

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JULY 15, 2024 TIME: 7:00PM

Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser

https://us06web.zoom.us/webinar/register/WN_KnzQ4XNdQqGbDbkkEvQE2Q

5:30PM - ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A

1. CONSIDERATION OF LEGAL ADVICE IN ACCORDANCE WITH RSA 91-A:3 II (I)

AGENDA

- I. WORK SESSION
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – **N/A**
- III. CALL TO ORDER [7:00 p.m. or thereafter]
- IV. ROLL CALL
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE

PROCLAMATIONS:

1. Plastic Pollution Reduction Month
2. Wildlife Conservation Day in Portsmouth

VII. ACCEPTANCE OF MINUTES – JUNE 3, 2024 AND JUNE 17, 2024

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

IX. PUBLIC COMMENT SESSION (*This session shall not exceed 45 minutes*) – (*participation may be in person or via Zoom*)

X. PUBLIC HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

First Reading of Ordinances

- A. First Reading of proposed Ordinance amending Chapter 10, Article 5A – Character-Based Zoning, Section 10.5A43.33 regarding Building and Story Heights of the Zoning Ordinance (***Sample motion – move to pass first reading and schedule a public hearing and second reading to be held at the August 5, 2024 City Council meeting***)
- B. First Reading of proposed Parking Omnibus Ordinance amending Chapter 7, Article III – Traffic Ordinance, Section 7.330 A. - No Parking; Article III – Traffic Ordinance, Section 7.341 - Driving on Sidewalk; and Article XI, Section 7.1100 E., Speed Limits: 25 mph – Middle Street (***Sample motion – move to pass first reading and schedule a public hearing and second reading to be held at the August 5, 2024 City Council meeting***)

Public Hearing/Adoption of Resolutions

- C. PUBLIC HEARING/ADOPTION of Resolution authorizing a Bond Issue and/or notes of the City under the Municipal Finance Act of up to Six Hundred Fifty Thousand Dollars (\$650,000.00) for costs related to School Facilities' Capital Improvements

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

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

- D. PUBLIC HEARING/ADOPTION of Resolution authorizing a Bond Issue and/or notes of the City under the Municipal Finance Act of up to Twelve Million Nine Hundred Twenty-Five Thousand Dollars (\$12,925,000.00) for costs related to:

- Ambulance Replacement Program,
- Police Deficiencies and Repair Project,
- Land Acquisition,
- South Mill Pond Playground,
- Additional Outdoor Recreation Fields,
- Prescott Park Master Plan Implementation,
- Citywide Facilities Capital Improvements,
- Greenleaf Avenue Sidewalk,
- Russell/Market Intersection Upgrade,
- Fleet Street Utilities Upgrade and Streetscape,
- Citywide Storm Drainage Improvements, and
- The Creek Neighborhood Reconstruction

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

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

- E. PUBLIC HEARING/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 Four Million Fifty Thousand Dollars (\$4,050,000.00) related to:

- Water Storage Tanks Improvements,
- Madbury Water Treatment Plant – Facility Repair and Improvements,

- Fleet Street Utilities Upgrade and Streetscape,
- DPW Complex Improvements, and
- The Creek Neighborhood Reconstruction

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

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

- F. PUBLIC HEARING/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 Thirty Five Million Four Hundred Sixty-Five Thousand Dollars (\$35,465,000.00) for costs related to:

- Pease Wastewater Treatment Facility,
- Wastewater Pumping Station Improvements,
- Sewer Service Funding for Sagamore Avenue Area Sewer Extension,
- Mechanic Street Pumping Station Upgrade,
- Peirce Island Wastewater Treatment Facility,
- Fleet Street Utilities Upgrade and Streetscape,
- Citywide Storm Drainage Improvements,
- DPW Complex Improvements, and
- The Creek Neighborhood Reconstruction

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

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

(ROLL CALL VOTES ARE REQUIRED FOR ADOPTION OF EACH RESOLUTION)

Public Hearing/Second Reading of Ordinances

- G. PUBLIC HEARING/SECOND READING on Proposed Ordinance amending Chapter 10, ZONING ORDINANCE – Solar Energy Panels, Article 6, Overlay District, Section 10.633.20 - Exemptions from Certificate of Approval; Section 10.633.30 – Administrative Approvals; Section 10.634.20 – Application Contents adding Section 10.634.24; Section 10.636.32 (1) – Public Hearings; Section 10.636.12 – Notice of Disapproval & Article 15, Definitions, Section 10.1530 – Terms of General Applicability

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

(Sample motion – move to pass second reading of the proposed zoning amendments regarding solar energy panels, and schedule a third and final reading at the August 5, 2024 City Council meeting)

Public Hearing Regarding Cable Franchise Agreement

H. PUBLIC HEARING to consider a Cable Television Renewal Franchise Agreement with Comcast (“Franchise Agreement”). The proposed Franchise Agreement is for a 10-year term beginning August 1, 2024, and ending July 31, 2034. The proposed Franchise Agreement allows Comcast to continue to serve existing and new customers without limiting competition. The City would continue to collect a 5% Franchise Fee

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

(Action regarding this item will take place under the City Manager’s name at this evening’s meeting)

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Cable Television Franchise Agreement with Comcast
2. *Request for Capital Improvement Plan (CIP) Process Kick Off Work Session
3. Lease Agreement with AIDS Response of the Seacoast
4. Sidewalk and Traffic Easement from Saint John’s Masonic Association
5. Authorization to Trade Vehicles and Equipment

XII. CONSENT AGENDA

- A. Request from Ashley Lyons, Chic Boutique Consignments, to install a Projecting Sign at 108 Penhallow Street *(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability 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 from Nicole Snow, Darn Good Yarn, to install a Projecting Sign at 238 State Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability 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 from Jonathan Barachowitz, Marathon Sports, to install a Projecting Sign at 104 Congress Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability 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. Letter from Katelyn Moran, Leukemia & Lymphoma Society, requesting permission to hold the annual Light the Night event on Saturday, September 28, 2024 from 4:30 p.m. – 7:30 p.m. (***Anticipated action – move to refer to the City Manager with Authority to Act***)

- E. Letter from Brian Miller, New England Run for the Fallen, requesting permission to hold the 4th Annual Run on Sunday, August 18, 2024 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. Information provided by Joe Caldarola regarding Guidelines for Solar Energy and Renewable Energy (***Sample motion – move to accept and place on file***)
- C. Letter from Curtis Hermann, New Hampshire Sons of the American Revolution, requesting permission to hold the Commemoration of the Bicentennial Anniversary of General Lafayette’s visit on Sunday, September 1, 2024 (***Sample motion – move to refer to the City Manager with Authority to Act***)
- D. Letter from Elizabeth Bratter requesting if any of the City lands surrounding 361 Hanover Street are asked to be used or purchased, by any of 361 Hanover Street entities, please require a public hearing and notification of abutters by certified mail, of what is being proposed and public comment for consideration of the proposal (***Sample motion – move to accept and place on file***)

XIV. MAYOR McEACHERN

1. *Appointment to be Voted:
- Appointment of Andrew Samonas as the Planning Board Representative to the Housing Committee
 - Appointment of Mary Carey Foley to the Mayor’s Blue Ribbon Sister City Committee
 - Appointment of Robert F. Conard, Jr., to the Mayor’s Blue Ribbon Sister City Committee
2. Resignation:
- Chuck Raye from the Citywide Neighborhood Committee
3. *Request for report back on Community Oyster Programs in the City of Portsmouth and identifying funding sources

XV. CITY COUNCIL MEMBERS

A. COUNCILOR COOK

1. Single-Use Food Service-ware Reduction or “Skip the Stuff” Policy (***Sample motion – move to adopt the Single-Use Serviceware, or “Skip the Stuff” Policy***)
2. *Request to Establish Work Session Re: Market Square Master Plan (***Sample motion – move to schedule a work session with the Market Square Master Plan consultants and City staff to discuss progress on planning, and provide City Council input to the process***)

B. COUNCILOR BLALOCK

1. Sister Cities Trust Fund (***Sample motion – move to request that the Legal Department report back with a recommendation***)

C. COUNCILOR BAGLEY

1. Parking & Traffic Safety Committee Action Sheet and Minutes of June 6, 2024 (***Sample motion – move to approve and accept the action sheet and minutes of the June 6, 2024 Parking & Traffic Safety Committee meeting***)

XVI. APPROVAL OF GRANTS/DONATIONS

(There are no grants or donations on for approval this evening)

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

1. *Community Policing Facility Update
2. *Sherburne Property Update
3. *South Meeting House Update
4. Hazard Mitigation Plan Update

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XIX. ADJOURNMENT [at 10:30 p.m. or earlier]

**Indicates verbal report*

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



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@cityofportsmouth.com
(603) 610-7201

Date: July 11, 2024

To: Honorable Mayor McEachern and City Council Members

From: Suzanne M. Woodland, Acting City Manager

Re: City Manager's Comments on City Council Agenda of July 15, 2024

X. Public Hearing and Vote on Ordinances and/or Resolutions:

A. First Reading of Proposed Ordinance Amending Chapter 10, Article 5A – Character-Based Zoning, Section 10.5A43.33 Regarding Building and Story Heights of the Zoning Ordinance:

At its August 7, 2023 meeting, the City Council passed several amendments to Chapter 10 – Article 5A – Character-Based Zoning. These amendments were relative to properties at least one acre in size located within CD4, CD4W, and CD5 Character District and not located within an incentive overlay district (“Qualifying Properties”).

In general terms, these amendments provide the Planning Board with the ability to grant a Conditional Use Permit to allow an additional story (up to 15 feet in height), a house or duplex building type, and/or a mixed-use building. A property owner could qualify for this additional story, often called an incentive bonus, if certain criteria are met.

Recently, staff received an inquiry as to whether Qualifying Properties could receive the incentive outlined in this section without providing any housing, workforce or otherwise. In other words, if a property owner submitted an application to develop a Qualifying Property with a mixed-use development without any residential use, could the property owner provide the community space as provided, develop no housing, and receive an additional story through a Conditional Use Permit.

Based upon a strict reading of the ordinance, it appears that a property owner could submit an application providing community space only and qualify for an additional story as an incentive bonus. This is because the amended ordinance includes the following conditional language: “If multi-family dwelling units are proposed, the development shall have ...workforce housing”. Further, the definition of mixed-use contemplates either “residential and non-residential uses” or “office and retail/service uses.” Through subsequent discussions, staff questions whether this was the intent of the City Council when it amended the Zoning Ordinance last August.

If the City Council intended to permit an additional story in exchange for community space without workforce housing if the development does not have multi-family dwelling units, then it would be appropriate to leave the ordinance as it exists now. However, if the City Council intended to require owners of Qualifying Properties to provide both workforce housing and community space in order to qualify for an additional story, then a Zoning Ordinance amendment would be appropriate.

[Attached is a sample amended Zoning Ordinance](#) which would amend the Zoning Ordinance to require owners of Qualifying Properties to provide both community space and workforce housing in order to receive a Conditional Use Permit for an additional story.

The Planning Board voted to support this request at their June 20, 2024 meeting.

I recommend that the City Council move to pass first reading, and schedule a public hearing and second reading at the August 5, 2024 City Council meeting.

B. First Reading of Proposed Omnibus Ordinance Amending Chapter 7, Article III – Traffic Ordinance, Section 7.330 A., No Parking; Article III – Traffic Ordinance, Section 7.341 – Driving on Sidewalk; and Article XI, Section 7.1100 E., Speed Limits: 25 MPH – Middle Street:

[Attached please find the annual omnibus set of ordinances](#) recommended by the Parking and Traffic Safety Committee to be presented to the City Council. This year's omnibus changes are detailed on the attached sheets, and address amendments to the parking ordinance regarding no parking, driving on sidewalk, and speed limits.

By way of background, on March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article I, 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 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 3-4 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. If adopted, the following sections of the parking ordinance would be amended: Chapter 7, Vehicles, Traffic and Parking, Article III, Traffic Ordinance, Section 7.330 A, No Parking; Section 7.341, Driving on Sidewalk and Chapter 7, Article XI, Speed Limits, Section 7.1100 E, Speed Limit: 25 MPH.

The attached amendments to Chapter 7 for the Council's consideration summarize the temporary regulations implemented by the Parking and Traffic Safety Committee over the past 12 months.

I recommend that the City Council move to pass first reading, and schedule a public hearing and second reading at the August 5, 2024 City Council meeting.

C. **Public Hearing and Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act of Up to Six Hundred Fifty Thousand Dollars (\$650,000) for costs related to School Facilities' Capital Improvements:**

Attached please find a Resolution in the amount of \$650,000 and corresponding element sheets describing the projects.

I recommend that the City Council move to adopt the Resolution as presented.

D. **Public Hearing and Adoption of Resolution Authorizing a Bond Issue and/or notes of the City under the Municipal Finance Act of up to Twelve Million Nine Hundred and Twenty-Five Thousand Dollars (\$12,925,000) for costs related to Ambulance Replacement Program; Police Deficiencies and Repair Project; Land Acquisition; South Mill Pond Playground; Additional Outdoor Recreation Fields; Prescott Park Master Plan Implementation; Citywide Facilities Capital Improvements; Greenleaf Avenue Sidewalk; Russell/Market Intersection Upgrade; Fleet Street Utilities Upgrade and Streetscape; Citywide Storm Drain Improvements; and the Creek Neighborhood Reconstruction:**

Attached please find a Resolution in the amount of \$12,925,000 and corresponding element sheets describing the projects.

I recommend that the City Council move to adopt the Resolution as presented.

E. **Public Hearing and 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 Four Million and Fifty Thousand Dollars (\$4,050,000) Related to Water Storage Tank Improvements; Madbury Water Treatment Plant – Facility Repair and Improvements; Fleet Street Utilities Upgrade and Streetscape; DPW Complex Improvements; and the Creek Neighborhood Reconstruction:**

Attached please find a Resolution in the amount of \$4,050,000 and corresponding element sheets describing the projects.

I recommend that the City Council move to adopt the Resolution as presented.

- F. **Public Hearing and 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 Thirty Five Million and Four Hundred and Sixty-Five Thousand Dollars (\$35,465,000) for costs related to Pease Wastewater Treatment Facility; Wastewater Pumping Station Improvements; Sewer Service Funding for Sagamore Avenue Area Sewer Extension; Mechanic Street Pumping Station Upgrade; Peirce Island Wastewater Treatment Facility; Fleet Street Utilities Upgrade and Streetscape; Citywide Storm Drainage Improvements; DPW Complex Improvements; and the Creek Neighborhood Reconstruction:**

Attached please find a Resolution in the amount of \$35,465,000 and corresponding element sheets describing the project.

I recommend that the City Council move to adopt the Resolution as presented.

- G. **Public Hearing and Second Reading of Proposed Ordinance Amending Chapter 10, Zoning Ordinance – Solar Energy Panels, Article 6, Overlay District, Section 10.633.20 - Exemptions from Certificate of Approval; Section 10.633.30 – Administrative Approvals; Section 10.634.20 – Application Contents adding Section 10.634.24; Section 10.636.32 (1) – Public Hearings; Section 10.636.12 – Notice of Disapproval & Article 15, Definitions, Section 10.1530 – Terms of General Applicability:**

On January 16, 2024, the City Council voted to amend Chapter 10, Article 6, Section 10.633.20 regarding solar panels and to refer that amendment to the Planning Board for a Work Session with the Historic District Commission for a report back with recommendations to the City Council.

The HDC and Planning Board held a joint work session on February 21, 2024 to discuss the amendment. At the March 4, 2024 City Council meeting, HDC Chair Reagan Ruedig and Planning Board Chair Rick Chellman gave a brief update to the Council, explaining that the HDC and the Planning Board would work together over the next several months to bring forward amendments to the Zoning Ordinance regarding solar panels for first reading at the May 6, 2024 City Council meeting.

The HDC held three work sessions (March 13, 2024, April 10, 2024 and April 17, 2024) and drafted new proposed solar panel amendments which were reviewed by the Planning Board at their April 25, 2024 meeting. The Planning Board approved the HDC's amendments (with one minor edit) and held a public hearing at their May 16, 2024 meeting where they voted unanimously to recommend approval of the amendments to City Council.

The City Council held first reading to amend Chapter 10, Article 6, Section 10.633.20 at the June 3, 2024 meeting, by adding a new paragraph 28 "Solar Energy Panels flush mounted to rooftops of existing structures which do not require other alterations to existing structures" and new paragraph 29 "Accessory Elements to Solar Panels which do not require other alterations to existing structures."

During first reading, the Council brought forward the version of amendments recommended from the Planning Board (May 16th version) and amended the ordinance to include these recommendations by moving Section 10.633.32, items 1-6 to be included under the new paragraph 28 in Section 10.633.20 – Staff Level Exemptions. As proposed, the amendments provide for a staff review and exemption of certain solar panel applications that meet the requirements outlined in this section, clarify administrative approval in Section 10.633.30, add a requirement that a letter of certification be provided by an engineer or architect to support structural loads in Section 10.634.20 and add new definitions in section 10.1530.

To follow up on the question as to whether the proposed zoning amendment would impact the City’s standing in applying for grants and as a Certified Local Government (CLG), Peter Britz, the City’s Director of Planning and Sustainability reached out to the NH Division of Historical Resources. He spoke with Community Preservation Coordinator Amy Dixon on May 2nd where he asked her if she thought a change to our zoning ordinance to allow solar panels in the Historic District would have any impact on our eligibility for grants. She answered that she could not conceive of any way that this would be the case. Further she did not think it would compromise the designation on the National Register of Historic places. He followed up with Ms. Dixon on June 12th asking about the impact of the proposed amendment given the language says solar panels will be allowed where they are “minimally visible” from a public way. He received a response from Brandee Loughlin Preservation Planning and Development Coordinator and CLG Coordinator at NHDHR who stated that the proposed changes to our Zoning Ordinance would not impact our CLG status or any future potential grants. [This correspondence is attached for your review.](#)

He followed up again with Ms. Loughlin on June 18th with a copy of the draft ordinance which she reviewed and shared with Director Britz that she had read through the proposed ordinance and confirmed that it would not affect the City’s Certified Local Government status nor would it affect Portsmouth’s standing in any future CLG grant applications or subsequent awards.

I recommend that the City Council move to pass second reading and schedule a third and final reading of the proposed ordinance at the August 5, 2024 City Council meeting.

H. Public Hearing to Consider a Cable Television Renewal Franchise Agreement with Comcast (“Franchise Agreement”):

Action regarding this item will take place under the City Manager’s name as this evening’s meeting.

XI. City Manager's Items Which Require Action:

1. Cable Television Franchise Agreement with Comcast:

At its meeting of June 17, 2024, the City Council scheduled a public hearing for this evening's meeting to consider a proposed Cable Television Renewal Franchise Agreement with Comcast ("Franchise Agreement"). The proposed Franchise Agreement is for a 10-year term beginning August 1, 2024, and ending July 31, 3034. [A copy is attached.](#)

Background and key terms of the proposed Franchise Agreement are summarized in a quick reference document, [also attached](#). Importantly, the proposed Franchise Agreement does not give exclusive rights to Comcast; it does allow Comcast to continue to serve existing and new customers without limiting competition.

The Cable and Broadband Internet Commission ("Commission") has been working on the draft Franchise Agreement for over a year. As part of the process, City staff worked with the Commission to conduct an informal survey in 2023. The results of that survey are found here: <https://www.cityofportsmouth.com/sites/default/files/2023-09/FINAL%20Cable%20Survey%20and%20Comments%202023.09.21.pdf>

The Commission also created an FAQ page to help answer common questions and describe consumer options. Those FAQs are found here: <https://www.cityofportsmouth.com/cityclerk/cable-and-broadband-commission-faqs>

The Commission held a public hearing on January 22, 2024, and heard extensively from PPMTv which is granted the opportunity to broadcast under rights granted to the City under the Franchise Agreement.

At its meeting of June 6, 2024, the Commission moved to forward the proposed draft Cable Television Renewal Franchise Agreement to the City Council for its consideration. The law requires a public hearing prior to action of the City Council. The current franchise agreement is scheduled to expire July 31, 2024.

I recommend that the City Council move to authorize the City Manager to finalize and execute the Cable Television Franchise Renewal Agreement as presented.

2. Request for Capital Improvement Plan (CIP) Process Kick Off Work Session:

I would like to request a work session to discuss the Capital Improvement Plan (CIP) process, address and prioritize core functions and mission critical projects, and begin to gather input and guidance from the Council and the public.

I recommend that the City Council move to schedule a work session on Monday, August 19th at 6:00 p.m.

3. **Lease Agreement with AIDS Response of the Seacoast:**

AIDS Response of the Seacoast (“AIDS Response”) leases 1,834 square feet in the Seybolt Building from the City pursuant to terms of an Agreement dated August 23, 2018. This Agreement was amended to a month-to-month lease by vote of the City Council on August 7, 2023. The lease was amended to give the City and AIDS Response the time and flexibility to work together to identify different municipal property for AIDS Response to lease.

On August 21, 2023, the City Council passed a resolution to use ARPA funds for costs associated with capital improvements to Community Campus. Some of those capital improvements include reconfiguring tenants’ leased space. Given this reconfiguration of existing tenants’ leased space, new lease space was created for AIDS Response at Community Campus. Although the fit up for the other Community Campus tenants is not yet complete, the fit up for the new lease space for AIDS Response will be ready in early August.

The attached Lease Agreement and associated Exhibits creates a five-year lease term with an option to renew. Different rent rates, or tiers, have been created for each of the tenants of the Community Campus related to its overall impact on the premises, such as use of the common areas and maintenance services. The Recreation Department’s relocation to Community Campus, and its shared use of the campus along with the existing tenants, has given the City a better understanding of how the leased space and common areas are used, which informed the City’s revision to the existing Rules and Regulations for all tenants attached as Exhibit B. The leases for the other tenants of Community Campus were extended by Council vote on June 17, 2024. The new leases for these tenants will come forward for Council’s consideration and review in August.

I recommend that the City Manager be authorized to finalize and execute the Lease Agreement with AIDS Response in a form similar to what is presented.

4. **Sidewalk and Traffic Easement from Saint John’s Masonic Association:**

On September 6, 2007, the City obtained from Saint John’s Masonic Association a Sidewalk and Traffic Signal Easement recorded at the Rockingham County Registry of Deeds at Book 4841, Page 598. The easement area for the traffic signal is a small area located at the end of the sidewalk at the corner of Miller Avenue and Middle Street. The City is upgrading the existing traffic signal light at the intersection and in order to install the new traffic signal equipment (new traffic signal mast arm and control cabinet), the City needs to enlarge the existing easement area. The attached Sidewalk and Traffic Signal Easement Deed enlarges the easement area to approximately 187 square feet as shown on the attached plan and is presented to Council for review and acceptance. The Legal Department, Public Works Department and Saint John’s Masonic Association have approved the form of the easement.

I recommend that the City Council accept and authorize the City Manager to execute the Sidewalk and Traffic Signal Easement Deed with Saint John’s Masonic Association to enlarge an existing easement area at the corner of Miller Avenue and Middle Street for a traffic signal light as presented.

5. **Authorization to Trade Vehicles and Equipment:**

Attached please find a list of scheduled vehicle and equipment replacements funded via the FY25 Rolling Stock Capital Plan. The funded vehicle value reflects staff-estimated trade in values based on historical experience and previous dealer interest. For many years, the Department would add surplus vehicles to the City’s annual surplus equipment auction, but in recent years have found the trade values offered by dealers are slightly more advantageous to the City.

Trade in values are estimated by the dealer at the time of order and are based on mileage or hours, body condition, and age. The actual trade value received at the time of delivery may be impacted if the mileage is higher than anticipated or if additional body degradation has occurred.

I recommend that the City Council move to authorize the Department of Public Works to dispose of the used vehicles identified through the trade in process as described.

XII. Consent Agenda:

A. **Projecting Sign Request – 108 Penhallow Street:**

Permission is being sought to install a projecting sign at 108 Penhallow Street that extends over the public right of way, as follows:

Sign dimensions: 41” x 27.75”

Sign area: 7.9 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) *The license shall be approved by the Legal Department as to content and form;*
- 2) *Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- 3) *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, 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. Projecting Sign Request – 238 State Street:

Permission is being sought to install a projecting sign at [238 State Street](#) that extends over the public right of way, as follows:

Sign dimensions: 36” x 36”

Sign area: 9 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) *The license shall be approved by the Legal Department as to content and form;*
- 2) *Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- 3) *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, 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. Projecting Sign Request – 104 Congress Street:

Permission is being sought to install a projecting sign at [104 Congress Street](#) that extends over the public right of way, as follows:

Sign dimensions: 48” x 32”

Sign area: 10.6 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) *The license shall be approved by the Legal Department as to content and form;*
- 2) *Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- 3) *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, 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.*

XVII. City Manager's Informational Items:

1. **Community Policing Facility Update:**

City staff are prepared to share an update regarding the proposed Community Policing Facility project.

2. **Sherburne Property Update:**

Acting City Manager Woodland will provide a verbal update on the status of the Sherburne Property disposition process.

3. **South Meeting House Update:**

City staff will provide a verbal update on the status of the South Meeting House Request For Proposals process.

4. **Hazard Mitigation Plan Update:**

Please find enclosed a draft update of the City's Hazard Mitigation Plan.

The City has been working with the Rockingham County Planning Commission, NH Homeland Security and Emergency Management to update the 2017 Plan, which will expire in September of 2024.

The Portsmouth Hazard Mitigation Plan Update represents the collaborative effort of City staff listed on page 5 of the document to produce the document attached in an expedited fashion due to funding delays at the State level and the imminent expiration deadline for our existing plan. This plan update will serve to assist the City in reducing and mitigating future losses from natural hazard events, identifying specific natural hazards impacting Portsmouth, and outlining existing and future natural hazard mitigation efforts.

Fire Chief McQuillen respectfully requested that this plan be submitted to the City Council. He announces a two-week public comment period. Feedback from members of the Council and the public should be sent directly to the Fire Chief at his email (wjmcquillen@cityofportsmouth.com) or via phone 603-427-1515.

It should be noted that while there are many potential mitigation strategies contained in the draft plan, this plan is for planning purposes only. It can be amended by the Council and funded in phases, or priorities. Priorities can change, and projects can be shifted and changed based on the City's needs at the time.

Once this plan is reviewed and approved by the Federal Emergency Management Agency, it will be returned to the City Council for final adoption.