



CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE

PUBLIC MEETING NOTICE
MONDAY, MARCH 10, 2025 AT 11:00 A.M.
Conference Room A
City Hall Complex, 1 Junkins Avenue
Portsmouth, NH 03801

*Members of the public also have the option to join the meeting over Zoom.
(See below for more details)**

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1. Welcome and Call to Order
 2. Roll Call
 3. Review and approval of the minutes of the February 24, 2025 meeting
 4. Review of City Council policies relative to encumbrances
 5. Other Business
 6. Public Comment
 7. Announcements
 8. Adjournment

***Join Zoom Meeting**

When: March 10, 2025 11:00 AM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://us06web.zoom.us/meeting/register/uMUlOOwNtIGfqq509KGvJA>

After registering, you will receive a confirmation email containing information about joining the meeting.



CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE
MEETING MINUTES

Monday, February 24, 2025
Conference Room A
City Hall Complex, 1 Junkins Avenue
Portsmouth, NH

- Welcome and Call to Order:** The meeting was called to order at 11:00 a.m.
- Roll Call:**

Assistant Mayor Kelley-Adams was present via Zoom.

Councilor Cook; Councilor Lombardi; and Councilor Tabor were present.

Staff: Suzanne Woodland, Deputy City Manager / Regulatory Counsel, (DCM) was present via Zoom

Jane Ferrini, Senior Assistant City Attorney (Attorney Ferrini); and Peter Britz, Director of Planning and Sustainability, (Director Britz)
- Review and Approval of the Minutes of the February 10, 2025 meeting:** Councilor Lombardi moved to accept the minutes of the February 10, 2025 meeting. Seconded by Councilor Tabor. All in favor. The motion was approved.
- Report on Sidewalk Obstruction Fees Historically Collected and Action of the Fee Committee:** Councilor Tabor reported on the Fee Committee sidewalk obstruction fees. The Fee Committee had available to it historical revenue information for these fees for the period of FY2018 through FY2024. Councilor Tabor stated that the Fee Committee felt that if there were low or no fees, it might encourage more outdoor dining and be good for downtown and the businesses. Due to the small amount of revenue at risk and removing the administrative aspect of dealing with these fees, the Fee Committee felt that the fees for café tables and chairs should be waived, but with a stipulation that any café tables and chairs would be available for use by anyone, not just for the patrons of the business. Arrangements will be made to include a motion to waive these fees on the agenda for the March 3, 2025 City Council meeting.
- Outdoor Dining Design Standards:** Attorney Ferrini stated that the Legal Department did not receive any calls about any outdoor dining issues, the only issue that did surface was the offset of the cost as several restaurants had both tables and chairs and outdoor dining. There were some removal and collection issues at the end of the dining season, but no fines were assessed as these issues were resolved by DPW and Code Enforcement. Attorney Ferrini felt that passing the ordinance with clear direction and standards was helpful. Director Britz stated that the only issue that came to the attention of the Planning and Sustainability Department was also

the overlap of payments for outdoor dining and café tables and chairs. Applicants were mostly compliant and some applications were not submitted in a timely manner, which presented a challenge for DPW. Director Britz stated that it would be nice to go forward without many changes which will help people know what to expect. Councilor Cook stated that the only issue that she heard about was that some people installed flower boxes but did not put any plants in the boxes or did not maintain the flower boxes. Director Britz advised that additional language that addressed these points would be included in the permit application. Assistant Mayor Kelley-Adams stated that some flower boxes and pots were vandalized, even several times, during the season and that some grace should be given to these effected businesses. Director Britz stated that some businesses are investing in their outdoor dining spaces, making them more usable and improving over time.

Councilor Cook asked about the status of the outdoor dining encumbrance permit ordinance and if it was all right to be implemented as written. Attorney Ferrini stated that the ordinance and permit is fine for the spring outdoor dining season. Attorney Ferrini stated that she will be presenting suggestions for consolidation and edits of encumbrance ordinances at the next Governance meeting.

6. **Brief update in follow-up from the discussion last meeting regarding Charter Departments and IT and HR coordination:** DCM provided a brief update that Kelly Harper, HR Director will be providing a summary of how the HR Department interacts with Police, Fire and the School Department. Also, IT has been having communications and gathering information on the intersections with City IT and the various IT elements of the School Department and Police Department.
7. **Public Comment:** None
8. **Announcements:** The next Governance Committee meeting will be scheduled for Monday, March 10, 2025 at 11:00 a.m.
9. **Adjournment:** Motion by Councilor Lombardi to adjourn the meeting, seconded by Councilor Tabor. All in favor. Motion was approved. Meeting adjourned at 11:39 a.m.

DRAFT Meeting Minutes prepared by:
Barbara Zulkiewicz

Minutes approved: _____

CITY COUNCIL ENCUMBRANCE POLICIES

<u>Type of encumbrance</u>	<u>Council Policy</u>	<u>Fee</u>	<u>Term of Encumbrance</u>	<u>Department/Permit Type</u>	<u>Issuing Authority</u>
Projecting Signs	2009-03	1\$ per square foot \$50 minimum	indefinite	Planning sign permit/viewpoint	Vote of City Council
Projecting Flags	2010-01	\$50	annual	City Clerk permit through Clerk not viewpoint	City Manager Designee City Clerk License Officer
A-frame Signs	2010-01	\$50	annual	City Clerk Sidewalk Obstruction Permit Viewpoint	City Manager Designee City Clerk License Officer
Table and Chairs	2010-01	fee waived if available to public	annual	City Clerk Sidewalk Obstruction Permit Viewpoint	City Manager Designee City Clerk License Officer
Panthers and Benches	2010-01	\$75	annual	City Clerk Sidewalk Obstruction Permit Viewpoint	City Manager Designee City Clerk License Officer
Encumbrances less than 30 days		\$50	30 days	Encumbrance Permit	Department of Public Works

CITY COUNCIL ENCUMBRANCE POLICIES

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Encumbrances for more than 30 days for construction A. Parking Spaces	2018-02	\$50 Central Bus \$35 outside Center Buisness	A. License term	License	Vote of City Council
	2018-02	.05 per square foot per day	B. License term	License	Vote of City Council
	2018-02	\$400 for 400 feet first 30 days, \$200 each additional 30 days	C. License term	License	Vote of City Council
Hawkers and Peddlers vending cart	2009-04	\$250	annual	City Clerk Permit through Clerk not viewpoint	City Clerk License Officer



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2009-03 **Projecting Sign Policy**

WHEREAS, the City of Portsmouth has an interest in regulating all use of City property at, above and below ground level; and

WHEREAS, it is common for individuals in the City to erect projecting signs over streets and sidewalks of the City; and

WHEREAS, the City Council desires to adopt a policy which both protects the municipal interest in the air-space above its property and provides persons who wish to erect projecting signs in that air-space a process by which municipal approval for those signs may be secured expeditiously;

NOW THEN, the Council of the City of Portsmouth hereby adopts the following projecting sign policy.

1. Requests for the construction of signs over City property shall be submitted in the first instance to the Planning Director;
2. The Planning Director shall then report its recommendation with respect to the sign to the City Council for approval or denial,
3. Upon approval of the City Council a revocable license in the form approved by the City's Legal Department may be issued including, but not limited to, the following terms and conditions:
 - a. All costs related to the construction and/or removal of the sign shall be borne by the applicant.
 - b. The License shall be for an indefinite term.

This policy shall take effect upon the passage of the City Council.

Adopted by the Portsmouth City Council on: **May 4, 2009**.

Ratified by the Portsmouth City Council on January 19, 2010.

Amended by the Portsmouth City Council on March 21, 2011.

Ratified by the Portsmouth City Council on January 17, 2012.

Ratified by the Portsmouth City Council on January 13, 2014.

Ratified by the Portsmouth City Council on January 11, 2016.

Ratified by the Portsmouth City Council on January 16, 2018.

Ratified by the Portsmouth City Council on January 8, 2020.

Ratified by the Portsmouth City Council on January 24, 2022.

Ratified by the Portsmouth City Council on January 16, 2024.



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2010 - 01

POLICY REGARDING FLAGS PROJECTING OVER CITY PROPERTY ¹

WHEREAS, the City Council recognizes that there are safety and aesthetic concerns attendant to the placement of flags over the City's rights-of-way; and

WHEREAS, the City Council recognizes that there is an inherent inter-relationship between such flags and sandwich board signs placed on sidewalks in front of City businesses as well as projecting signs placed over municipal sidewalks by City businesses; and

WHEREAS, the City Council also recognizes that the City has the inherent authority to regulate any obstructions on City sidewalks and any intrusions into municipal airspace over streets and sidewalks; and

WHEREAS, the City Council desires to balance the signage needs of City businesses with aesthetics and the safety and convenience of the public at large.

NOW THEREFORE, the City Council adopts the following policy:

- A. Neither a sandwich board sign nor a flag which is allowed by the City to project over a City sidewalk or right-of-way should be deemed to be a sign for zoning purposes. (This element of the policy should ultimately be formalized in an amendment to the Zoning Ordinance.)
- B. A business should be allowed the option of either a flag projecting from the building in which the business is located over a City sidewalk or a sandwich board sign placed in front of the business on the City sidewalk, but not both.
- C. Flags should not exceed 12 square feet in area, and should maintain at least 7 feet of clearance above the sidewalk at all times.
- D. Sandwich board signs should not exceed 8 square feet in area on each side.
- E. Sandwich board signs (as well as other sidewalk obstructions) should only be allowed where a continuous path of travel at least four (4) feet wide can be maintained.

- F. The City Manager is requested to adopt procedures to streamline the approval process as much as possible consistent with prudent management in order to reduce waiting times for approvals of projecting signs, flags and sandwich board signs.
- G. Permanent signs projecting over City rights-of-way should be authorized only through a revocable license determined by the City Council with prior administrative review by City staff.
- H. Flags and sandwich board signs should be authorized through an annual permit process, including fees appropriate to represent the administrative cost of reviewing applications and issuing permits.
- I. The City Council hereby delegates the authority to issue an initial license for a flag or sandwich board sign to the City Manager or his designee. Under the delegated authority, City officials should apply the above standards approved by the City Council to the initial license application for a flag or sandwich board sign and send copies of applications and licenses to the City Council. Thereafter, licenses should be presented to the City Council in an omnibus package for annual renewal.
- J. No flag, sandwich board sign or projecting sign should be allowed by the City except in conformance with the foregoing.

¹ The Legislative intent was to exempt “Branded Areas” i.e., Deer Street and State Street

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on **February 1, 2010**.
Ratified by the Portsmouth City Council on January 17, 2012.
Ratified by the Portsmouth City Council on January 13, 2014.
Ratified by the Portsmouth City Council on January 11, 2016.
Ratified by the Portsmouth City Council on January 16, 2018.
Ratified by the Portsmouth City Council on January 8, 2020.
Ratified by the Portsmouth City Council on January 24, 2022.
Ratified by the Portsmouth City Council on January 16, 2024.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2018-02

LICENSE FEE FOR ENCUMBRANCE OF CITY PROPERTY

Any party temporarily encumbering city property for purposes of construction beyond thirty working days shall apply to the City Council for a license and pay the following fees:

- A. Metered parking spaces consistent with the daily fees determined by the fee schedule.
- B. Any City land that includes unmetered parking spaces, travel ways, loading zones and sidewalks – \$0.05 per square foot per day
- C. Any other City land / right-of-way not included in the above categories shall be charged a flat fee of \$400 per each 400 square feet for the first 30 days. Each additional 30 day period the fee shall be \$200 per each 400 square feet. The aforementioned fee shall be in place until July 1, 2019 when the fee shall be listed on the City of Portsmouth’s annual fee schedule.

The license fees set forth above will be doubled if the encumbrance period extends beyond its terms.

Any encumbrance that extends beyond thirty working days without an approved City Council license shall also be subject to the above fees.

The City Manager may waive the license fees for parking in unmetered spaces if the applicant can provide equivalent public parking in the immediate vicinity of the licensed area.

The Public Works Director shall administer the application of the License fees under this policy.

All applicable license fees shall be paid prior to the start of the term of the license. If the licensee ceases to encumber the property prior to the end of the term, the licensee may request a refund of any license fees for any unused days.

Any party that disputes the application of this policy to its request for a license may appeal to the City Manager.

Adopted by the Portsmouth City Council on: April 16, 2018

Amended by the Portsmouth City Council on: November 19, 2019

Ratified by the Portsmouth City Council on: January 8, 2020

Ratified by the Portsmouth City Council on: January 24, 2022.

Ratified by the Portsmouth City Council on: January 16, 2024.



CITY COUNCIL POLICY NO. 2009-04

WHEREAS, the City of Portsmouth currently has a collection of ordinances regulating “hawkers and peddlers” seeking to sell food and non-food items from a location that is not fixed; and

WHEREAS, in order to improve communication with vendors and hawkers and facilitate enforcement, the Vendors’ Committee has proposed that the City Council adopt a policy that both identifies vending locations compliant with the existing ordinances and establishes maximum vending cart sizes.

NOW THEREFORE there shall be established a policy by the City Council relating to hawkers and peddlers providing as follows:

The seven locations on public sidewalks within the Central Business Districts A and B that are suitable as vending locations for licensed hawkers and peddlers are identified on the attached Exhibit 1.

All other locations within Central Business Districts A and B are deemed not appropriate under the existing ordinances and vendors and hawkers are prohibited from setting up carts, stands and like at such other unapproved locations.

The size of vending carts shall not exceed 52” wide and 48 inches long not including the tongue of the cart.

Consistent with the existing ordinance, all vending locations, both inside and outside the Central Business District, are available to the first licensed vendor who arrives in the space after any period of vacancy. Vending locations cannot be reserved.

There shall be no vending or hawking from any municipal parking areas including metered parking spaces, public parking lots, or the parking garage.

This policy does not affect or address mobile/canteen trucks that vend on private property.

This policy does not affect or address vending on property under the control of Prescott Park.

Nothing in this policy supersedes or limits any special permission that the City Council may grant to organizers of community events, such as Pro Portsmouth, who may establish additional vending locations during such special events.

This policy shall take effect upon passage of the City Council.

Adopted by the Portsmouth City Council on: **May 18, 2009.**

Ratified by the Portsmouth City Council on: January 19, 2010.

Ratified by the Portsmouth City Council on: January 17, 2012.

Ratified by the Portsmouth City Council on: January 13, 2014.

Ratified by the Portsmouth City Council on: January 11, 2016.

Ratified by the Portsmouth City Council on: January 16, 2018.

Ratified by the Portsmouth City Council on: January 8, 2020.

Ratified by the Portsmouth City Council on: January 24, 2022.

Ratified by the Portsmouth City Council on: January 16, 2024.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

City of Portsmouth, NH

Vending Information



One A-Frame sign, not to exceed 4 feet in height may be used.

This sign can only be placed over the tongue of the cart.

* All vending locations are available to the first licensed vendor who arrives in the space after any period of vacancy. Vending locations cannot be reserved.

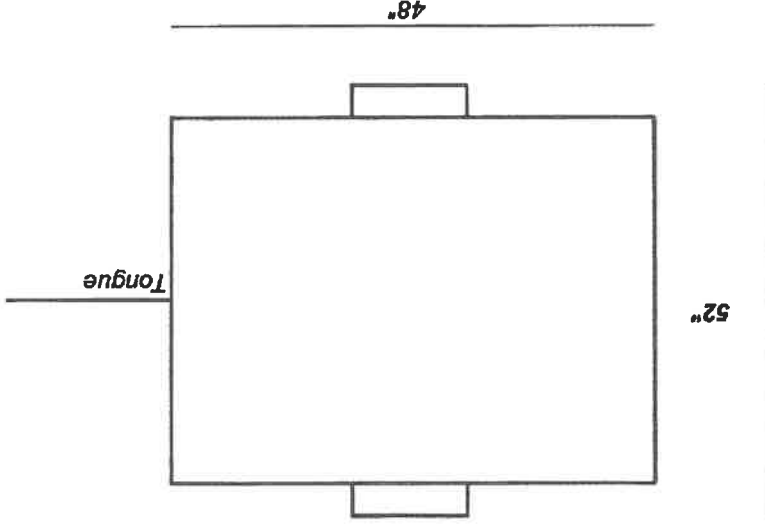
* There shall be no vending or hawking from any municipal parking areas including metered parking spaces, public parking lots, or the parking garage.

* No vending is allowed at Prescott Park or other City parks without express written permission from the Park Director.

* In addition to the vending cart, one chair, one cooler, and one hand truck are permitted.

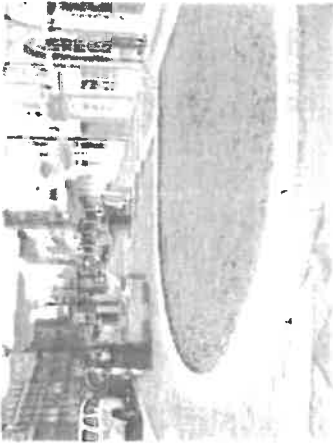
* One trash receptacle must be provided.

* It is the vendor's responsibility to ensure the area remains clean.



Food vendors
Must contact the Portsmouth Health Department at 610-7238 for a food license, prior to applying for a Hawkers and Peddlers permit.

All vendors
Operating on City Property, must contact the City Clerk's office at 610-7245 for information on applying for a Hawkers and Peddlers permit which is required.



1

In front of 8 Market Square



2

In front of 1 Pleasant Street



3

In front of 15 Pleasant Street



4

In front of 55 Congress Street



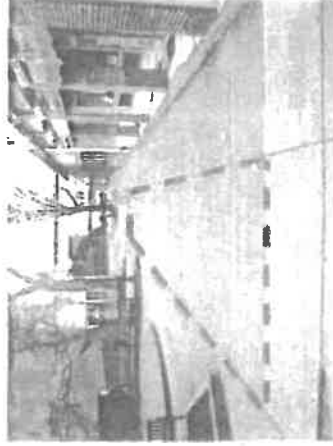
5

Outside the Ladd Street side of the parking garage



6

Outside the parking garage on Hanover Street



7

Vaughan Mall

**This space can accommodate 2 carts.*

Vendors cannot block the stage during a performance.

There are seven locations on public sidewalks in the Downtown Business District that are suitable as vending locations for licensed hawkers and peddlers as identified in this brochure.

All other locations in the Downtown Business District are deemed not appropriate and vendors and hawkers are prohibited from setting up carts, stands and the like at any other locations.