

CITY COUNCIL MEETING

Remote Meeting Via Zoom Conference Call

To register in advance for this meeting, click on the link below or copy and paste it into your web browser: https://zoom.us/webinar/register/WN_khhFWUWzSJOuzLJFE_ljBg You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site: <https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-10, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

DATE: MONDAY, JULY 13, 2020

TIME: 7:00PM

AGENDA

- I. **WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] - POSTPONED**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**
- VII. **ACCEPTANCE OF MINUTES – APRIL 6, 2020**
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
- IX. **PUBLIC COMMENT SESSION – (Via Zoom)**
- X. **PUBLIC DIALOGUE SUMMARY [when applicable] - POSTPONED**
- XI. **PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**
 - A. First reading of Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones; Chapter 7, Article, Section 7.105 – Parking; Chapter 7, Article III, Section 7.324 – Limited Parking – One Hour; Section 7.325 – Limited Parking – Thirty Minutes; Section 7.326 – Limited Parking – Fifteen Minutes, Section 7.327 – Limited Parking – Two Hours, Section 7.328 – Limited Parking – Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces; and Section 7.329 – Limited Parking – Four Hours
 - B. Third and final reading of Ordinance amending Chapter 7, Article I, Section 7.105 C. – Parking – Motorcycle Parking
- XII. **MAYOR BECKSTED**
 1. Appointment to be Considered:
 - Reappointment of Erica Wygonik to the Parking & Traffic Safety Committee as an Alternate

2. *Islington Street Corridor Project (*Delayed from the June 15, 2020 City Council meeting*)

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE & COUNCILOR McEACHERN

1. Resolution for Mandatory Mask/Face Coverings (*Sample motion – move to adopt the Resolution requiring the wearing of facial coverings in the City of Portsmouth*)

B. ASSISTANT MAYOR SPLAINE

1. “Positive Re-Enforcement” for Wearing of Masks/Face Coverings (*Sample motion – move the Portsmouth City Council endorses the concept of ‘positive re-enforcement’ for the wearing of face coverings through a variety of incentives that may be suggested, advocated for, and implemented by City of Portsmouth staff, the Portsmouth Police Department, the Portsmouth Citizen Response Task Force, and the businesses of our community.*

We ask the City Manager to consider such concepts in consultation with supportive parties, public and private, during the coming weeks. Funds available from the Federal sources to offset COVID-19 expenses, or which have been allocated to the Portsmouth Citizen Response Task Force, may be used to support such efforts.

The City Manager may consult with staff, members of the Police and Fire Departments, health care professionals, our business community, non-profit arts and cultural organizations, residents, and the Portsmouth Citizen Response Task Force, to come up with measures and ideas to implement ‘positive re-enforcement’ without the use of punitive fines or civil penalties of any kind.

We encourage our businesses, non-profit organizations, city staff and residents to be innovative, inventive, and creative in coming up with proposals for ‘positive re-enforcement’ so that the City of Portsmouth will be considered as the ‘friendly community’ in encouraging the use of face coverings during the current COVID-19 pandemic.”

2. *City Manager Evaluation
3. *Insurance Liability Requirements for Portsmouth Businesses

C. COUNCILOR WHELAN

1. *Parking, Traffic & Safety Report

D. COUNCILOR LAZENBY

1. Letter to Governor Sununu regarding New Hampshire Face Covering Mandate

E. COUNCILOR HUDA & COUNCILOR TABOR

1. Informational Fee Committee Minutes (No Action Required)

F. COUNCILOR HUDA

1. Request a Report regarding Services and/or Projects completed by former City Manager John Bohenko ***(Sample motion – move to request the City Manager to provide a report to the residents and City Council on the services and/or projects completed by the former City Manager John Bohenko over the 6 month period ending June 30th per the agreed upon consultant contract)***

G. COUNCILOR TABOR

1. McIntyre Survey ***(Sample motion – move that the City Council approve the survey and op ed as finalized by the McIntyre subcommittee and distribute the survey to every home as soon as possible)***
2. Outdoor Dining Insurance Relief ***(Sample motion – move to request staff to review city insurance requirements for outdoor dining, currently set at \$3mm for general liability and \$3mm liquor liability, to see if they can be pro-rated for seasonal use and whether they are an excessive burden on restaurants trying to stay open in the pandemic)***

H. COUNCILOR TRACE

1. *Request a Report Back from Sewer and Water on large rain events & combined sewer overflows ***(Sample motion – move to request a report back from Sewer and Water on the large rain events and the combined sewer overflows of 10a and 10b along with the overflow and flooding of 13 – Deer Street. Further, how the repair or not of the main sewer pipe under Peirce Island bridge may have played a part. Also, as to the report to the EPA and DES regarding the rain/overflow event)***

XIV. APPROVAL OF GRANTS/DONATIONS

1. *Acceptance of Donations to African Burying Ground from Thomas M. Brightman - \$200.00 and Tara E. Tracy \$50.00 ***(Sample motion – move to approve and accept the donations to the African Burying Ground as listed)***
2. Acceptance of Memorial Bench ***(Sample motion – move to the City Manager with Authority to Act)***

XV. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Request to Schedule First Reading Re: Omnibus Ordinance Change ***(Voted to postpone action at the June 22, 2020 City Council meeting)***
2. *Motor Vehicle Municipal Agent Acceptance
3. Execution of Deed Restriction to Protect Vernal Pools – Campus Drive

4. Planning Board Report Back – Paper Street request for Ruth Street
5. Release of Reverter for Portsmouth Housing Authority Property
6. Report Back on Request of Restoration of Involuntary Merged Lot – 246 Thornton Street
7. Report Back on Request of Restoration of Involuntary Merged Lot – 1240 Islington Street
8. Workforce Housing Covenant for West End Yards Project
9. Request for Temporary Construction License for Brick Market Project

XVI. CONSENT AGENDA

- A. Request for License to Install a Projecting Sign for owner Deborah LaPointe, LastLooks; for property located at 18 Ladd Street (***Anticipated action - move to approve the aforementioned Projecting Sign Licenses 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. *Acceptance of Donation to the Coalition Fund
 - Town of Carroll - \$2,000.00***(Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Fund)***

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *Presentation by Health Officer Kim McNamara regarding COVID-19 Update
- B. *Update on the Portsmouth Citizens Response Task Force
- C. *Presentation regarding Sagamore Avenue Sewer Extension Project
- D. Email Correspondence (***Sample motion – move to accept and place on file***)

- E. Letter from Lawrence Yerdon, Strawberry Banke, advising the City Council that Strawberry Banke Museum opened on July 1st to visitors and the museum is offering 90-minute tours, on the hour and half-hour, seven days each week through the end of October (***Sample motion – move to accept and place on file***)

XVIII. CITY MANAGER’S INFORMATIONAL ITEMS

1. Report Back on Release of Rolling Stock and Capital Items
2. Preliminary Report for September Primary Election

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XX. ADJOURNMENT [at 10:00 p.m. or earlier]

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

** Indicates verbal report*



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
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kconard@cityofportsmouth.com
(603) 610-7201

Date: July 9, 2020

To: Honorable Mayor Rick Becksted and City Council Members

From: Karen S. Conard, City Manager *KSC*

Re: City Manager's Comments on City Council Agenda of July 13, 2020

Presentations:

A. **Presentation by Health Officer Kim McNamara Regarding COVID-19 Update:**

City Health Officer, Kim McNamara, will provide a verbal update to City Councilors and the public on COVID-19.

B. **Update on the Portsmouth Citizen Response Task Force:**

I will be providing an update on the Portsmouth Citizen Response Task Force at this evening's meeting, along with Co-Chairs James Petersen and Mark Stebbins.

C. **Presentation Regarding Sagamore Avenue Sewer Extension Project:**

The City Engineer, Terry Desmarais, and the Deputy City Attorney, Suzanne Woodland, will provide a presentation on the Sagamore Avenue Sewer Extension Project. Please reference the City's [Sagamore Avenue Sewer Extension project webpage](#) for additional background information.

XI. Public Hearings and Votes on Ordinances and/or Resolutions:

A. **First Reading of Ordinance Amending Various Sections of Chapter 7 Regarding "Stay and Pay":**

On May 4, 2020, the City Council referred a "Stay and Pay" parking rate proposal to the Parking and Traffic Safety Committee (PTSC). "Stay and Pay" is a pricing program that restructures parking fees by creating a graduated price structure increasing parking rates at the third hour to encourage turnover of the parking space. The idea is to use price to turn over the space instead of enforcement. The proposed program provides a reduced resident rate through the use of the ParkMobile app.

The PTSC unanimously approved the “Stay and Pay” pricing structure at its June 4, 2020 meeting but did not review and approve the amendments to Chapter 7 that are necessary to effectuate the new “Stay and Pay” ordinance. At the June 15, 2020 City Council meeting, the Council voted by consent agenda to schedule the first reading of the “Stay and Pay” ordinance to occur at this evening’s meeting. However, at the June 22, 2020 Council meeting, several City Councilors raised questions and concerns about the amendments to Chapter 7 for the “Stay and Pay” ordinance as presented, and referred the ordinance to the PTSC for its review and comments at its July 9, 2020 meeting.

The [attached draft amendments to Chapter 7 for the “Stay and Pay” ordinance](#) will be presented to the PTSC on July 9, 2020. Once PTSC has reviewed the draft ordinance, a final draft will be shared on July 10, 2020 prior to this evening’s meeting. Ben Fletcher, Director of Parking, will also provide a presentation at the meeting this evening.

I recommend that the City Council move to schedule a public hearing and second reading of the necessary revisions to Chapter 7, to implement the “Stay and Pay” parking rate, at the August 3, 2020 City Council meeting.

B. Third and Final Reading of Ordinance Amending Chapter 7, Article I, Section 7.105 C. – Parking – Motorcycle Parking:

In June 2019, the Parking and Traffic Safety Committee approved an amendment to the Designated Motorcycle Parking Area Ordinance (Chapter 7, Article I, Section 7.105 C). A citizen raised concerns regarding the amendment, and in August 2019 the Committee rescinded its approval and requested a report back from City staff.

Upon review, the Committee voted to request a revised amendment in September 2019. On February 6, 2020, the Parking and Traffic Safety Committee voted to approve [the attached amendment to Chapter 7, Article I, Section 7.105 C](#) and to refer it to the City Council to request first reading. At the March 16, 2020 meeting, Ben Fletcher, Director of Parking, gave a brief presentation on the amended ordinance, with the Council then voting to postpone the first reading for a future date.

Due to COVID-19, Parking operations were temporarily stayed on March 17, 2020, and readings to address this necessary update to Chapter 7 were subsequently delayed. With the Council's decision on April 20, 2020 to resume normal parking operations, it again became prudent that this ordinance update return for first, second and third readings before the Council. As of this date, the Council has approved the adoption of this revision to Chapter 7, Article 1, Section 7.105 C through first and second readings.

I recommend that the City Council move to adopt the third and final reading of this amendment to Chapter 7, Article I, Section 7.105 C, the Designated Motorcycle Parking Area Ordinance.

XIV. Approval of Grants/Donations:

1. Acceptance of Donations to African Burying Ground:

The City of Portsmouth has received the following donations for the African Burying Ground Trust:

- Thomas M. Brightman \$200.00
- Tara E. Tracy \$50.00

I recommend that the City Council move to approve and accept the donations as listed.

2. Acceptance of Memorial Bench:

Patricia Korth has [requested a granite memorial bench](#) (similar to [attached designs](#)) for her mother, Lillian McCann, who was a lifetime Portsmouth resident and just recently passed at the age of 101. [Attached](#) please find a figure showing the approximate location of the requested memorial bench, which is located near the South Mill Pond tennis courts.

The City is seeking approval for the bench before asking Mrs. Korth for payment, due to the fact the bench will be custom made. Upon approval from the City Council, the City will order the bench and have Mrs. Korth pay Swenson Granite directly. The Department of Public Works will be responsible for creating a cobblestone pad upon which the bench will stand, and for picking up and installing the bench. It is estimated that the City Mason will need two work days to prepare and install the cobblestone pad and half of a work day to deliver and install the bench. The Department of Public Works has all of the materials needed for the pad and there will be no cost for materials.

I recommend that the City Council move to approve and accept the donation and grant the City Manager the authority to act.

XV. City Manager's Items which Require Action:

1. Request to Schedule First Reading Regarding Omnibus Ordinance Change:

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 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 summarize the temporary regulations implemented by the Parking and Traffic Safety Committee (PTSC) during the period of May 2, 2019 through June 4, 2020. In addition, there is one housekeeping item, removing an ordinance that is no longer applicable. This ordinance allows for 3-hour parking at the north end of Daniel Street at the edge of the Piscataqua River. This area was redeveloped into a public park at the time of the Memorial Bridge reconstruction project.

The PTSC will review the Omnibus packet at their July 9, 2020 meeting. Below is an outline of the actions that are reflected in the draft amendments:

Date of PTS Action	PTS Action Taken
June 6, 2019	Change two 3-hour spaces to 15-minute spaces on Hanover Street
June 6, 2019	Prohibit parking in one space on Middle Street at Aldrich Road
August 1, 2019	Change 15-minute space to 3-hour space on Deer Street
August 1, 2019	Establish loading zone on Vaughan Street at <u>Raynes Avenue</u>
September 5, 2019	Prohibit parking at the end of Little Harbor Road
October 3, 2019	Change two 15-minute spaces to 3-hour spaces on Hanover Street
October 3, 2019	Change four 15-minute spaces to 3-hour spaces on Daniel Street
October 3, 2019	Approve loading zone in front of alleyway at 3 Pleasant Street
October 3, 2019	Change one-way section of Parker Street to two-way traffic
November 7, 2019	Eliminate four parking spaces on Hanover Street to expand bus stop area
November 7, 2019	Prohibit parking at end of Dearborn Street
November 7, 2019	Lower speed limit on section of South Street to 25 mph
December 5, 2019	Prohibit parking along north side of Chase Drive

I recommend that the City Council move to schedule a public hearing and first reading of the Annual Omnibus Ordinance at the August 3, 2020 Council meeting.

2. Motor Vehicle Municipal Agent Acceptance:

Nancy Bates began her employment with the City of Portsmouth on May 26, 2020 as Revenue Administrator/Tax Collector. Ms. Bates’ previous positions held include Financial Administrator for the Town of Webster, NH and the Town Administrator for the Town of Wilmont, NH.

Prior to obtaining certification from the State of New Hampshire to issue, renew or transfer motor vehicle registrations, the City Council must approve Nancy Bates as a Municipal Agent of the City in accordance with RSA 261:74-a, referenced below:

261:74-a Agents Appointed. –With the approval of the governing body of a city or town and subject to the direction and approval of the commissioner, the director may appoint municipal officials as agents to issue, renew or transfer motor vehicle registrations. The director shall determine the optimum number of registration agents that the division can reasonably accommodate.

The appointment of any municipal official as a registration agent for the purposes of this subdivision shall continue while the agent holds his office or employment with the municipality.

I recommend that the City Council appoint Nancy Bates as the Municipal Agent for the City of Portsmouth. Upon this appointment, I will have the Finance Director prepare a letter and submit the application on behalf of Ms. Bates, notifying the State of New Hampshire as such.

3. **Execution of Deed Restriction to Protect Vernal Pools – Campus Drive:**

As a condition of Wetlands Permit 2019-02298 issued to the City by the Department of Environmental Services (DES) to construct the stormwater project and athletic fields off of Campus Drive, the City agreed to execute and record a Declaration of Restrictive Covenants to protect through conservation two vernal pools on the parcel. The vernal pools are located in a large wetland area on the westerly side of the property as shown on the [attached figure](#). Protecting these vernal pools was not only part of the DES Wetlands Permit process, but also part of the City’s application for site plan and conditional use approval. Those approvals were granted by the Planning Board on October 22, 2019.

The [draft of the restrictive covenant instrument is attached](#).

I recommend that the City Council authorize the City Manager to finalize and execute a Declaration of Restrictive Covenants to satisfy the conditions of the Wetlands Permit and Planning Board approvals to protect the vernal pools.

4. **Planning Board Report Back – Paper Street Request for Ruth Street:**

At the March 16, 2020 City Council meeting, the Council [considered letters from Craig M. Steigerwalt and Attorney Daniel C. Hoefle](#) regarding petitions for release of interest in a paper street known as Ruth Street contiguous to 276 Dennett Street (Tax Map 143, Lot 13) and 294 Dennett Street (Tax Map 143, Lot 26) pursuant to RSA 231:51 and 231:52, and voted to refer these items to the Planning Board for a report back.

On June 18, the Planning Board considered these requests and voted to recommend that the City Council release any interest in this paper street.

A paper street is one which shows on a plan, especially the City tax map, but which does not exist on the ground. The most common way for that situation to come about is when a street is “dedicated” to public use by a landowner recording a plan showing the street.

This happened frequently in the days before Planning Board approval was required for the recording of plans. A street so dedicated becomes a public street only when “accepted” by the City. The acceptance can be formal, often by vote of the City Council, or by implication based on City use and maintenance of the street.

For a street dedicated (shown on a recorded plan) before 1969, the dedication was automatically terminated if the City did not accept the street within 20 years.

The owners of lots fronting on those paper streets may have implied easements to use the paper streets for access and development, but such easements do not override local zoning and subdivision regulations.

While the City is being asked to formally release any interest it has in this paper street, such a vote would not necessarily have any impact, except to clarify the record. Additional title research will be required by anyone wishing to formally acquire the paper street in order to determine who else, if anyone, may have legal interest and/or ownership of this property.

These requests have been reviewed by the Public Works Department and the Legal Department and, to date, staff have found no reason for the City to retain any interest it may have in this paper street.

I recommend that the City Council vote to release any interest the City may have in the paper street known as Ruth Street to the centerline of where it abuts the properties at 276 Dennett Street (Map 143 Lot 13) and 294 Dennett Street (Map 143 Lot 26).

5. **Release of Reverter for Portsmouth Housing Authority Property:**

The City holds a reverter interest in certain property owned by the Portsmouth Housing Authority (PHA) on Court Street which was conveyed to the PHA by the City in 1968. The reverter provision in the deed from the City to PHA says that if the property is not used for “housing for the elderly,” ownership of the land reverts back to the City.

As summarized in the March 23, 2020 letter from Craig Welch, PHA now wants to exchange some, but not all, of the property covered by the reverter with an abutter as part of its workforce housing project at 160 Court Street. Because it involves the conveyance of the City’s interest in real estate, the ordinances require this matter should be forwarded to the Planning Board by the City Council for a report back and recommendation.

On May 4, 2020, the City Council voted to refer this request to the Planning Board. On June 18, 2020, the Planning Board voted to recommend that the City Council release the reverter provision in the deed as requested.

I recommend that the City Council vote to release the reverter provision in the deed as requested.

6. **Report Back on Request of Restoration of Involuntary Merged Lot – 246 Thorton Street:**

Please find [attached](#) a report back from the City’s Deputy Tax Assessor, Verna E. Sharpe, regarding a request of restoration of involuntary merged lots to pre-merger status at 246 Thorton Street.

I recommend that the City Council move to approve the unmerging of the two involved lots at 246 Thornton as requested by the Attorney Derek Durbin and as recommended by the Assessor.

7. **Report Back on Request of Restoration of Involuntary Merged Lot – 1240 Islington Street:**

Please find [attached](#) a report back from the City’s Deputy Tax Assessor, Verna E. Sharpe, regarding a request of restoration of involuntary merged lots to pre-merger status at 1240 Islington Street.

I recommend that the City Council move to approve the unmerging of the two involved lots at 1240 Islington as requested by Jeremy Conte and as recommended by the Assessor.

8. **Workforce Housing Covenant for West End Yards Project:**

In September 2019, the Planning Board granted land use approvals for the [West End Yards development](#). The approved project is a mixed use development that includes: a 2-story building with approximately 44,000 sq. ft. of retail and office space; two 4-story residential apartment buildings with 250 residential units; and 23 townhomes.

As part of the project approvals, the Planning Board granted a Conditional Use Permit pursuant to Section 10.5B71.20 of the Zoning Ordinance to allow a density of 28 dwelling units per acre (where up to 35 units per acre is allowed with a Conditional Use Permit).

The Conditional Use Permit approval required that 10% (or no less than 27) of the dwelling units be workforce housing units affordable to a household with an income of 80% of the median income for a 3-person household for the Portsmouth-Rochester HUD Metropolitan Fair Market Rent Area (HMFA).

As a condition of approval, a [Workforce Housing Covenant](#) that provides enforceable restrictions as to price and occupancy to ensure long-term availability and affordability of the 27 units for a minimum of 30 years was required.

All of the foregoing has been approved by the Planning Board and is recommended by the Planning and Legal Departments.

I recommend that the City Council move to grant the authority for the City Manager to accept the Workforce Housing Covenant in a form similar to that attached.

9. **Request for Temporary Construction License for Brick Market Project:**

On January 16, 2020, the Planning Board granted site plan review approval for an application from Dagny Taggart, LLC for property located at 60 Penhallow Street for the second part of the proposed Brick Market development to construct a new 4-story commercial building.

The Construction Mitigation and Management Plan (CMMP), signed in April 2020, identified temporary encumbrances of the public sidewalks and parking spaces on Penhallow Street and Daniel Street for project-related work during the project's construction. Encumbrances for a duration longer than 30 consecutive working days require a license approved by the City Council. In addition, the licenses are subject to the "License Fee for Encumbrance of City Property" policy.

The License Areas are shown on the [plan labeled "CMMP Encumbrance Plan."](#) License Area 1 is for 1,740 square feet of the sidewalk area along Daniel Street and Penhallow Street as well as three parking spaces located on Daniel Street. The proposed duration for the encumbrance of License Area 1 is 184 days, starting on August 1, 2020. License Area 2 is for the four parking spaces located on Penhallow Street. The proposed duration for the encumbrance of License Area 2 is 123 days, starting on October 1, 2020.

The fee for the sidewalk is \$16,008, the fee for the three metered parking spaces along Daniel Street is \$27,600, and the fee for the four parking spaces along Penhallow Street is \$24,600 for a total fee of \$68,208. The [proposed license agreement](#) provides that, if any of the license areas returned to the City prior to the end of the license term, the City will refund the applicant the portion of the license fee already paid to the City.

All of the foregoing has been reviewed by the Planning and Legal Departments and is recommended for approval.

I recommend that the City Council move to authorize the City Manager execute and accept the temporary construction license regarding 60 Penhallow Street as submitted.

XVI. Consent Agenda:

A. Projecting Sign License – 18 Ladd Street:

Permission is being sought to install a projecting sign at [18 Ladd Street](#) that extends over the public right of way, as follows:

Sign dimensions: 20" x 40"

Sign area: 5.5 sq. ft.

