

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, AUGUST 6, 2018 TIME: 6:15PM

- 6:15PM – WORK SESSION REGARDING 2018 PROPERTY VALUATION UPDATE – CITY ASSESSOR ROSANN LENTZ

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
- V. ACCEPTANCE OF MINUTES – JULY 9, 2018
- VI. PUBLIC COMMENT SESSION
- VII. PUBLIC HEARINGS & VOTES ON ORDINANCES AND/OR RESOLUTIONS

A. **First Reading of Ordinance**

First reading of Ordinance amending Chapter 7, Article IV, Section 7:402 regarding the Foundry Place Garage Designation (***Proposed motion – move to pass first reading and schedule second reading and a public hearing at the August 20, 2018 City Council meeting, as presented***)

B. **Public Hearing – 105 Bartlett Street – Part 1.A. – (Continued from the July 9, 2018 City Council meeting)**

PART 1.A. - ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE – PETITION FOR RE-ZONING OF 105 BARTLETT STREET: (PROPOSED CHARACTER DISTRICT 4-W)

- AMENDMENTS TO ARTICLE 4, SECTION 10.440 TABLE OF USES;
- AMENDMENT TO THE CHARACTER-BASED ZONING BUILDING PLACEMENT SECTION 10.5A42;
- AMENDMENTS TO THE CHARACTER-BASED ZONING INCENTIVE OVERLAY DISTRICT SECTION 10.5A46;
- AMENDMENTS TO THE CHARACTER-BASED ZONING REGULATION PLAN MAPS (MAPS 10.5A21A) TO CHANGE TAX MAP 157 LOTS 1 AND 2 FROM OFFICE RESEARCH (OR) TO CHARACTER DISTRICT 4 WEST END (CD4-W) AND A PORTION OF TAX MAP 164 LOT 4 FROM OR AND TRANSPORTATION CORRIDOR (TC) TO CD4-W
- AMENDMENTS TO THE CHARACTER-BASED ZONING REGULATION PLAN MAPS (MAPS 10.5A21B) TO EXTEND THE WEST END OVERLAY DISTRICT AND ADD NEW BUILDING HEIGHT STANDARDS FOR TAX MAP 157 LOTS 1 AND 2 AND A PORTION OF TAX MAP 164 LOT 4;
- AMENDMENT TO ARTICLE 15 DEFINITIONS SECTION 10.1530

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Proposed motions – (1) move to close the public hearing on Part 1A of re-zoning of 105 Bartlett Street; (2) move to incorporate the Planning Department staff’s suggested revisions into the Part 1A; (3) move to pass second reading of the proposed amendments Part 1A, as amended and schedule third and final reading for August 20, 2018 City Council meeting)

C. Public Hearing – 105 Bartlett Street – Part 1.B. - (Continued from the July 9, 2018 City Council meeting)

PART 1.B. - ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE – PETITION FOR RE-ZONING OF 105 BARTLETT STREET (PROPOSED CHARACTER DISTRICT 4-L2)

- AMENDMENTS TO THE CHARACTER-BASED ZONING INCENTIVE OVERLAY DISTRICT SECTION 10.5A46;
- AMENDMENTS TO THE CHARACTER-BASED ZONING REGULATION PLAN MAPS (MAPS 10.5A21A) TO CHANGE A PORTION OF TAX MAP 164 LOT 4 OR AND TRANSPORTATION CORRIDOR (TC) TO CD4-L2; AND
- AMENDMENTS TO THE CHARACTER-BASED ZONING REGULATION PLAN MAPS (MAPS 10.5A21B) TO EXTEND THE WEST END OVERLAY DISTRICT AND ADD NEW BUILDING HEIGHT STANDARDS FOR A PORTION OF TAX MAP 164 LOT 4

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Proposed motions – (1) move to close the public hearing on Part 1B of re-zoning of 105 Bartlett Street; (2) move to incorporate the Planning Department staff’s suggested revisions into the Part 1B; (3) move to pass second reading of the proposed amendments Part 1B, as amended and schedule third and final reading for August 20, 2018 City Council meeting)

D. Public Hearing – 105 Bartlett Street – Part II - (Continued from the July 9, 2018 City Council meeting)

PART II. - ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE – PETITION FOR RE-ZONING OF 105 BARTLETT STREET (HOUSEKEEPING)

- AMENDMENTS TO CHARACTER-BASED ZONING DEVELOPMENT STANDARDS SECTION 10.5A41;
- AMENDMENTS TO CHARACTER-BASED ZONING BUILDING FORM AND FACADES SECTION 10.5A43;
- AMENDMENTS TO CHARACTER-BASED ZONING COMMUNITY SPACES SECTION 10.5A45;

- AMENDMENT TO CHARACTER-BASED ZONING INCENTIVE OVERLAY DISTRICTS SECTION 10.5A46
 - PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Proposed motions – (1) move to close the public hearing on Part 2 of re-zoning of 105 Bartlett Street; (2) move to incorporate the Planning Department staff’s suggested revisions into the Part 2; (3) move to pass second reading of the proposed amendments Part 2, as amended and schedule third and final reading for August 20, 2018 City Council meeting)

E. **Public Hearing – Parking Omnibus**

ORDINANCE AMENDING CHAPTER 7 – PARKING OMNIBUS

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Proposed motion – move to pass second reading and schedule third and final reading at the August 20, 2018 City Council meeting)

F. **Public Hearing – Bonding Resolution**

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) FOR THE ACQUISITION OF ONE FIRE APPARATUS

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Proposed motion – move to adopt the Resolution, as presented)

G. **Public Hearing – Bonding Resolution**

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FOR COSTS RELATED TO FISCAL YEAR 2019 SCHOOL FACILITIES IMPROVEMENTS

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Proposed motion – move to adopt the Resolution, as presented)

H. **Public Hearing – Bonding Resolution**

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO EIGHT MILLION NINE HUNDRED THOUSAND DOLLARS (\$8,900,000.00) FOR COSTS RELATED TO CITY STREET, SIDEWALK AND FACILITY IMPROVEMENTS

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Proposed motion – move to adopt the Resolution, as presented)

I. **Public Hearing – Bonding Resolution**

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$2,700,000.00) RELATED TO WATER LINE REPLACEMENTS AND WATER SYSTEM PRESSURE AND STORAGE IMPROVEMENTS

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Proposed motion – move to adopt the Resolution, as presented)

J. **Public Hearing – Bonding Resolution**

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000.00) FOR COSTS RELATED TO CONSENT DECREE MITIGATION, STREET RECONSTRUCTION, AND ANNUAL SEWER LINE REPLACEMENTS

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Proposed motion – move to adopt the Resolution, as presented)

VIII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Police Department Grant and Donations:

- Acceptance of Grant from the NH Department of Safety regarding opioid-related drug use and trafficking - \$35,000.00
- Acceptance of Donation from Donahue, Tucker & Ciandella, PLLC in support of the Portsmouth Police Explorer Cadets - \$300.00
- Acceptance of Donation from the Wentworth-Coolidge Commission, Inc. in support of the Portsmouth Police Explorer Cadets - \$100.00

(Proposed motion – move to approve and accept the grant and donations to the Portsmouth Police Department)

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

A. Request for License to Install Projecting Sign from Seth Bordonaro, owner of Vieux Port for property located at 85 Daniel 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 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 to Install Projecting Sign from Namrata Idnani, owner of Raleigh for property located at 67 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 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 to Install Projecting Sign from Cynthia Ross, owner of Gelato Fiasco for property located at 142 State Street, Unit 150 (***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 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 to Install Projecting Sign from Eric Goodwin, owner of Lure for property located at 100 Market Street, Unit 102 (***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 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***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (***Proposed motion – move to accept and place on file***)
- B. Letter from Tim Sylvester regarding spending funds and high real estate taxes (***Proposed motion – move to accept and place the letter on file***)
- C. Letter from Antje Bourdages & Barbara Massar, Pro Portsmouth, Inc., requesting the City of Portsmouth provide \$3,000.00 in funding to be the official sponsor of the fireworks for First Night
- D. Letter from Stephen Pamboukes requesting the temporary, partial closure of a portion of Vaughan Street for the East Community Motorcycle Show between 11:00 a.m. to 10:00 p.m. on Saturday, September 22, 2018

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Approval of AIDS Response Seacoast Lease
2. Request to Approve Fundraising Re: Clough Field Irrigation
3. Naming of Library Lobby in Memory of Mary Ann List
4. Request for First Reading of Boarding House Ordinance
5. Workforce Housing Covenant
6. Request for First Reading Re: Exemption for Solar Energy Systems

City Manager's Informational Items:

1. Events Listing
2. Campus Drive Recreation Fields
3. News Release Re: FY 19 Public Facility and Accessibility Improvements Grant Program
4. Memorandum from City Attorney Robert Sullivan Re: Planning Board Residency Issues Raised by Mark Brighton
5. Memorandum from Deputy City Manager Nancy Colbert Puff Re: McIntyre Update

B. MAYOR BLALOCK

1. FY20 Budget
2. Resignation of Ronald Cypher from the Parking, Traffic & Safety Committee
3. Appointments to be Considered:
 - Ralph DiBernardo appointment as a Regular member to the Parking, Traffic & Safety Committee
 - Stephen T. Pesci appointment as Alternate member to the Parking, Traffic & Safety Committee

- Mary Lou McElwain reappointment to the Parking, Traffic & Safety Committee
- Harold Whitehouse reappointment to the Parking, Traffic & Safety Committee
- J. Stephen McCarthy reappointment to the Building Code Board of Appeals

XII. MISCELLANEOUS/UNFINISHED BUSINESS

A. Legislative Subcommittee Report

- Summary of Legislative Subcommittee's recommendations to the City Council regarding NHMA's Final Policy recommendations for Legislative Policy Conference (***Proposed motions – (1) move to accept all the NHMA Legislative Policy Recommendations as written, except General Administration and Governance Action Policy Recommendation #4; (2) move to support General Administration and Governance Action Policy Recommendation #4 if it is amended to only include Construction Drawings, not Building Plans, as exempt records under RSA 91-A***)


XIII. ADJOURNMENT

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

* Indicates verbal report

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: August 2, 2018
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on August 6, 2018 City Council Agenda

Work Session:

6:15 p.m.

1. **2018 Property Valuation Update.** On Monday evening, City Assessor Rosann Lentz will be presenting information regarding the 2018 Property Valuation Update.

Public Hearings & Votes on Ordinances and/or Resolutions:

1. **First Reading of Proposed Ordinance amending Chapter 7, Article IV, Section 7.402 regarding Foundry Place Garage Designation.** Attached for first reading is a proposed Ordinance amending Chapter 7, Article IV, Section 7.402 regarding the Foundry Place Garage Designation. With the Foundry Place Garage scheduled to open in October, the aforementioned Ordinance needs to be amended in order to add the Foundry Place Parking Garage to the list of Off-Street Parking Areas in the City's Ordinance. The City Attorney's Office and the Public Works Department have reviewed and approved the amendment.

I recommend the City Council move to pass first reading and schedule second reading and a public hearing at the August 20, 2018 City Council meeting, as presented.

2. **Second Reading/Public Hearings on Ordinances Amending Chapter 10 – Zoning Ordinance – Petition for Rezoning, 105 Bartlett Street (Public Hearing Continued from July 9, 2018 City Council Meeting).** At the June 18, 2018 meeting, City Council voted to pass first reading and schedule a second reading and public hearing of zoning

amendments Part 1 and Part 2 relating to the request for re-zoning of property located at 105 Bartlett Street. At that time, the Council also requested to split Part 1 into two parts, one relating primarily to the proposed CD4-W District and the other relating primarily to the CD4-L2 district.

At the July 9, 2018 meeting, the City Council opened a public hearing on the proposed re-zoning, which had been advertised as three separate amendments (see attached proposed Ordinances):

- Part 1A: Proposed Zoning Ordinance Amendments for the portion of the property proposed as Character District 4-W
- Part 1B: Proposed Zoning Ordinance Amendments for the portion of the property proposed as Character District 4-L2
- Part 2: Proposed Zoning Ordinance Amendments addressing primarily housekeeping revisions to update and clarify building and façade types in Article 5A

After hearing comments from the public, the Council voted to continue the public hearing to August 6, 2018. Later on the agenda, the Council shared a list of issues and requested that the staff report back at the next meeting with additional information and/or suggested revisions to the zoning to respond to public input.

On July 24th, 2018, the Planning Department hosted a Public Listening Session to summarize some of proposed revisions and to provide an opportunity for members of the public to ask questions directly of the development team and staff about the proposed zoning amendments and the development plans for the property. After meeting with the petitioners and revising the proposed changes further, staff prepared a summary and explanation of additional recommended revisions and posted these to the Planning Department web page on July 27th.

Attached is a copy of the Planning Department staff's recommended revisions to the proposed zoning amendments. Staff has prepared these in ordinance format so as to be incorporated into the existing zoning amendments. Staff believes these amendments are minor in nature and do not change the overall intent and scope of the original zoning amendments as advertised. As such, the additional revisions do not need to be re-noticed or advertised before voting to close Second Reading and continue to Third Reading. If Council requests additional changes or revisions that are not included in the list drafted by staff, staff recommends continuing Second Reading to the August 20, 2018 meeting.

Recommended motions:

1. *Vote to close the public hearing on Parts 1A, 1B, and 2 of the re-zoning of 105 Bartlett Street.*
2. *Vote to incorporate the Planning Department staff's suggested revisions into the Part 1A, 1B, and 2 (should be done as three separate votes on each Part).*

3. *Vote to pass second reading of the proposed amendments Part 1A, 1B, and 2, as amended, and schedule third and final reading for the August 20, 2018 City Council meeting (should be done as three separate votes on each Part).*

3. **Public Hearing/Second Reading of Ordinance Amending Chapter 7 - Parking Omnibus.** As a result of the July 9, 2018 City Council meeting, I am bringing back for second reading and public hearing the [attached proposed annual omnibus set of ordinances](#) recommended by the Parking and Traffic Safety Committee. This year's omnibus changes are detailed on the [attached sheets](#), and address changes to parking meters, on-street parking spaces, and updates to reflect current conditions. In addition, as requested by Councilor Denton, [attached is proposed Amendment A to Chapter 7, Article XVIII – Electric Vehicle Charging Stations and Electric Vehicle Parking Spaces Regulations, Section 7.1801 – 7.1804.](#)

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 2-hour time restriction to a 15-minute one. This process would often take 4-6 months to complete.

The current ordinance authorizes the Parking and Traffic 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 last year.

I recommend the City Council move to pass second reading and schedule third and final reading on the proposed Parking Omnibus Ordinance at the August 20, 2018 City Council meeting, as amended.

4. **Public Hearings/Adoption Re: Various Bonding Resolutions.** As a result of the July 9, 2018 City Council meeting, I am bringing back for public hearing and adoption the following **attached proposed Resolutions** for projects identified in the FY 19-24 Capital Improvement Plan (**respective element sheets are attached**):

GENERAL FUND

- I. Purchase of Fire Apparatus – Fire Engine #6 - \$600,000**
- II. School Facilities Capital Improvements - \$500,000**
- III. Citywide Streets, Sidewalks and Facilities - \$8,900,000**
 - a) Fire Station One Renovation - \$325,000
 - b) Prescott Park Facilities Capital Improvements - \$2,325,000
 - c) Outdoor Pool - \$1,000,000
 - d) City Hall Electrical Upgrades - \$600,000
 - e) Citywide Bridge Improvements - \$350,000
 - f) Longmeadow Road Extension - \$400,000
 - g) Peverly Hill Road Improvements - \$2,200,000
 - h) Market Street Gateway Improvements - \$1,700,000

WATER FUND

- IV. FY19 Water Projects - \$2,700,000**
 - a) Annual Water Line Replacement - \$500,000
 - b) Water System Pressure and Storage Improvements - \$2,200,000

SEWER FUND

- V. FY19 Sewer Projects – \$1,600,000**
 - a) Consent Decree Mitigation - \$400,000
 - b) Union Street Reconstruction - \$700,000
 - c) Annual Sewer Line Replacement - \$500,000

I recommend that the City Council move the following motions:

- I. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Six Hundred Thousand Dollars (\$600,000.00) for the Acquisition of One Fire Apparatus. (Roll call vote and two-thirds vote required.)*
- II. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Hundred Thousand Dollars (\$500,000.00) for costs related to Fiscal Year 2019 School Facilities Capital Improvements. (Roll call vote and two-thirds vote required.)*

- III. *Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Eight Million Nine Hundred Thousand Dollars (\$8,900,000.00) for costs related to City Street, Sidewalk and Facility Improvements. (Roll call vote and two-thirds vote required.)*
- IV. *Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance and/or Participation in the State Revolving Fund (SRF) Loan of up to Two Million Seven Hundred Thousand Dollars (\$2,700,000.00) related to Water Line Replacements and Water System Pressure and Storage Improvements. (Roll call vote and two-thirds vote required.)*
- V. *Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to One Million Six Hundred Thousand Dollars (\$1,600,000.00) for costs related to Consent Decree Mitigation, Street Reconstruction, and Annual Sewer Line Replacements. (Roll call vote and two-thirds vote required.)*

(Please note that Bonding Resolutions require a public hearing and adoption).

Acceptance of Grants and Donations:

1. **Acceptance of Police Department Grant and Donations.** *Attached under Section VIII of the Agenda is a memorandum, dated July 18, 2018, from Kathleen M. Levesque, Executive Assistant, Office of the Police Chief. At the July 17, 2018 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant and donations:*
 - a) *A grant in the amount of \$35,000 from the NH Department of Safety for the purpose of investigating and apprehending individuals or organizations that are involved in opioid-related drug use and trafficking.*
 - b) *A donation in the amount of \$300.00 from the law firm of Donahue, Tucker & Ciandella, PLLC, in support of the Portsmouth Police Explorer Cadets.*
 - c) *A donation in the amount of \$100.00 from the Wentworth-Coolidge Commission, Inc.. in support of the Portsmouth Police Explorer Cadets.*

The Police Commission submits the information to the City Council pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at this evening's City Council meeting.

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

Consent Agenda:

1. **Request for License to Install Projecting Signs.** Attached under Section IX of the Agenda are four requests for projecting sign licenses (see attached memorandums from Juliet Walker, Planning Director):
 - Seth Bordonaro, owner of Vieux Port, for property located at 85 Daniel Street
 - Namrata Idnani, owner of Raleigh, for property located at 67 State Street
 - Cynthia Ross, owner of Gelato Fiasco, for property located at 142 State Street, Unit 150
 - Eric Goodwin, owner of Lure, for property located at 100 Market Street, Unit 102

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

City Manager's Items Which Require Action:

1. **AIDS Response Seacoast - Lease of City Property.** As you may recall, at its meeting on July 9, 2018, the City Council voted to bring forward a proposed lease for AIDS Response Seacoast to its August 6th meeting. The attached Lease includes some changes to reflect recent Council discussions. These changes are intended to incorporate feedback from City Council members pertaining to documenting public benefits associated with lessees' use of City property. For example, in this new lease several "whereas" clauses have been added, which make explicit the public benefits presented by the proposal to lease City property, in this case office space in the Seybolt building. In addition and related, again in keeping with input received, a new Exhibit 2 has been added to the lease, which is a standard form created for the purpose of annually collecting information on the public benefits resulting from use of City assets. All of these adjustments are agreeable to AIDS Response Seacoast. This Exhibit 2 form will be incorporated in the lease recently approved with the Portsmouth Historical Society.

I recommend the City Council authorize the City Manager to enter into the proposed lease with AIDS Response Seacoast for property at 7 Junkins Avenue as presented and further, authorize the City Manager to execute the Lease.

2. **Request to Approve Fundraising Re: Clough Field Irrigation.** Attached is a letter from [Brint Shone](#) regarding a request to the City Council for permission to allow a group of private individuals to begin fundraising approximately \$15,000 for Clough Field irrigation. As indicated in the letter, the Portsmouth City Soccer Club has agreed to contribute \$7,500 to the project.

I recommend the City Council move to grant permission to fundraise for the Clough Field irrigation.

3. **Naming of Library Lobby in Memory of Mary Ann List.** As you are aware, the Board of Library Trustees is requesting permission to name the lobby of the Portsmouth Public Library in memory of Mary Ann List. Attached is a letter from [Ernestine Greenslade, Chair, of the Board of Library Trustees](#). As Library Director for eleven years, Mary Ann not only managed the construction of the new library and its operation, but she was an intricate part of the Portsmouth community. We were very fortunate to have had Mary Ann List as Library Director and this is a proper way to remember her contributions to the City of Portsmouth and name the Portsmouth Public Library lobby “The Mary Ann List Lobby.”

Therefore, I recommend that the City Council move to name the Portsmouth Public Library Lobby in memory of Mary Ann List and be named “The Mary Ann List Lobby.”

4. **Request for First Reading of Boarding House Ordinance.** Attached is a proposed [Ordinance](#) amending Chapter 9, Article VIII: Boarding or Room Houses. The amendment adds the terminology “and Rooming House” and adds the following Term and Condition:

D. The permit shall not allow any more rooms to be rented, leased or made available, persons to occupy the Rooming or Boarding House than are authorized by the Portsmouth Zoning Ordinance.

I am requesting that the City Council place this on the August 20, 2018 City Council meeting for first reading.

I recommend the City Council move to authorize the City Manager to bring back for first reading a proposed amendment to the Boarding House Ordinance at the August 20, 2018 City Council meeting,

5. **Workforce Housing Covenant.** At its meeting on August 16, 2016, the Zoning Board of Adjustment granted approval for a residential use with 25 apartments at 3510 Lafayette Road with the stipulation that two (2) of the residential dwellings be designated as workforce housing units as defined in the Portsmouth Zoning Ordinance (Section 15.30) and New Hampshire State Statutes, RSA 674:58-61. The project subsequently received Site Plan Review Approval from the Planning Board on March 16, 2017 with the stipulation that a workforce housing covenant be negotiated for the units in question.

The Workforce Housing Covenant in its current form is the result of a lengthy and thorough review by the City's Legal and Planning Departments and negotiations with the developer and developer's attorney.

The Covenant as proposed requires that the rental housing units remain as rental workforce housing units for a period of 30 years. Although not specifically mentioned in the Covenant, City staff have already discussed entering into an agreement with the Portsmouth Housing Authority to conduct the annual certification of continuing program compliance as the City's authorized agent.

At the July 19, 2018 the Planning Board voted to recommend that the City Council authorize the City Manager to negotiate and enter into the [attached Workforce Housing Covenant](#) as presented.

I recommend the City Council move to authorize the City Manager to enter into the Workforce Housing Covenant, as presented.

6. **Request for First Reading Re: Exemption for Solar Energy Systems.** The City Council on November 21, 2011, adopted the following elements for the Solar Energy System Exemption due to the prior exemption adopted in 1977 being out of date.

1. Exemption from assessed value of property (rather than tax).
2. Solar equipment costs are documented.
3. 5 year term.
4. Cap of \$25,000 per year off assessed value of property.
5. Applies to April 1, 2011 tax year and subsequent year.
6. Expires upon sale of property.

On April 30, 2018, City Assessor Rosann Lentz submitted the [attached report back](#) per Councilor Denton's request on the Solar, Wood and Wind-Powered Exemptions. This report back compared what other communities offer for the exemptions. Currently, the City of Portsmouth only offers the Solar Energy System exemption. The report also indicated the number of solar exemption currently granted and additional applications received for FY19/TY18.

In order to include solar energy systems that were put in place prior to 2011 and to grant the exemption for more than 5 years, the staff has recommend the modification of the current solar exemption as follows:

If qualified, for persons owning real property equipped with a solar energy system as defined in RSA 72:61, the City shall exempt from taxes an amount equal to the assessed value of the solar energy system.

Under existing law, the exemption may be modified by the City Council resolution process so that no referendum is required. In the alternative, the referendum process could be followed.

The resolution process is recommended for this simplicity of adoption and ease of later amendment. I am requesting that the City Council place this on the August 20, 2018 City Council Agenda for first reading.

I recommend the City Council move to authorize the City Manager to bring back for first reading a proposed Resolution regarding an Exemption for Solar Energy Systems at the August 20, 2018 City Council meeting,

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the updated Events Listing showing events from this date forward through 2018. In addition, this can be found on the City's website.
2. **Campus Drive Recreation Fields.** Attached is a memorandum from Public Works Director Peter Rice and Assistant City Manager David Moore, regarding Campus Drive Recreation Fields.
3. **News Release Re: FY 19 Public Facility and Accessibility Improvements Grant Program.** For your information, attached is a news release announcing that the Portsmouth Community Development Department is now accepting applications for the FY 2019 Public Facility and Accessibility Improvements Grant Program.
4. **Memorandum from City Attorney Robert Sullivan Re: Planning Board Residency Issues Raised by Mark Brighton.** Attached for your information is a memorandum from City Attorney Robert Sullivan regarding the Planning Board residency issues raised by Mark Brighton.
5. **Memorandum from Deputy City Manager Nancy Colbert Puff Re: McIntyre Update.** For your information, attached is a memorandum from Deputy City Manager Nancy Colbert Puff, regarding an update on the McIntyre project.