordinance makes additions to Articles 4 (Table of Uses), 8 (Supplemental Use Standards) and 15 (Definitions) in response to a new State law (SB 146, codified at RSA 674:71-73). Under the new law, if the City does not enact an accessory dwelling unit ordinance by June 1, 2017, attached accessory dwelling units will automatically be allowed in all zoning districts throughout the City, without requiring any approval by a land use board. Therefore, it is important that the Council adopt an ordinance conforming to the new statutory provisions before that date.

In accordance with the new law, the ordinance authorizes the Planning Board to grant a conditional use permit for an attached accessory dwelling unit in any zoning district that permits single-family dwellings. The statute defines “accessory dwelling unit” as a unit that is “within or attached to a single-family dwelling.” The ordinance further states that “attached to” means “sharing a common wall for at least 25 percent of the length of the side of the single-family dwelling.”

In addition to attached accessory dwelling units, under the state law communities may, but are not required to, allow detached accessory dwelling units, i.e., units in a separate structure from the primary dwelling unit. If detached units are permitted, they are subject to all local regulations that apply to a single-family dwelling. Among other things, this means that an existing garage or carriage house that is in violation of a zoning provision, such as a

setback requirement, could not be converted to a detached accessory dwelling unit.

In many cases converting an existing accessory structure into a small dwelling unit would be more appropriate for a neighborhood than building an addition onto the primary dwelling. Moreover, a unit created by converting an existing garage or carriage house might be more likely to be affordable than a unit created by an addition or new construction. To encourage such conversions in lieu of new construction, the ordinance establishes a separate category of dwelling unit called “garden cottage.” As defined in the proposed ordinance and further described in Section 10.815, a garden cottage is a smaller unit created by conversion of an existing accessory unit. By creating a second unit on the lot, the garden cottage makes the lot no longer eligible for an attached or detached ADU.

Under the ordinance, both an accessory dwelling unit and a garden cottage require a conditional use permit from the Planning Board and an annual certificate of use from the Planning Department demonstrating continued compliance with all standards.

At the December 19th meeting, the City Council made three amendments to the proposed ordinance:

- Added two provisions authorizing the Planning Board to modify dimensional and parking standards through the conditional use permit process (Sec. 10.814.80 and 10.815.60);
- Increased the maximum allowable size of a garden cottage from 500 sq. ft. to 600 sq. ft. (Sec. 10.815.32).

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 VIII of the Agenda.

- F. **Third reading of proposed ordinance amending Chapter 10 – Zoning Ordinance, Articles 5A and 6, regarding the Historic District, to reference Design Guidelines adopted by the Historic District Commission, to revised and expand the list of activities that are exempted from HDC review, and to clarify that exempted uses are subject to administrative review and approval.**

This proposed Ordinance, recommended by the Historic District Commission, will make the following changes to the Historic District provisions of the Zoning Ordinances:

- In Sections 10.632.30 (new) and 10.635.70 (amended), add references to the Design Guidelines recently developed by the Historic District

Commission; and in Article 5A – Character Districts, delete Section 10.5A45 – Interim Architectural Design Guidelines, as these interim guidelines are being replaced by permanent guidelines.

- In Section 10.633.20, revise 15 provisions regarding exemptions from HDC review, and add 3 additional exemptions, to reduce burdens on property owners proposing minor changes.
- Also in Section 10.633.20, clarify that exempted activities, while not requiring a public hearing, are subject to administrative review and approval.

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 VIII of the Agenda.

G. Third reading of proposed ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1010 – Wetlands Protection, to expand the jurisdictional wetlands to include a portion of the Piscataqua River shorefront north of the I-95 bridge, to clarify the existing allowance for expansion of a single- or two-family dwelling, and to require restoration of a vegetated buffer strip to the extent feasible.

This proposed Ordinance, recommended by the Conservation Commission, will make the following changes to the Wetlands Protection provisions of the Zoning Ordinance:

- In Section 10.1013, expand the jurisdictional areas to include a portion of the Piscataqua River shorefront north of the I-95 bridge.
- In Section 10.1016.10(4)(a), clarify that the existing allowance for a 25 percent expansion of a single- or two-family dwelling is cumulative from the effective date of the Ordinance (i.e., January 1, 2010).
- In Section 10.1017.50, add a sixth criterion for approval of a conditional use permit, requiring restoration of the vegetated buffer strip to a natural state to the extent feasible.

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 VIII of the Agenda.

H. **Third reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 12 – Signs, to limit the type and manner of illumination of signs using “direct illumination,” such as LED or plasma signs.**

In addition to internal and external illumination, the Zoning Ordinance allows signs to be illuminated by “direct illumination,” which means that the lighting elements comprise the sign. Examples include neon and LED signs. This proposed Ordinance limits such signs to not more than three colors on a dark background, in order to preclude signs that are similar to television or video displays. In addition, the proposed Ordinance amends the definition of “changeable sign” by changing the word “illustrations” to “symbols”, for the same purpose.

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 VIII of the Agenda.

Consent Agenda:

1. **Request for License to Install Projecting Sign.** Attached under Section IX of the Agenda is a request for a projecting sign license (see attached memorandum from Rick Taintor, Planning Director):

- Nancy Morgan, owner of Nancy Morgan Art for property located at 238 State Street.

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

2. **Acceptance of Donation to the Coalition Legal Fund.** The City of Portsmouth has received the following donation to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax:

- Town of Carroll \$1,000.00

I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Update Re: Federal McIntyre Building.** Since the Council's August 15th public input session regarding the topic of the City's pursuit of a public-private partnership to redevelop the 2.1 acre McIntyre Federal property at 62 Daniel Street and construct a new federal building in the downtown, two new factors have influenced our on-going discussions with the GSA:
 - The GSA's needs have changed – due to reduced space requirements, the GSA has determined it is no longer cost efficient to construct a new federal facility and instead is pursuing lease options for its existing tenants (approx. 30,000 s.f. needed in total); and
 - The McIntyre building (1966) has been determined, as part of the proposed Portsmouth National Register District, to be eligible for listing on the National Register. Prepared as part of mitigation for the replacement of the Memorial Bridge, a complete draft of the proposed nomination was presented to the community in May, 2016 and in July, voted to be forwarded to the National Park Service for register listing. Because the property is now considered a historic resource, the GSA must take this into consideration as it seeks to transfer the property.

This fall, in accordance with standard GSA tenant relocation practices, the GSA began a search for leasable space in the downtown. And, knowing the City's interest in the McIntyre Building and with the property now considered a historic resource, the GSA suggested the City consider the "Historic Monument" program as a method to acquire the property. Briefly, the Historic Monument program is one way the GSA may transfer property for public uses to state and local agencies, at a discount of up to 100% market value. Below is taken from the GSA's web site program description (emphasis added):

"Title 40 U.S.C. 550(h) authorizes conveyance to any State, political subdivision, instrumentalities thereof, or municipality, of all the right, title, and interest of the United States in and to any surplus real and related personal property which in the determination of the **Secretary of the Interior is suitable and desirable for use as a historic monument for the benefit of the public.** Conveyances of property for historic monument purposes under this authority shall be made **without monetary consideration to the United States:** Provided, that no property shall be determined under this authority to be suitable or desirable for use as an historic monument except in conformity with the recommendation of the National Park Advisory Board established under section 3 of the Act of Congress approved August 21, 1935 (16 U.S.C. 463) and only so much of any such property shall be so determined to be suitable or desirable for such use as is necessary for the preservation and proper observation of its historic features. Property conveyed for historic monument purposes **may under certain circumstances be used for revenue producing activities to support the historic monument. All income exceeding the cost of repairs, rehabilitation, and maintenance shall be used for public historic preservation, park, or recreational purposes.** Deeds conveying any surplus real

property under this authority shall be used and maintained for the purposes for which it was conveyed in perpetuity and may contain such additional terms, reservations, restrictions, and conditions.”

The first step in the GSA disposal process began on October 26th, when it published a 30-day excess screening to notify other federal agencies of the building’s availability. That notice resulted in the Portsmouth Naval Shipyard submitting a letter of interest to the GSA, which it quickly rescinded. At the same time, the GSA sent a “Title 5” checklist to the office of Housing and Urban Development (HUD) for a determination of homeless suitability.

In accordance with the McKinney Act, the GSA published notice of the McIntyre’s availability for homeless use on December 12th, which began a 60-day response period. At the same time, the GSA also issued a “Notice of Surplus Determination,” which allows public agencies (including qualified non-profits) to submit an application for transfer of the property via two disposal methods: 1) through the Historic Monument program or 2) through a negotiated sale for public purposes.

The deadline to respond with a letter of interest is February 10, 2017.

The City’s primary objectives in pursuing ownership of the property is three-fold:

- To capitalize on the rare opportunity to shape redevelopment of a downtown block in the City’s best interests by promoting public/non-profit/commercial use of its ground floor, re-connecting the site with Daniel, Penhallow, and Bow Streets via new pedestrian ways, introduction of open space and public parking uses, and revitalizing the area with new uses;
- To ensure against redevelopment of the site that does not meet the city’s economic development goals; and
- To accomplish the above in a fiscally prudent manner, through a public-private partnership.

Submission of a letter of interest is a first step towards achieving this future, with no obligation until an application is submitted. According to its notice, upon receipt the GSA will then notify the City as to the timeframe for submission of a formal application.

Move to submit the letter of interest under the Historic Monument Program.

2. **Report Back Re: Revenue Projections from Adjusted Parking Fees**. As a report back to City Council, Staff will present revenue projections from extending hours of parking enforcement from 7:00 PM to 11:00 PM as well as increasing on-street meter rates and other potential rate changes. Staff will discuss these projections in the context of future budget needs related to the operation of the Parking and Transportation Division.

Move to instruct the City Attorney, pursuant to the Department of Public Works Director's recommendation, to draft an Ordinance, and further, authorize the Acting City Manager to bring back the Ordinance for first reading at the January 23, 2017 City Council meeting.

3. **Report Back Re: Atlantic Heights Emergency Access.** At its meeting on November 21, 2016, the City Council voted to refer to the Planning Board a proposal to accept an easement from Eversource in order to create a new emergency access route out of the Atlantic Heights neighborhood. The proposed easement is shown on the [attached plan](#).

At its meeting on December 15, 2016, the Planning Board voted unanimously to recommend in favor of accepting the proposed easement.

I recommend the City Council move to accept the recommendation of the Planning Board, as submitted.

4. **Acceptance of Street Re: New Parking Garage.** In connection with the development of the new municipal parking garage, the City will construct a new public street extending from Bridge Street, near the corner of Deer Street, to Rock Street Park. In addition to providing needed access to the garage, the new street will serve as legal frontage for a proposed private development opposite the garage by Deer Street Associates. Because of concerns about through traffic potentially impacting residential neighborhoods, the new street is not intended to accommodate through traffic at this time, but a connection to the current end of Rock Street is required for emergency access. The proposed street design has been reviewed by the Technical Advisory Committee and will be considered by the Planning Board at its meeting on January 19th.

[Attached is a letter](#) from Peter Rice, Director of Public Works, requesting that the City Council refer the proposed construction and acceptance to the Planning Board for a report, as required by the City Ordinances. Also [attached are a plan showing the proposed right of way and street alignment, and a second exhibit](#) showing the proposed right of way in relation to surrounding development.

I recommend that the City Council vote to refer the proposed street construction and acceptance to the Planning Board for a report back.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on December 19, 2016. In addition, this can be found on the City's website.