

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JANUARY 11, 2016 TIME: 6:00PM

AGENDA

- 6:00PM – WORK SESSION REGARDING FY17 BUDGET PROCESS AND PROPOSED BUDGET GUIDELINES

- I. CALL TO ORDER (6:00PM)
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. *Update Re: 165 Deer Street (New Municipal Garage)

- V. ACCEPTANCE OF MINUTES – DECEMBER 21, 2015 AND JANUARY 4, 2016

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to Fire Department Re: Kearsarge Restoration Project (***Sample motion – move to accept and approve the donation from Newburyport Bank for the Kearsarge restoration project, as presented***)
- B. *Approval and Acceptance of Donation Re: Bench (***Sample motion – move to approve and accept the donation for a bench, as presented***)

- VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 4, Section 10.440 Table of Uses – Residential, Mixed Residential and Industrial Districts – Use 170 Manufactured housing park, Supplemental Regulations 10.814

Amend Chapter 10 – Zoning Ordinance, Article 5, Section 10.521 – Table of Dimensional Standards – Residential and Mixed Residential Districts as follows:
Minimum Yard Dimension, Maximum Structure Dimensions,

Amend Chapter 10 – Zoning Ordinance, Article 8 – Section 10.810 – Residential and Institutional Residence or Care Uses by adding the following – 10.814 – Manufactured Housing Park Dimensional Standards

Amend Chapter 13 – Mobile Home Ordinance by deleting it in its entirety

(Sample motion – move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the January 25, 2016 City Council meeting, as presented)

- B. First reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1016 – Permitted Uses by addition Uses, activities and alterations are permitted in wetlands and wetlands buffers

Amend Article 10, Section 10.1017 – Conditional Uses by adding the following – Wetland Protection Plan

Amend Article 15, Section 10.1530 – Terms of General Applicability, by inserting the following new terms and definitions – Impervious Surface

(Sample motion – move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the January 25, 2016 City Council meeting, as presented)

- C. First reading of Ordinance amending Chapter 10 – Zoning Ordinance Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated January 11, 2016

Amend Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” January 11, 2016

Amend the Zoning Map as set forth in the following maps dated January 11, 2016:

- (a) Map 10.5A21A – Character Districts and Civic Districts;
- (b) Map 10.5A21B – Building Height Standards;
- (c) Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout & Uses

Amend the Zoning Map by changing the zoning designation of 52 parcels as set forth in the document titled “Proposed Additional West End Zoning Changes” dated January 11, 2016 and as shown on the map titled “Additional West End Zoning Changes – First Reading – January 11, 2016”

(Sample motion – move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the March 21, 2016 City Council meeting, as presented)

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Ken La Valley, American Foundation for Suicide Prevention requesting permission to hold Out of the Darkness Walk on Saturday, September 17, 2016 at 10:00 a.m. – Noon ***(Anticipated action – move to refer to the City Manager with power)***

- B. Request for License to install Projecting Sign:
- Brie DeLise owner of Prelude, for property located at 65 Market 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 the 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. Letter from John Chagnon, Ambit Engineering, Inc, Request for Licenses for Site Redevelopment Property located at 40 Bridge Street ***(Sample motion – move to refer to the Planning Board for report back)***

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Elderly and Disabled Exemptions
2. Adoption of Resolution Re: HealthTrust, Inc., Application and Membership Agreement
3. Sidewalk Permit Request Re: 195 State Street
4. Interim Police Chief Agreement
5. Polling Hours – Presidential Primary Election

Informational items

1. Events Listing

B. MAYOR BLALOCK

1. Resignation of Rebecca Perkins from the Portsmouth Housing Authority
2. Approve City Council Rules and Order
3. Ratify City Council Policies and Procedures
4. Blue Ribbon Committee for Prescott Park Master Plan
5. Code of Ethics Lot Drawing for City Council Representative
6. Information Only City Council Schedule 2016
7. Information Only Board & Commission Assignments for City Council

C. COUNCILOR LOWN

1. *Update Regarding Financial Disclosure Form

D. COUNCILOR SPEAR

1. *Affordable Housing at the Parrott Avenue Lot (***Sample motion – move to request the City Manager evaluate the feasibility of siting micro apartments for workforce housing at the Parrott Avenue lot***)

E. COUNCILOR DENTON

1. City Council Rules and Order (*See attached document*)

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the minutes of the November 19, 2015 work session and meeting of the Planning Board are now available on the City's website
2. Notification that the minutes of the November 17, 2015 and November 24, 2015 meetings of the Zoning Board of Adjustment are now available on the City's website

NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

CITY OF PORTSMOUTH

FISCAL YEAR 2017 BUDGET PROCESS

PRELIMINARY PROPOSED BUDGET AND GUIDELINES

CITY COUNCIL MEETING

BUDGET

- Charter Requirements / Budget Process
- Preparing the Fiscal Budget
 - FY16 Adopted Budget
 - Long-Term Financial Planning
 - 2017 Key Budgeting Factors
 - JBC Recommendation

KEY FACTORS FOR BUDGETING - EXPENDITURES

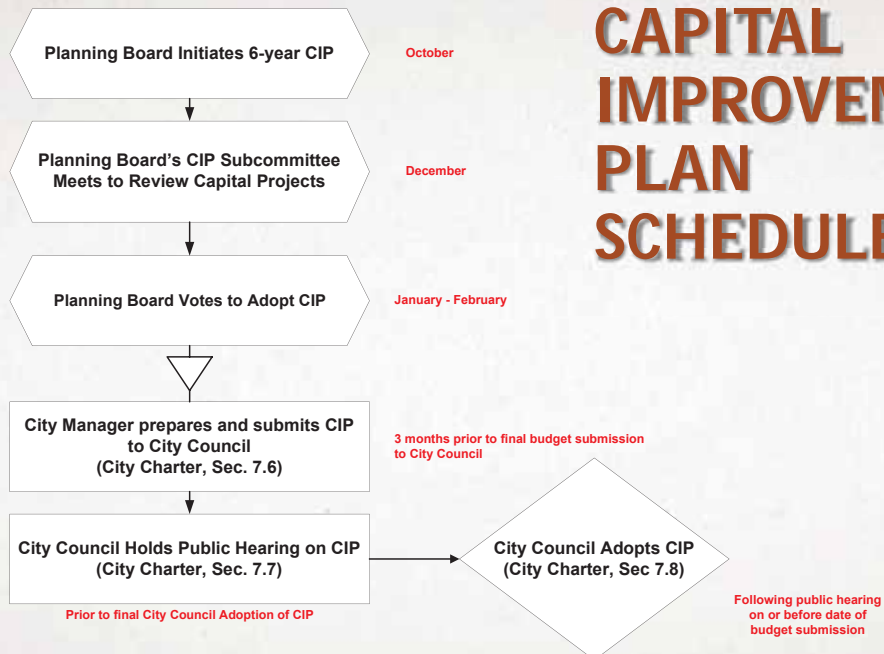
OPERATING BUDGET

- COLA – Contract Obligations
- Retirement Costs
- Leave at Termination
- Health Insurance Premium Costs
- Worker’s Compensation

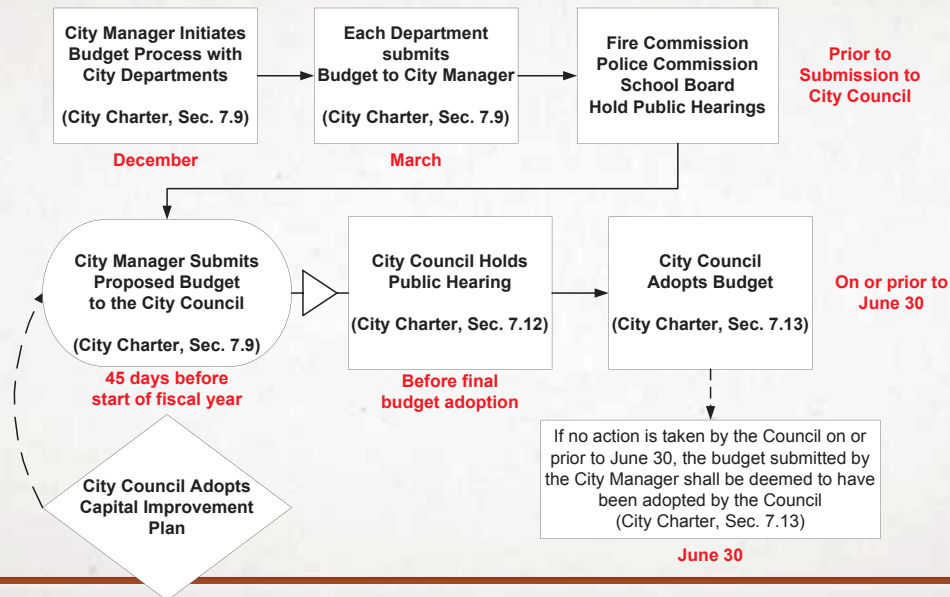
NON-OPERATING BUDGET

- Debt Service
- Capital Outlay
- County Tax Obligation
- Overlay
- Rolling Stock
- Property & Liability

CAPITAL IMPROVEMENT PLAN SCHEDULE



BUDGET SCHEDULE PER CHARTER REQUIREMENTS



5

2017 BUDGET SCHEDULE

- January: City Council – Establish Budget Guidelines
- February: City Council Work Session
- February: City Council Meeting – CIP Public Hearing
- March: City Council Adoption of the CIP
- April: City Council Receives Proposed Budget Document
- May: City Council Work Sessions on the Proposed Budget (All day Work Session)
- May: Public Hearing on the City Manager’s Proposed Budget
- May: City Council Work Session Water and Sewer Budget
- June: City Council Adopts Budget

6

Budget Document GFOA Guidelines



City Received 10 Consecutive Budget Presentation Awards

- **Policy Document**
 - Financial Guidelines and Policies
 - Priorities and Long-Term Planning
 - CIP Summary
 - Rolling Stock Plan
- **Financial Plan**
 - Detailed Debt Service Summary with future outlook
 - Capital Project Summary
 - Consolidated Financial Overview
 - Provide Estimated Tax Rate
- **Operations Guide**
 - Budget Summary by Departments
 - Program and Services by Departments
 - Performance Measures by Department
 - Position Summary Schedules
- **Communications Device**
 - Guide to the Budget Document
 - Budget Schedule
 - Community Profile
 - Account Structure

7

STANDARD & POOR'S Investment Grade
AAA
AA+
AA
AA-
A+
A
A-
BBB+
BBB
BBB-
BB

**PORTSMOUTH'S
BOND RATING**

STANDARD & POOR'S	
Year	Grade
2014	AAA
2013	AAA
2012	AA+
2011	AA+
2010	AA+
2009	AA+
2008	AA
2007	AA
2006	AA
2005	AA
2004	AA-
2003	AA-
2002	AA-
2001	A+
2000	A+
1999	A
1998	A
1997	A
1996	A
1995	A
1994	A

8

PREPARING THE FISCAL BUDGET

1. What do the Citizens want for services?
2. What does the City Council want for an outcome?
 - New Services
 - Reduced or cut Services
 - Increase/No increase – Stable Tax Rate
 - Capital Improvement needs



GENERAL FUND DEPARTMENTS

OPERATING BUDGET

- Fire
- Police
- School
- General Government Departments:
 - Mayor/City Manager
 - City Clerk
 - Human Resources
 - Finance - Information Technology - Accounting - Assessing - Purchasing
 - Legal
 - Public Works
 - Recreation
 - Senior Services
 - Public Health
 - Planning
 - Library
 - Inspection
 - Welfare/Outside Social Services

NON-OPERATING BUDGET

- Debt Service Payment
- Overlay
- Capital Outlay
- County
- Contingency
- Rolling Stock

OPERATING BUDGET

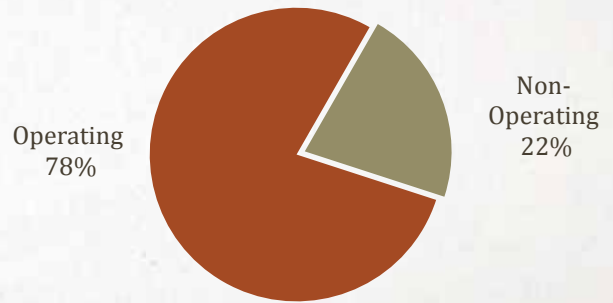
General Government	17,665,762	17.5%
Police	9,617,688	9.5%
Fire	7,995,603	7.9%
School	43,382,210	42.9%
Coll Bargaining Contingency	313,922	0.3%
Transfer to Indoor Pool	150,000	0.1%
Total Operating	79,125,185	78.3%

NON-OPERATING BUDGET

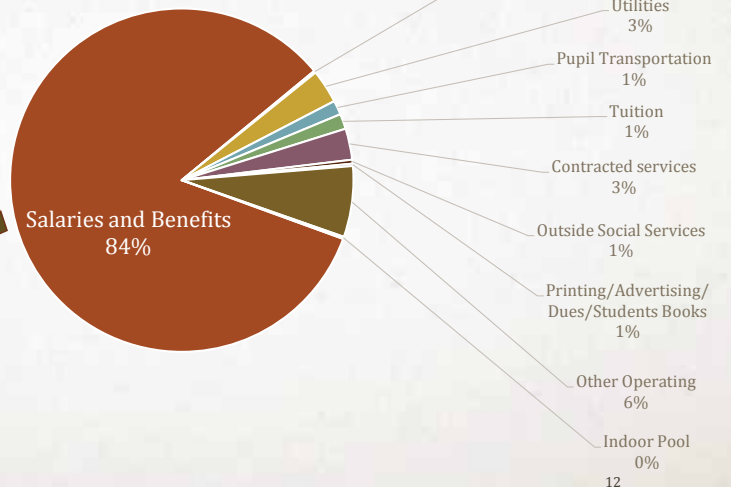
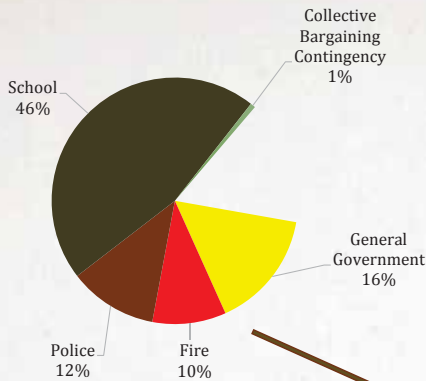
Debt Related Exp	275,000	0.3%
Debt Service	11,756,625	11.6%
Overlay	950,000	0.9%
Property & Liability Insurance	321,000	0.3%
County	5,002,383	5.0%
Contingency	250,000	0.2%
Rolling Stock	809,860	0.8%
IT Equipment Replacement	414,700	0.4%
Capital Outlay	1,765,000	1.7%
Other General Non-Operating	376,449	0.4%
Total Non-Operating	21,921,017	21.7%

Total	101,046,202
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EXPENDITURES FY16 BUDGET



FY16 Operating Budget \$79M 84% of the Operating Budget comprises of Salaries and Benefits



Salaries and Benefits make up 65% of the Total General Fund Budget. (Both Operating and Non-operating)

EXPENDITURES AND REVENUES

EXPENDITURES:

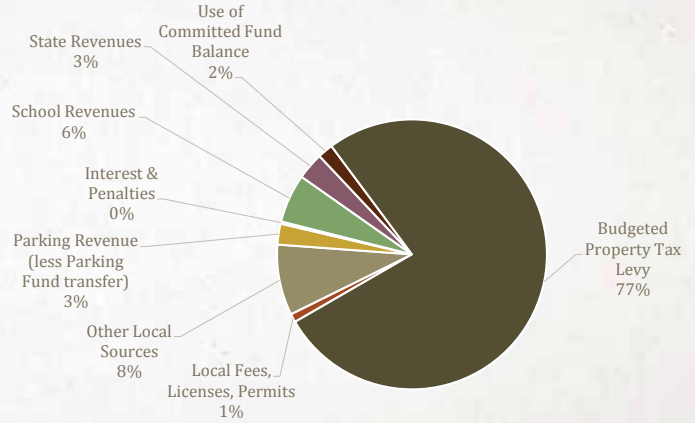
OPERATING	79,125,185
NON-OPERATING	21,921,017
	\$101,046,202

REVENUES:

LOCAL SOURCES	8,512,185
SCHOOL TUITION	5,790,750
STATE REVENUE	3,269,732
NET PARKING REVENUE	2,412,305
INTEREST/PENALTIES	300,000
FEES AND PERMITS	1,055,750
USE OF RESERVES	1,573,500
	\$22,914,222

PROPERTY TAX LEVY **\$78,131,980**

TOTAL REVENUES **\$101,046,202**



LONG-TERM FINANCIAL PLANNING



LONG-TERM FINANCIAL PLANNING

STABILIZING COSTS

Long-Term planning assists in keeping the annual budget and tax rate stable and predictable from year to year.

NON-OPERATING

➤ Unassigned Fund Balance Ordinance

➤ Debt Service Planning

➤ Rolling Stock Replacement Program

OPERATING

➤ Leave at Termination Stabilization Fund

➤ Health Insurance Stabilization

15

FUND BALANCE

Fund Balance - the difference between the assets and liabilities reported in a Governmental fund.

BALANCE SHEET

Assets:

Cash and Investments
Receivables
Inventory

Current Financial Resources

Liabilities:

Accounts Payable
Current liabilities

No reporting of Capital assets such as Land & Building

Fund Balance:

Non-spendable
Restricted
Committed
Assigned
Unassigned

No reporting of Long-term liabilities such as debt service

16

COMMITTED FUND BALANCE

DESIGNATED FOR A SPECIFIC PURPOSE

Reserves and Stabilization Reserves

- Health Insurance Reserve
- Leave at Termination Reserve
- Future Debt Service Reserve

UNASSIGNED FUND BALANCE

NOT OBLIGATED OR SPECIFICALLY DESIGNATED

Unassigned Fund Balance Ordinance

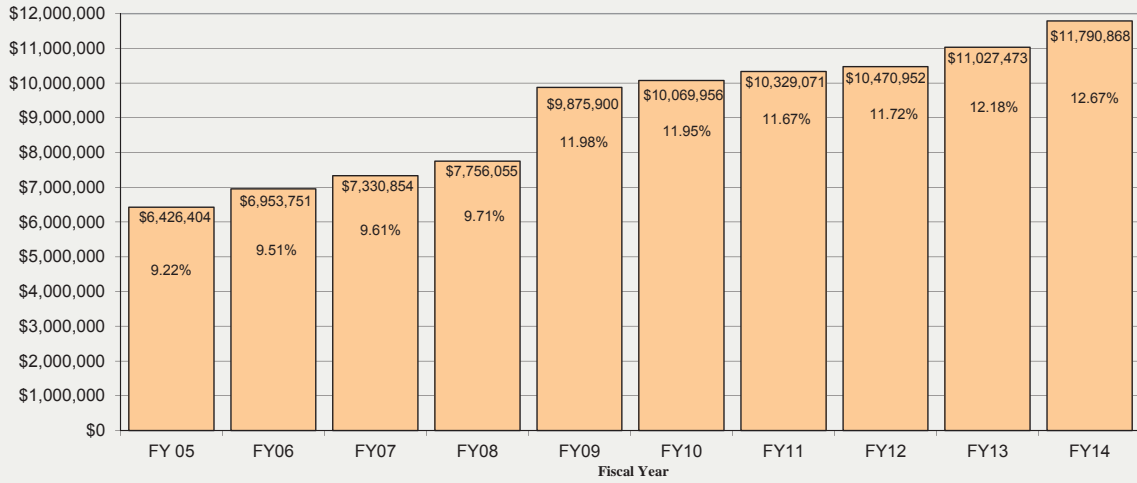
17

UNASSIGNED FUND BALANCE ORDINANCE AMENDED FEBRUARY 2013

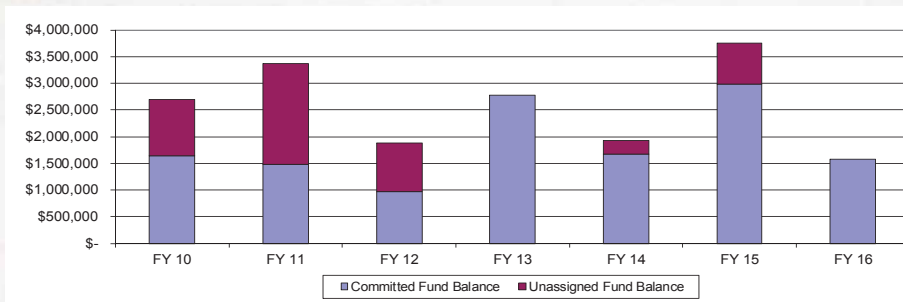
-Shall be maintained at the prescribed amount of not less than 10% of the actual Total General Fund appropriations for the fiscal year.
-It is recognized that the financial management goal of the City of Portsmouth is to annually maintain an Unassigned Fund Balance between 10% and 17% of total General Fund appropriations.
-Whenever the Unassigned Fund Balance of the General fund is less than the prescribed level, the City Council shall be required, within the fiscal year, to formulate and implement a plan to restore such prescribed amount to the General Fund, such plan shall not exceed a two (2) year period.

18

UNASSIGNED FUND BALANCE HISTORY

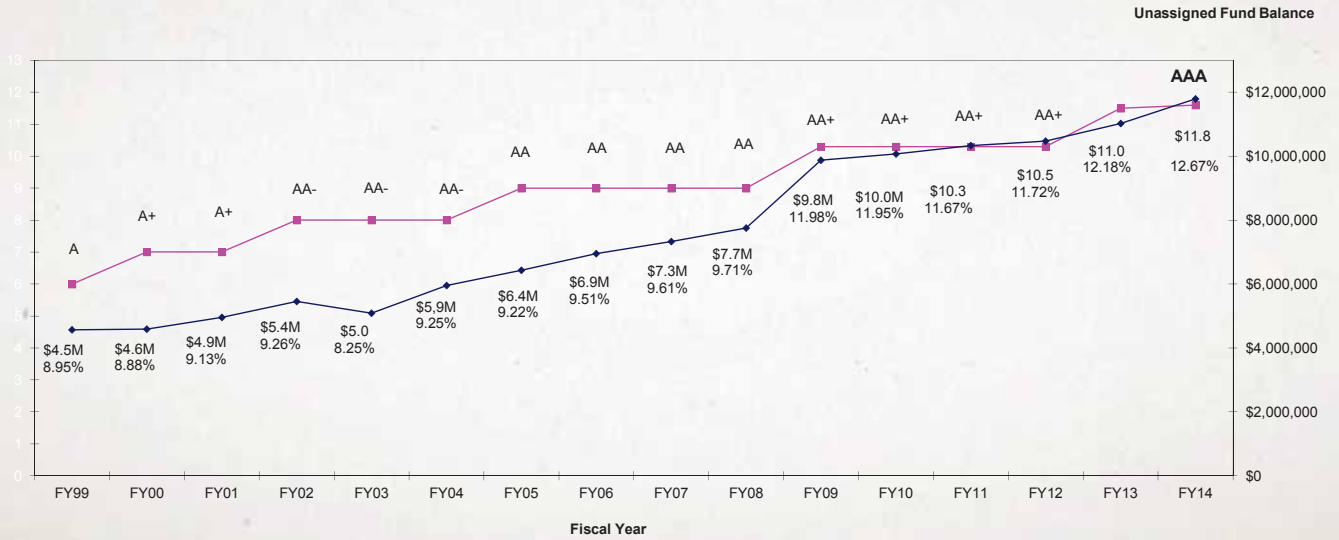


USE OF FUND BALANCE



Use of:	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16	Total FY10-FY16
Committed Fund Balance	1,642,344	1,486,201	973,500	2,772,742	1,673,500	2,991,397	1,573,500	13,113,184
Unassigned Fund Balance	1,053,006	1,882,000	900,000	-	247,000	755,500	-	4,837,506
Total Use of Fund Balance	2,695,350	3,368,201	1,873,500	2,772,742	1,920,500	3,746,897	1,573,500	17,950,690

RELATION OF BOND RATING TO UNASSIGNED FUND BALANCE



21

FY17 PRELIMINARY NON-OPERATING BUDGET



OBJECTIVE:

TO KEEP THE DEBT BURDEN AND OPERATIONAL DEBT COSTS AT MANAGEABLE LEVELS

State of NH establishes Legal Debt Margin by a percentage of the Equalized Assessed Valuation

City policy is to use calculate net debt service as a percentage of General Fund Budget and to use no more than 10% of annual appropriations

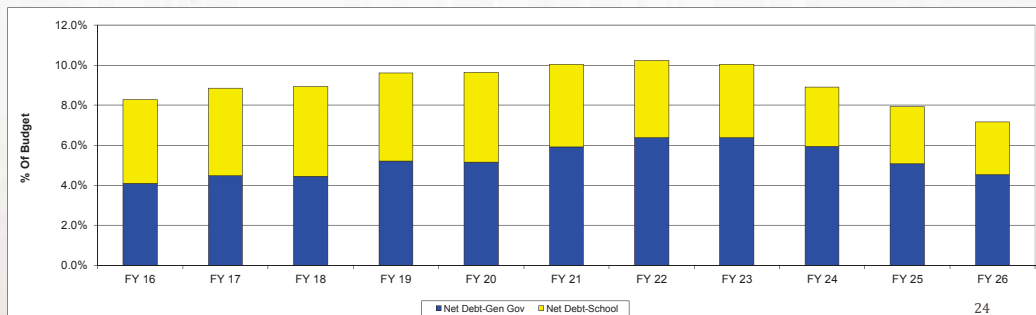
DEBT SERVICE POLICY

NON-OPERATING

LONG-TERM DEBT SERVICE FORECAST MODEL

	FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26
Total Gen Fund Without Debt Service (increase 2.50% in FY 16 and beyond)	89,289,577	91,521,817	93,809,862	96,155,109	98,558,986	101,022,961	103,548,535	106,137,249	108,790,680	111,510,447	114,298,208
Net Debt-School	4,250,032	4,543,741	4,779,378	4,853,326	5,065,476	4,797,451	4,593,676	4,447,439	3,616,661	3,502,286	3,307,286
Net Debt-Gen Gov	4,130,191	4,676,678	4,754,254	5,734,611	5,809,924	6,866,100	7,597,044	7,773,869	7,259,506	6,287,309	5,689,489
Total Net Debt	8,380,223	9,220,419	9,533,632	10,587,937	10,875,400	11,663,551	12,190,720	12,221,308	10,876,167	9,789,595	8,996,775
Total Projected General Fund Budget	101,046,202	104,117,627	106,717,876	110,116,418	112,770,692	116,022,817	119,075,560	121,694,861	121,986,930	123,620,124	125,615,065
Percentage Net Debt-School of Budget	4.21%	4.36%	4.48%	4.41%	4.49%	4.13%	3.86%	3.65%	2.96%	2.83%	2.63%
Percentage Net Debt-Gen Gov of Budget	4.09%	4.49%	4.45%	5.21%	5.15%	5.92%	6.38%	6.39%	5.95%	5.09%	4.53%
Total Percentage Net Debt Service of Budget:	8.29%	8.86%	8.93%	9.62%	9.64%	10.05%	10.24%	10.04%	8.92%	7.92%	7.16%

Net Debt Service as a Percentage of General Fund Budget



The **Rolling Stock Program** is intended to provide an overall schedule for the expenditures of City Funds on replacement of vehicles and equipment necessary to carry out daily city activities. All City departments with rolling stock requirements participate in the program to include Public Works, Police, Fire, School and Prescott Park. Such a program serves to inform the City Council and the Community that certain expenditures for upgrading the existing equipment are to be expected in the years ahead. Even with this program's schedule, adjustments may be necessary in order to accommodate unforeseen circumstances.

ROLLING STOCK PROGRAM



NON-OPERATING PRELIMINARY 2017 BUDGET

	FY16 BUDGET	\$\$\$ INCREASE	FY17 PROPOSED BUDGET	% Change
DEBT RELATED EXPENSES	275,000	-	275,000	0.0%
DEBT SERVICE	11,756,625	839,185	12,595,810	7.1%
CONTINGENCY	250,000	50,000	300,000	20.0%
OVERLAY	950,000	50,000	1,000,000	5.3%
COUNTY	5,002,383	275,131	5,277,514	5.5%
PROPERTY & LIABILITY	321,000	20,000	341,000	6.2%
ROLLING STOCK	809,860	243,465	1,053,325	30.1%
OTHER NON-OPERATING	791,149	16,000	807,149	2.0%
CAPITAL OUTLAY	1,765,000	235,000	2,000,000	13.3%
TOTAL	21,921,017	1,728,781	23,649,798	7.9%

FY17 PRELIMINARY OPERATING BUDGET



Operating Budget

Salaries - COLA – Contract Obligations

Retirement Costs

Worker's Compensation

LONG-TERM FINANCIAL PLANNING – STABILIZATION FUNDS

Leave at Termination

Health Insurance Premiums

KEY FACTORS

16 COLLECTIVE BARGAINING UNITS

General Government	Expires	Police	Expires	Fire	Expries	School	Expires
Professional Management Association (PMA)	6/30/2016	Ranking Officers Association	6/30/2014	Fire Officers Association	6/30/2014	Principals/Directors	6/30/2018
Supervisory Management Alliance (SMA)	6/30/2016	Portsmouth Patrolman Association	6/30/2014	FireFighter Association	6/30/2014	Association of Portsmouth's Teachers	6/30/2018
AFSCME Local 1386B Library & Clericals	6/30/2017	Civilians	6/30/2014			Clerical Employees	6/30/2018
AFSCME Local 1386 Public Works	6/30/2014					Custodial	6/30/2017
						Cafeteria	6/30/2017
						Paraprofessionals	6/30/2017
						Custodial Supervisors	6/30/2018

8 Unsettled contracts for 7/1/2016

COLA

Collective Bargaining Agreements state the COLA adjustment percentage shall be determined by the rolling ten (10) year average of the November-November Boston-Brockton-Nashua CPI - The November - November index will not be available until mid-December

CONSUMER PRICE INDEX - CPI-U (NOV. TO NOV. BOSTON-BROCKTON-NASHUA)	
FY 08	2.06%
FY 09	3.40%
FY 10	0.72%
FY 11	1.82%
FY 12	0.64%
FY 13	2.90%
FY 14	2.00%
FY 15	0.92%
FY 16	1.60%
FY 17	0.84%
10 Year Average	1.69% FY 2017 salaries use 2%

RETIREMENT NO INCREASE IN RATES FOR FY17

Retirement appropriation will be affected by increase in salaries due to:

- COLA Adjustments
- Step Increases

	FY17 Rates
GROUP I	
Employees	11.17%
Teachers	15.67%
GROUP II	
Police	26.38%
Fire	29.16%

	FY16 BUDGET	\$\$\$ INCREASE	FY17 PROPOSED BUDGET	% Change
GENERAL GOVERNMENT	839,134	14,643	853,777	1.74%
POLICE	1,301,852	26,028	1,327,880	2.00%
FIRE	1,306,762	39,864	1,346,626	3.05%
SCHOOL	3,440,364	139,321	3,579,685	4.05%
TOTAL	6,888,112	219,855	7,107,967	3.19%

31

WORKER'S COMPENSATION

	FY16	FY17	\$ Change	% Change
GENERAL GOVERNMENT	169,870	159,708	(10,162)	-6.0%
POLICE	119,147	187,175	68,028	57.1%
FIRE	199,769	149,607	(50,162)	-25.1%
SCHOOL	95,586	150,963	55,377	57.9%
TOTAL	\$584,372	\$647,453	\$63,081	10.8%

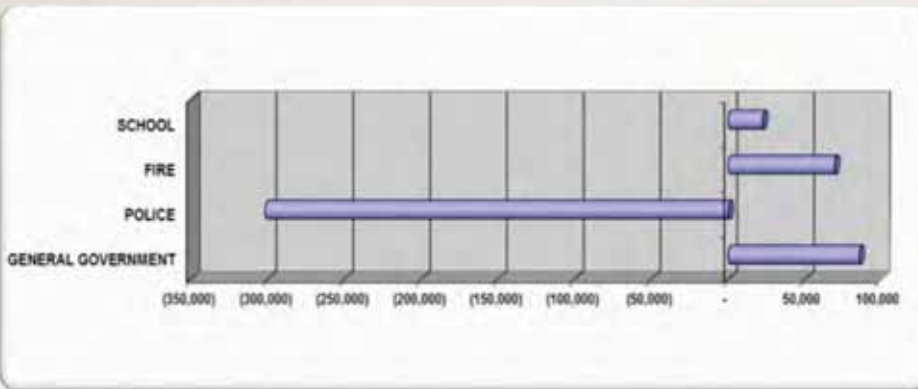
32

**City established two methods to address:
The Significant growing Liability and
Negative budgetary impacts to the
operating budget**

1. Eliminated Future Growth in this liability by negotiating in all labor agreements that new employees can no longer accumulate unlimited sick leave.
2. The Creation of the Leave at Termination Fund (in 1999) to eliminate spikes which negatively impact the department's operating budget. Each department annually budgets a fixed amount determined by an actuarial study which is transferred into this fund where this liability is paid.

**LEAVE AT
TERMINATION
STABILIZATION
FUND**

**Sick Leave Pay
Owed To
Employees When
They Leave
Municipal Services**



**LEAVE AT
TERMINATION
(UNAUDITED
AS OF JUNE 30, 2015)**

	TRANSFER TO FUND FY 99-FY 15	EXPENDED FY 99- FY15	FUND BALANCE June 30, 2015	FISCAL YEAR 2016			ACCUMALATIVE FUND BALANCE
				ANNUAL APPROPRIATION	FY 16 EXPENDED	FY 16 Balance	
GENERAL GOVERNMENT	3,522,868.00	3,676,492.98	(153,624.98)	275,000.00	35,813.21	239,186.79	85,561.81
POLICE	2,549,860.00	2,962,036.19	(412,176.19)	155,203.00	44,410.10	110,792.90	(301,383.29)
FIRE	1,191,428.00	1,162,909.16	28,518.84	70,084.00	29,374.57	40,709.43	69,228.27
SCHOOL	8,974,518.32	9,276,003.49	(301,485.17)	400,000.00	76,186.41	323,813.59	22,328.42
	16,238,674.32	17,077,441.82	(838,767.50)	900,287.00	185,784.29	714,502.71	(124,264.79)

FY14
Eligible for Leave at Termination:
General Gov. 19% Fire 33%
Police 18% School 20%

FY15
Eligible for Leave at Termination:
General Gov. 17% Fire 32%
Police 16% School 17%

LEAVE AT TERMINATION

General Government, Police, Fire and School Departments annually budget a fixed amount for each fiscal year which is transferred to the Leave at Termination Stabilization fund where sick leave liability due to employees upon termination is paid.

Recommend to level fund this appropriation for FY17.

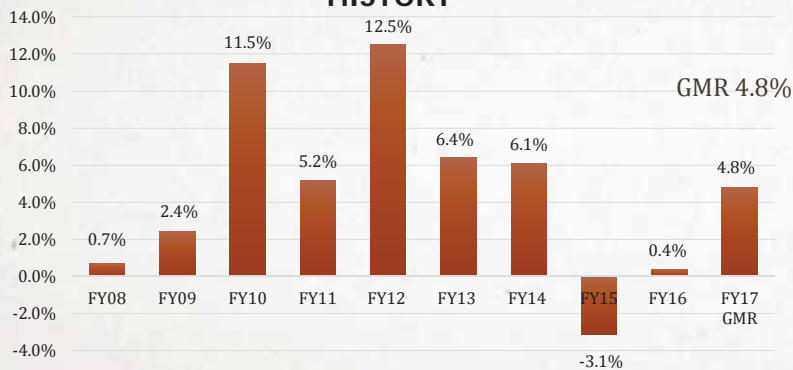
FY17 BUDGET

GENERAL GOVERNMENT	\$300,000
POLICE DEPARTMENT	\$155,203
FIRE DEPARTMENT	\$70,084
SCHOOL DEPARTMENT	\$400,000
TOTAL	\$925,287

35

Changes in Health Premium rates has spiked both up and down over the years causing budgetary unpredictability

HEALTH INSURANCE 10 YEAR RATE CHANGE HISTORY



The GMR makes the 10 year average rate increase 4.7%

HEALTH INSURANCE STABILIZATION FUND

Stabilization Reserve was established in 2002 for the General Fund from operating surplus from previous years.

The annual appropriation amount is determined in accordance with the average increase of premium rates over the last 10 years. This rate is then added to the prior fiscal year budgetary appropriation.

36

HEALTH INSURANCE PROJECTED FY17 PREMIUMS

FY17 Rates Projected Premium \$13,860,970	Employee Contribution \$2,028,662 15%	City Contribution \$11,832,309 85%
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Health Insurance Premium Using 10-year Average increase of 4.7%

HEALTH PREMIUM BUDGET @ 10 YEAR AVG	FY16 Budget	FY17 Budget Increase @ 4.70%	FY17 Budget	Estimated City Cost	Stabilization Fund
General Government	1,730,097	81,315	1,811,412	\$2,046,101	234,689
Police Department	1,490,798	70,068	1,560,866	\$1,579,475	18,610
Fire Department	1,157,270	54,392	1,211,662	\$1,148,835	(62,827)
School	6,154,349	289,254	6,443,603	\$7,057,898	614,295
Total General Fund Budget	10,532,514	495,028	11,027,542	11,832,309	804,767

GENERAL GOVERNMENT

FY16 Budget	\$ 17,665,762	
Salary Adjustments <i>(includes SS & MEDICARE)</i>	154,036	
Retirement	14,643	
Health Insurance	81,315	
Workers' Compensation	(10,162)	
Electricity	24,624	
Natural Gas	5,880	
Gasoline	0	
Other Operating @3%	130,527	
Total Increase	400,862	
FY17 Preliminary Budget	\$ 18,066,624	2.27%
2% Collective Bargaining <i>Includes FICA and Retirement</i>	200,782	
Total	601,644	3.41%

POLICE DEPARTMENT

FY16 Budget	\$ 9,617,688	
Salary Adjustments <i>(includes SS & MEDICARE)</i>	115,861	
Retirement	26,028	
Health Insurance	70,068	
Workers' Compensation	68,028	
Gasoline	0	
Other Operating @3%	13,729	
	<u>293,714</u>	
FY17 Preliminary Budget	\$ 9,911,402	3.05%
2% Collective Bargaining <i>Includes FICA and Retirement</i>	146,679	
Total	<u>440,393</u>	4.58%

39

FIRE DEPARTMENT

FY16 Budget	\$ 7,995,603	
Salary Adjustments <i>(includes SS & MEDICARE)</i>	147,211	
Retirement	39,864	
Health Insurance	54,392	
Workers' Compensation	(50,162)	
Other Benefits <i>(insurance reimbursement)</i>	15,912	
Electricity	3,750	
Natural Gas	0	
Gasoline	0	
Other Operating @3%	10,598	
	<u>221,564</u>	
FY17 Preliminary Budget	\$ 8,217,167	2.77%
2% Collective Bargaining <i>Includes FICA and Retirement</i>	112,041	
Total	<u>333,605</u>	4.17%

40

SCHOOL DEPARTMENT

FY16 Budget	\$ 43,382,210	
Salary Adjustments <i>(includes SS & MEDICARE)</i>	687,149	
Retirement	139,321	
Health Insurance	289,254	
Workers' Compensation	55,377	
Dental Insurance	14,000	
Electricity	0	
Natural Gas	0	
Gasoline	0	
Tuition	41,057	
Transportation	73,039	
Other Operating @4.21%	139,217	
	1,438,414	
FY17 Preliminary Budget	\$ 44,820,624	3.32%
2% Collective Bargaining <i>Includes FICA and Retirement</i>	0	
Total	1,438,414	3.32%

41

OPERATING PRELIMINARY BUDGET

FY2017 PRELIMINARY BUDGET WITHOUT COLLECTIVE BARGAINING	FY16 BUDGET	Salary Adjustments	OTHER INCREASE	FY17 BUDGET	% Change
OPERATING BUDGET					
GENERAL GOVERNMENT	17,665,762	168,679	232,184	18,066,624	2.27%
POLICE DEPARTMENT	9,617,688	141,889	151,825	9,911,402	3.05%
FIRE DEPARTMENT	7,995,603	187,075	34,490	8,217,167	2.77%
SCHOOL DEPARTMENT	43,382,210	826,470	611,944	44,820,624	3.32%
COLLECTIVE BARGAINING CONTINGENCY	313,922	-	(313,922)	-	
TRANSFER TO INDOOR POOL	150,000	-	-	150,000	0.00%
PRELIMINARY OPERATING BUDGET	79,125,185	1,324,112	716,520	81,165,818	2.58%

	COLLECTIVE BARGAINING	TOTAL	\$ CHANGE	% CHANGE
GENERAL GOVERNMENT	200,782	18,267,406	601,644	3.41%
POLICE DEPARTMENT	146,679	10,058,081	440,393	4.58%
FIRE DEPARTMENT	112,041	8,329,208	333,605	4.17%
SCHOOL DEPARTMENT	-	44,820,624	1,438,414	3.32%
COLLECTIVE BARGAINING CONTINGENCY	-	-	(313,922)	0.00%
TRANSFER TO INDOOR POOL	-	150,000	-	
PRELIMINARY OPERATING BUDGET	459,502	81,625,320	2,500,135	3.16%



42

FY 2017 TOTAL PRELIMINARY BUDGET

FY2017 PRELIMINARY BUDGET WITHOUT COLLECTIVE BARGAINING	FY16 BUDGET	Salary Adjustments	OTHER INCREASE	FY17 BUDGET	% Change	COLLECTIVE BARGAINING	TOTAL	\$ CHANGE	% CHANGE
OPERATING BUDGET									
GENERAL GOVERNMENT	17,665,762	168,679	232,184	18,066,624	2.27%	200,782	18,267,406	601,644	3.41%
POLICE DEPARTMENT	9,617,688	141,889	151,825	9,911,402	3.05%	146,679	10,058,081	440,393	4.58%
FIRE DEPARTMENT	7,995,803	187,075	34,490	8,217,167	2.77%	112,041	8,329,208	333,605	4.17%
SCHOOL DEPARTMENT	43,382,210	826,470	611,944	44,820,624	3.32%	-	44,820,624	1,438,414	3.32%
COLLECTIVE BARGAINING CONTINGENCY	313,922	-	(313,922)	-	-	-	-	(313,922)	-
TRANSFER TO INDOOR POOL	150,000	-	-	150,000	0.00%	-	150,000	-	0.00%
PRELIMINARY OPERATING BUDGET	79,125,185	1,324,112	716,520	81,165,818	2.58%	459,502	81,625,320	2,500,135	3.16%
NON-OPERATING									
DEBT RELATED EXPENSES	275,000	-	-	275,000	0.00%	-	275,000	-	0.00%
DEBT SERVICE	11,756,625	-	839,185	12,595,810	7.14%	-	12,595,810	839,185	7.14%
CONTINGENCY	250,000	-	50,000	300,000	20.00%	-	300,000	50,000	20.00%
OVERLAY	950,000	-	50,000	1,000,000	5.26%	-	1,000,000	50,000	5.26%
COUNTY	5,002,383	-	275,131	5,277,514	5.50%	-	5,277,514	275,131	5.50%
PROPERTY & LIABILITY	321,000	-	20,000	341,000	6.23%	-	341,000	20,000	6.23%
ROLLING STOCK	809,860	-	243,465	1,053,325	30.06%	-	1,053,325	243,465	30.06%
OTHER NON-OPERATING	791,149	-	16,000	807,149	2.02%	-	807,149	16,000	2.02%
CAPITAL OUTLAY	1,765,000	-	235,000	2,000,000	13.31%	-	2,000,000	235,000	13.31%
PRELIMINARY NON-OPERATING BUDGET	21,921,017	-	1,728,781	23,649,798	7.89%	-	23,649,798	1,728,781	7.89%
TOTAL OPERATING & NON-OPERATING	101,046,202	1,324,112	2,445,301	104,815,616	3.73%	459,502	105,275,118	4,228,916	4.19%

43

“voted to recommend that the City Council set a goal for the Operating Budget of an increase of no more than a 3%.”

**JOINT BUDGET
COMMITTEE
RECOMMENDATION TO
CITY COUNCIL**

**JBC MEETINGS:
DECEMBER 10, 2015
DECEMBER 17, 2015**

44

DISCUSSION

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 21, 2015

PORTSMOUTH, NH
TIME: 7:00PM

I. CALL TO ORDER

At 7:05 p.m., Mayor Lister called the regular City Council meeting to order.

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear and Thorsen

III. INVOCATION

Mayor Lister asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Jeff Heinz son of Deputy Fire Chief James Heinz led in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Portsmouth Middle School Musical Performance

Students from the Portsmouth Middle School performed 4 Holiday selections for the City Council.

2. Presentation to Mayor and Outgoing City Councilors

City Manager Bohenko presented Mayor Lister, Councilors Shaheen, Kennedy, Morgan and Thorsen with City of Portsmouth rocking chairs in honor of their years of service to the City of Portsmouth. Mayor Lister and Councilors Shaheen, Kennedy, Morgan and Thorsen accepted the rocking chairs with thanks and appreciation.

3. Recognition of African Burying Ground Committee Members & Fundraising Volunteers

Mayor Lister presented the African Burying Ground Members & Fundraising Volunteers with the Portsmouth Rotary Christmas Ornament of the African Burying Ground in recognition of their years of service on the Committee and fundraising activities.

4. Community Advisory Board Haven Well Contamination Report

Rich DiPentima provided an update on the Contamination Report from the Community Advisory Board regarding Haven Well. He spoke to the 14 meetings held on this matter and addressed the blood tests that were taken. He recognized Portsmouth Regional Hospital for conducting the 1,500 blood tests at no charge. Mr. DiPentima reported that the blood test results would be available in January and spoke to the Air Force's compliance with the requirements set by DES.

Councilor Shaheen thanked the Board for their services and spoke to their importance in continuing their work on the Haven Well.

PROCLAMATION

1. Pro Portsmouth 30th Anniversary

Barbara Massar was presented with a Proclamation in recognition of Pro Portsmouth's 30th Anniversary. Barbara accepted the Proclamation with thanks and appreciation.

V. ACCEPTANCE OF MINUTES – DECEMBER 7, 2015

Councilor Shaheen moved to approve and accept the minutes of the December 7, 2015 City Council meeting. Seconded by Councilor Kennedy and voted.

VI. PUBLIC COMMENT SESSION

Beth Margeson spoke regarding Prescott Park and the significant improvements made over the years. She addressed the Prescott Deeds and her analysis and stated that the Park belongs to the people of the City.

Arthur Clough spoke regarding the contract of Corey MacDonald and said the severance package should be considered illegal as only one Police Commissioner signed off on the contract. He said the contract is not legal and not properly endorsed.

Patrick Doyle spoke in support of the NBT bank sign that is on the agenda for approval. He said he is available to answer questions for the replacement sign at 100 Market Street.

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 7, ARTICLE II, SECTION 7.201 – TRANSPORTATION SERVICES BY THE ADDITION OF THE FOLLOWING TRANSPORTATION SERVICES MEANS THE PROVISION OF TRANSPORTATION BY A DRIVER TO A RIDER, BEGINNING WHEN A DRIVER ACCEPTS A RIDE REQUESTED BY A RIDER, CONTINUING WHILE THE DRIVER TRANSPORTS A REQUESTING RIDER, AND ENDING WHEN THE LAST REQUESTING RIDER DEPARTS FROM THE VEHICLE
- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE II, SECTION 7.204 – BACKGROUND CHECK BY THE DELETION OF THE WORDS “OR MISDEMEANOR” IN ITEM C AND THE DELETION OF ITEM D IN ITS ENTIRETY
- C. ORDINANCE AMENDING CHAPTER 7, ARTICLE II, SECTION 7.211 – SIGNAGE BY THE ADDITION OF THE WORD “WHICH” IN ITEM A AND THE DELETION OF “FULL TEXT OF” IN ITEM B REPLACED WITH “FARE INFORMATION REQUIRED BY”

Mayor Lister read the legal notices, declared the public hearing open and called for speakers.

Peter Bresciano, Chair of Transportation Service Commission, said the minutes of the last Transportation Service Commission are in the packet for the Council’s review. He spoke to the considerable amount of time taken by the Committee regarding the UBER issue. He reviewed the votes on the ordinances by the Commission with the Council. He said that UBER does not want to comply they do not need to come to the City. The City Council should be concerned with the residents of the City.

David Speltz said safety and security of passengers is a concern as well for UBER. He spoke regarding background checks and said the Police Department should accept 7 year checks. He said he supports the ordinances.

Ralph DiBernardo spoke against the ordinances and requested the City Council not eliminate the requirement of the 15 year background check.

John Palreiro spoke opposed to the ordinance amendments. He addressed the background and insurance requirements and said UBER needs to comply like the other companies and individuals operating.

Beth Margeson requested that the City Council not vote to pass second reading of the Ordinance as requested by the Police Department and the Transportation Service Commission.

Perry Mogul, Portland, Maine spoke in favor of the ordinances and the operation of UBER in the City.

Mark Brighton spoke opposed to the ordinances and said that UBER must comply with all requirements that have been put in place.

Jason Randall spoke in support of UBER and the ordinance amendments.

Joanne Pipkin spoke in support of UBER and the ordinance amendments as requested. She said that this is not an all or nothing scenario.

Christopher David, Dover, NH read a letter from Jason Walls in support of UBER. Mr. David spoke on his own behalf in favor of UBER.

Tim Maccanneil, spoke in support of the ordinances and UBER and stated he was a user of UBER.

Joel Valenzuela, Concord, NH spoke in support of the ordinances and UBER. He stated UBER is the transportation mode of the future.

Harrison deBree, Dover, NH spoke in support of the ordinances and said that transportation services should be deregulated in the City.

Duane Foster, Rye, NH spoke in support of the ordinances and said that UBER is a superior product over the current taxi services in the City.

Jonathan Loveland, Greenland, NH spoke in support of the ordinances and UBER. He said he trusts UBER's background checks.

Yury Polozou, Manchester, NH spoke in support of UBER and its services in the City. He said the service is convenient and should remain.

James Leslie Exeter, NH spoke in support of UBER and the ordinances. He spoke opposed to the clause whereby the insurance company must notify the City if the insurance is cancelled.

Arthur Clough said UBER is a service he uses and spoke in support of the ordinances. He said UBER provides a variety to the City.

Stephanie Franz said she serves as an independent contractor for UBER and spoke to the level of service provided in the City. She spoke to the level of safety requirements that UBER has in place for their drivers to follow.

Peter Towers spoke in support of the ordinance and background check requirements of UBER.

Curt Howland said he cannot be an UBER driver because his vehicle does not qualify due to its age. He said he favors the ordinances and supports UBER.

Christina Ferria said that this is a policy decision of the City Council. She said that this is new technology and urges the passage of the ordinances.

Clay Moore, Rye, NH said UBER is needed in the City and spoke in favor of the ordinances.

Merle White, Anchor Taxi, spoke opposed to the ordinance amendments and said they're to benefit UBER's will.

At 9:15 p.m., Mayor Lister declared a brief recess. Mayor Lister called the meeting back to order at 9:25 p.m.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation Prescott Park Arts Festival Re: City's 3D Computer Model - \$1,000.00

Councilor Kennedy moved to accept and approve the donation of \$1,000.00 from the Prescott Park Arts Festival for the expansion of the City's 3D computer model. Seconded by Councilor Spear and voted.

- B. Grant Agreement with the New Hampshire Public Utilities Commission - \$450,000.00

Councilor Kennedy moved to refer to the City Manager with power. Seconded by Councilor Lown.

Steve Bartlett, Business Administrator provided a brief overview of the grant to the City Council.

Councilor Dwyer asked if the agreement comes back to the City Council to understand the cost over time. City Manager Bohenko said he would bring it back to the City Council.

Councilor Lown said there is a desirability to have solar panels on all City buildings in the future.

Motion passed.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Ordinance amending Chapter 7, Article II, Section 7.201 – Transportation Services by the addition of the following: Transportation Services means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the vehicle

Councilor Lown moved to pass second reading. Seconded by Councilor Dwyer.

City Manager Bohenko explained in order for the ordinances to be acted on by this Council it would require 6 votes to suspend the rules to take up third and final reading this evening.

Assistant Mayor Splaine spoke to the actions of the Transportation Service Commission and stated he feels that the ordinances should be rejected. He said it is important that our residents and tourists feel safe.

Councilor Kennedy said she wants to make it clear that the City Council has not banned UBER or ride sharing in the City. She said what we are asking for from UBER is insurance and the safety of the residents and tourists. She thanked the 2 UBER drivers that have complied with the ordinance.

Councilor Morgan thanked the Transportation Service Commission for their work. She said the ordinance does not infringe upon people's rights. She stated she is opposed to the ordinance amendments.

Councilor Thorsen said if there is no rider in the car than the safety issue does not apply and we only want to cover when someone is in the vehicle.

Councilor Dwyer said she does not agree with all 3 ordinances but does support this ordinance.

On a roll call 5-4, motion passed. Councilors Shaheen, Lown, Dwyer, Spear and Thorsen voted in favor. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Mayor Lister voted opposed.

Councilor Lown moved to suspend the rules in order to take up third and final reading. Seconded by Councilor Morgan.

On a roll call 5-4, motion failed to pass. Councilors Shaheen, Lown, Dwyer, Spear and Thorsen voted in favor. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Mayor Lister voted in favor. (6 votes required for passage of suspension of the rules).

- B. Second reading of Ordinance amending Chapter 7, Article II, Section 7.204 – Background Check by the deletion of the words “or misdemeanor” in Item C and the deletion of Item D in its entirety

Councilor Lown moved to table. Seconded by Councilor Shaheen.

On a roll call 5-4, motion passed. Assistant Mayor Splaine, Councilors Shaheen, Lown, Morgan and Spear voted in favor. Councilors Kennedy, Dwyer, Thorsen and Mayor Lister voted opposed.

- C. Second reading of Ordinance amending Chapter 7, Article II, Section 7.211 – Signage by the addition of the word “which” in Item A and the deletion of “full text of” in Item B replaced with “fare information required by”

Councilor Lown moved to table. Seconded by Councilor Shaheen.

Councilor Shaheen stated that the Police Department has expressed their opposition to all amendments to the Transportation Service Ordinance to ensure the safety of residents and tourists.

Councilor Thorsen spoke in favor of the ordinance and said the background checks should be for 7 years not 15 years.

On a roll call 7-2, motion passed. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Morgan, Spear and Mayor Lister voted in favor. Councilor Dwyer and Thorsen voted opposed.

- D. Third and Final Reading amending Zoning Ordinance so that Certain Described Property on Sagamore Grove Road be rezoned from Waterfront Business (WB) to Single Residence B (SRB)

Councilor Thorsen moved to pass third and final reading of proposed Ordinance as presented. Councilors Kennedy and Morgan voted opposed.

- E. Third and Final Reading amending Zoning Ordinance – Chapter 10, Section 10.1530 – Term of General Applicability, amend the definitions of “hotel” and “motels” as follows – shall not include casino gambling, keno or other forms of gambling

Councilor Kennedy moved to pass third and final reading of proposed Ordinance, as presented. Seconded by Councilor Dwyer and voted.

X. CONSENT AGENDA

Councilor Lown moved to adopt the Consent Agenda. Seconded by Councilor Kennedy and voted.

- A. Letter from Kelly Bosco, Alzheimer’s Association, requesting permission to hold the 2016 Seacoast Walk to End Alzheimer’s on Sunday, September 25, 2016 (*Anticipated action – move to refer to the City Manager with power*)

- B. Requests for License to Install Projecting Signs:
- NBT Bank N.A., owner of NBT Bank, for property located at 100 Market Street
 - William Bixby, owner of Ganesh Imports, for property located at 57 Market 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 Agreements for these requests)

Planning Director’s Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of the 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. Letter from Todd Hanson, St. Paddy’s 5 Miler, requesting permission to hold the 6th Annual Road Race on Sunday, April 3, 2016 at the Pease Tradeport
(Anticipated action – move to refer to the City Manager with power)
- D. Request for Approval of Conduit License Agreement #1501 for the installation of 35 feet of 1-4” conduit and underground fiber cable on Borthwick Avenue
(Anticipated action – move to approve the aforementioned Conduit License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes and further that all stipulations be met as outlined in the memorandum to the City Manager dated December 16, 2015)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney Doug Macdonald regarding Restoration of Separate Lots located at 268 & 276 Dennett Street

Councilor Lown moved to refer to the Planning Board for report back. Seconded by Councilor Shaheen and voted. Councilor Kennedy voted opposed.

- B. Letter from Frank S. Warchol, Deputy Police Chief (Acting); regarding proposed amendments to the Transportation Services Ordinance

Councilor Lown moved to accept and place on file. Seconded by Councilor Shaheen and voted.

- C. Memorandum from Peter Bresciano, Chair of Transportation Service Commission regarding proposed amendments to the Transportation Services Ordinance

Councilor Kennedy moved to accept and place on file. Seconded by Councilor Lown and voted.

Councilor Kennedy asked how a variance can be given to a project from years ago without going to the Historic District Commission. Planning Director Taintor said the project has a site plan that was approved in the 1990's. City Attorney Sullivan stated what is vested is the plan that was done in the 1990's.

City Manager's Informational Item

- *65 Mendum Avenue – Zoning Board of Adjustment Reversal of City Council Approval to "Unmerge" Lots*

Councilor Dwyer said she has asked the Legislative Delegation to look into the matter of the law regarding unmerged lots. She said we should seek criteria through an amendment of the law.

B. MAYOR LISTER

1. Appointments to be Voted:
 - Appointment of Dexter Legg to the Planning Board effective January 1, 2016
 - Appointment of Jim Lee as an alternate to the Zoning Board of Adjustment
 - Appointment of Jeremiah Johnson as a regular member to the Zoning Board of Adjustment

Councilor Spear moved to appoint Dexter Legg to the Planning Board effective January 1, 2016 until December 31, 2018; appointment of Jim Lee as an alternate to the Zoning Board of Adjustment filling the unexpired term of Jeremiah Johnson until December 1, 2018; and appointment of Jeremiah Johnson as a regular member to the Zoning Board of Adjustment until December 1, 2020. Seconded by Councilor Lown and voted.

2. Report Back Re: Corey MacDonald Severance Agreement

Assistant Mayor moved that the full report be released to the public. Seconded by Councilor Kennedy.

Assistant Mayor Splaine said there is no reason why the public should not see all parts of the report. He said this is not about Corey MacDonald, it is about the process.

Councilor Lown said he respectfully disagrees with Assistant Mayor Splaine. He said 5% of the memorandum consists of legal advice to the City Council.

Councilor Spear said he agrees with Councilor Lown and feels it is a disservice to the new City Council. Councilor Thorsen said he would like to receive the report with only the attorney issues redacted. Councilor Dwyer said the only parts we are talking about redacting are the recommendations by Attorney Closson. She said she is not willing to make the decision that no action will be taken on this matter.

Councilor Kennedy said that the report came to the City Council through e-mail and asked, does that make it public. City Manager Bohenko said not if it is privileged, it is confidential.

Councilor Shaheen said she thought we were asking for a summary and finding of facts. She said it was to bring to light the items that were facts and omitted for legal items.

Councilor Morgan said she would like the full report released as soon as a course of action can be decided.

Councilor Thorsen moved to amend the motion to redact the legal analysis from the report prior to release to the public. Seconded by Councilor Thorsen. On a roll call 5-4, motion passed. Councilors Lown, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine, Councilors Shaheen, Kennedy and Morgan voted opposed. On a unanimous roll call 9-0, main motion passed as amended.

C. ASSISTANT MAYOR SPLAINE

1. Process for Creating A "Board of Ethics"

Assistant Mayor Splaine said we are not following the Code of Ethics in the City and feels we need to resolve this matter and create the Board. City Attorney Sullivan said the reason for non-compliance is no matters have been brought to the City Council for the creation of the Board. He stated he would bring these ordinances forward to the School Board, Fire and Police Commissions.

Councilor Morgan asked if the creation of the Board is optional. City Attorney Sullivan stated it is not optional.

Councilor Lown said the City has done nothing wrong, it was a board as needed and it was not needed.

Councilor Dwyer said there is more that needs to go with it. She said there is a difference between what the City Council will do concerning a whistle blower and that of complaints about the process. She said there needs to be some substance before putting this on an agenda.

City Attorney Sullivan said sitting on the board is a representative from the City Council, School Board, Police and Fire Commission which shall be drawn by lots. He stated nothing happens until a complaint is made.

2. Transportation Service Commission – Information Item

Assistant Mayor Splaine spoke to his letter regarding Lt. Cummings. He said he gives his strongest thanks, and commendation, to Lt. Chris Cummings, who has served as the Police Department “representative” on the Transportation Services Commission, per city ordinance, for the past year. He stated Lt. Cummings has had a very professional attitude in all that he said and did on the Commission.

D. COUNCILORS SHAHEEN, LOWN, SPEAR

1. Update on McIntyre Federal Building

Councilor Shaheen said in May 2014 we received confirmation that the building would be transitioning and the reality that the building would just transfer to the City was not what happened. She said the City convinced the GSA that this was an obligation they had to meet. She stated the primary objective is to find suitable locations for businesses in the building with the exception of the post office.

Councilor Shaheen said the GSA determined the businesses needed 40,000 square feet and wanted to remain in the downtown and currently they are looking at a suitable location. She explained the 3 options before the GSA:

- Exchange of the McIntyre property for Construction Services of the New Facility within the City of Portsmouth Central Business District

Under this approach, the GSA would exchange the Federal McIntyre Property to a developer for fee ownership in another property and this would also include the design and construction of a New Federal Facility in combination with a cash payment to equalize value if necessary.

- Exchange of the McIntyre property for Fee Ownership of the New Facility in the form of an existing building within the City of Portsmouth Central Business District

Under this approach, the GSA would exchange the Federal McIntyre Property for fee ownership to a parcel within the Delineated Area (Downtown) that is improved with an existing building that meets the GSA’s space requirements in combination with a cash payment to equalize value if necessary.

- Exchange of the McIntyre property for New Facility on City of Portsmouth owned Property

Under this approach, the GSA would exchange the Federal McIntyre property for the design and construction of a New Facility on a property owned by the City of Portsmouth.

Councilor Shaheen reported that the Working Group proposes the 3rd option because it gives the City the ability to control the scale and design of the building. She said the City Council identified the Bridge Street Lot for the new location for GSA.

Councilor Lown commended Senator Shaheen and City Manager Bohenko with the idea for option 3. He said this idea will not expend one tax dollar.

Councilor Thorsen said he would support the 3rd option and asked if the building is on federal property. City Manager Bohenko said on the 3rd option it would be owned by the Federal Government. He said the Bridge Street lot is an example of a location.

Councilor Kennedy said we need to get more information out to the public on this matter and a possible site. City Manager Bohenko said he would put the memorandum on the website when the Request for Information (RFI) comes out.

City Manager Bohenko said the idea under option 3 would be a long term lease on the land. The idea of the memorandum was to give context to the RFI.

Assistant Mayor Splaine thanked Mayor Lister for his work on this matter and the creation of the Working Group.

E. COUNCILOR DWYER

1. Working Group Report for Prescott Park

Councilor Dwyer spoke to the RFQ for a Prescott Park Master Plan which provides an overview of the processes for qualifications. She reported that the Historic District Commission has had 2 work sessions on the stage and there will be another work session. She stated the earliest anything will be done with the stage is 2017.

Councilor Kennedy said the Prescott Park deeds need to be brought to the attention of the Working Group. She stated Beth Margeson has done a great deal of work on reviewing the deeds and her findings need to be brought to the public. She asked that the City Council look at her work and the original deed and its intent.

Councilor Dwyer said it is pretty clear that Beth came to her own conclusion. She recommended if anyone wants to read about the Prescott sisters should read Mr. Robinson's book on them.

Councilor Morgan said she is concerned that we are talking about a permanent structure before a Master Plan is done for the park. She would strongly suggest the Master Plan be put in place. She said everyone should be brought to the table to discuss these matters. Councilor Morgan said she would like Portsmouth Listens to be part of the process. She said Beth's research should be part of the information on Prescott Park and the list of documents. Councilor Dwyer stated that Beth's memorandum should go to the City Attorney.

F. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the December 3, 2015 meeting

Councilor Lown moved to approve and accept the Action Sheet and Minutes of the December 3, 2015 Parking & Traffic Safety Committee meeting. Seconded by Councilor Spear and voted. Councilor Kennedy voted opposed.

Councilor Lown explained that there will be a 4-way stop installed at Pleasant and Court Street.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Spear thanked Mayor Lister for his work over the last 2 years.

XIV. ADJOURNMENT

At 11:35 p.m. Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Shaheen and voted.



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

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JANUARY 4, 2016

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

The Portsmouth High School Brass Quintet performed several selections for the City Council.

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton

III. INVOCATION BY REVEREND HILSON, NEW HOPE BAPTIST CHURCH

Reverend Hilson of New Hope Baptist Church conducted the Invocation.

POSTING OF THE COLORS

Members of the Portsmouth Police and Fire Departments Honor Guard held a procession and posted the colors.

IV. PLEDGE OF ALLEGIANCE

Former Mayor Lister led in the Pledge of Allegiance to the Flag.

STAR-SPANGLED BANNER

Wendell Purrington sang the Star Spangled Banner.

Welcoming Remarks by the Honorable Governor Margaret Hassan

The Honorable Governor Margaret Hassan provided welcoming remarks to the City Council.

Remarks from United State Senator Jeanne Shaheen

Connor from Senator Shaheen's office read the Senator's well wishes to Mayor Blalock and the City Council for the future.

PORTSMOUTH POET LAUREATE – KATE LEIGH

Ms. Leigh read the poem she wrote in honor of the event entitled "*Peoples Mayor*" for Jack Blalock.

*Sweet Portsmouth, opens wide her doorways,
Embraces with welcome arms her new mayor.
In kindness may we all proceed, refreshed,
As the new year brings in this crisp air!*

*Consensus is both the Word and the Goal.
True leaders listen, idea-driven,
Speak up freely, agree to disagree,
Guide all decisions with a clear wisdom.*

*Our lovely brick Portsmouth, sown by the sea.
Emerges always historic and direct.
With her intrinsic charm, inherent traits,
She forever garners widespread respect.*

*So blessings be on this inauguration,
And on our community, artistically rare.
Appreciation to this city council,
And glad tidings towards our peoples' mayor.*

OATH OF OFFICE

City Clerk Barnaby administered the Oath of Office to the following officials who were elected at the November 3, 2015 Municipal Election.

A. FIRE COMMISSION

Commissioner Michael Hughes

B. POLICE COMMISSION

Commissioner Joe Onosko
Commissioner Joe Plaia

C. SCHOOL BOARD

Ann Walker, Patrick Ellis and Roseann Vozella Clark. Gary Epler was unable to attend.

D. CITY COUNCIL

1. Councilors Rebecca Perkins, M. Christine Dwyer, Brad Lown, Nancy Pearson, Eric Spear, Joshua Cyr and Josh Denton
2. Assistant Mayor James Splaine
3. Mayor Jack Blalock

V. ADDRESS BY MAYOR JACK BLALOCK

Thank you very much, good evening and Happy New Year!

Welcome family, friends, neighbors, former City Mayors, City Councilors, School Board members, Police and Fire commissioners, City Manager John Bohenko, City Clerk Kelli Barnaby, City staff and department heads, and all special guests.

I would like to thank the Portsmouth High School Brass Quintet, Portsmouth Fire and Police Honor Guards, Reverend Hilson, Wendell Purrington, Portsmouth Poet Laureate Kate Leigh, representatives of Senator Shaheen's office and Honorable Governor Maggie Hassan for their participation in tonight's events.

I would also like to extend my gratitude to the residents of Portsmouth for electing me to be the 67th Mayor of Portsmouth, New Hampshire. I am very appreciative of your support and trust in me to serve this great City, and my hometown. Having been born in this very building, it is a proud and humbling moment for me to be standing in front of you all as Mayor. I know my mom and dad are looking down at me and smiling.

While I am here tonight to begin my tenure as Mayor, I want to emphasize the importance of civic participation and collaboration within our community as we move forward. Regardless of whether you voted for me or not, I am grateful towards all who participated in this past election; it is your involvement that shapes the future and influences our decisions. I believe the results of this election truly reflect the characteristics of our City. You are welcoming a City Council in which a healthy blend of experience and demographics exist: Portsmouth natives, Portsmouth transplants, entrepreneurs, educators, veterans, legal experts, art advocates and much more. I believe our citizens recognized that these diverse perspectives will help position the City well, as we navigate various developments.

I look forward to working alongside this hardworking group and I am pleased to congratulate them tonight: Assistant Mayor Jim Splaine, Councilor Rebecca Perkins, Councilor Chris Dwyer, Councilor Brad Lown, Councilor Nancy Pearson, Councilor Eric Spear, Councilor Josh Cyr and Councilor Josh Denton.

As a lifelong Portsmouth resident and local business owner, it almost goes without saying that I am passionate about what this city offers to its community. My roots run deep in this City, both my father and I have previously served on Portsmouth's City Council, and I have served on the City's Board of Adjustment, Economic Development Commission and Portsmouth Housing Authority's Development Board. I believe this is a great City, and will continue to evolve positively. I chose to raise a family and remain here throughout the years due to the excellent, consistent services that this City provides. This is largely in part to City Manager, John Bohenko, who for the past 19 years has worked diligently with numerous City Councilors, Mayors and talented staff members to achieve results many accolades and awards—for its budgeting, AAA bond rating, water sustainability, among other accomplishments—due to the many initiatives of the City Manager and his staff.

In my experiences, I have been fortunate to come to know many of Portsmouth's people. Both old and new residents value the culture and services that persevere through time and development, which leads to high expectations for the future. Maintaining these expectations will take the efforts of not one person but everyone working respectfully together. I would also like to take the opportunity to acknowledge those who volunteer to serve on City committees, boards and commissions. They choose to take time out of their busy lives to be involved in City government and at times, handle challenging circumstances to preserve our quality of life in Portsmouth.

I urge other residents to get involved; whether it be by filling any vacancies on City committees, joining or forming a neighborhood group or association, attending public meetings or input sessions and other future opportunities. A unique, thoughtful citizenry already exists here, but there will continue to be a greater need for public input to enable this City to grow responsibly in a manner that benefits residents and businesses while preserving its overall character.

The passions of our residents has already translated to successful City projects, such as the African Burying Ground, Bike Friendly Community accreditation, and character-based zoning—to name a few. This City Council will be making significant decisions over the next couple of years to uphold a strong infrastructure moving forward, especially regarding wastewater treatment facilities, the Deer Street Parking Garage, Master Plan, a new Senior Services facility and the McIntyre Federal Building redevelopment. I want this City Council to work cohesively with the community to make this next step in Portsmouth's history one defined by smart growth, heritage, patience and involvement. I want this era to not only be remembered by the work of the City Council, but by the diverse citizen participation that led to a thriving environment.

I would like to close by thanking my wife Pam, my children Richard and Jackie, my brother Jim and sister Janie for their continue support. Thank you again to everyone here their support as well. We all are fortunate to be part of this community, and I look forward to serving the residents and working to take Portsmouth to newer, better heights.

I know a lot of people are counting on me. "I promise, I will not disappoint you!"

VI. BENEDICTION BY REVEREND HILSON, NEW HOPE BAPTIST CHURCH

Reverend Hilson performed the Benediction.

VII. ADJOURNMENT

At 7:40 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear and voted.



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



NEWBURYPORT
FIVE CENTS SAVINGS
BANK

December 17, 2015

City of Portsmouth Fire Department
170 Court Street
Portsmouth, NH 03801

Dear Friends:

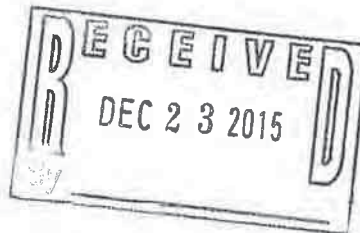
On behalf of Newburyport Five Cents Savings Bank, I am pleased to present to your organization the enclosed donation. This bank prides itself on its commitment to the local and surrounding communities.

We understand the current financial pressure that has been placed on charitable organizations and municipal entities, and hope that our gift will help to demonstrate our support for the good work that you do. Aligned with our mission, we encourage our employees to also become active in volunteering and contributing their time to many of the social groups in our great communities.

Wishing you great success in 2016!

Sincerely,

Janice C. Morse
President & CEO



JCM/ejb

Encl. ck. \$500.00



NEWBURYPORT
FIVE CENTS SAVINGS
BANK
63 STATE STREET
NEWBURYPORT, MA 01950

NEWBURYPORT
FIVE CENTS SAVINGS BANK
NEWBURYPORT, MA 01950
53-7150-2113

12/18/2015

PAY TO THE ORDER OF Portsmouth Fire Department

\$ **500.00

Five Hundred and 00/100*****

DOLLARS

Portsmouth Fire Department
170 Court Street
Portsmouth, NH 03801

AUTHORIZED SIGNATURE

MEMO

⑈045557⑈ ⑆211371502⑆ 5900 105 7⑈

NEWBURYPORT FIVE CENTS SAVINGS BANK

45557

Date	Type	Reference	Original Amt.	Balance Due	12/18/2015 Discount	Payment
12/17/2015	Bill	2015 Donation	500.00	500.00		500.00
				Check Amount		500.00


Checking Account

500.00

Security features: Details on back.



M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director 
DATE: December 22, 2015
RE: Proposed Zoning Ordinance Amendments
re: Manufactured Housing Parks and Wetland Protection Plans

Attached are two proposed amendments to the Zoning Ordinance relating to manufactured housing parks and wetland protection. These amendments have been drafted specifically to address zoning issues at the Hillcrest Estates manufactured housing park, but will also pertain to the City's other park, Oriental Gardens. (A third park, Snug Harbor off Woodbury Avenue, is not zoned for the manufactured housing park use and does not contain a wetland buffer area.)

Background

Hillcrest Estates was originally permitted as a "mobile home park" under the City's Mobile Home Ordinance (Chapter 13 of the City Ordinances), which is not part of the Zoning Ordinance. Under the Mobile Home Ordinance, the City Council has the authority to grant a permit for "a trailer or mobile home park" or an individual "trailer or mobile home," and an annual license/permit fee shall be paid for each occupied mobile home space located within a mobile home park.

Both the Mobile Home Ordinance and the Zoning Ordinances that were in effect from the 1970s through 1995 defined a "mobile home" as a vehicle that can be licensed to operate on public streets:

Mobile Home Ordinance (Chapter 13, Sec. 13.101):

"Mobile home" shall mean any vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets, or highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons, and provided with running motor and sanitary facilities, bath facilities and toilet.

1976 & 1980 Zoning Ordinances:

Sec. 10-102

Mobile Home: A vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licenseable as such, and constructed in such a manner as will permit occupancy thereof as a place for habitation for one (1) or more persons, and equipped with running water, bath facilities, flush toilet and approved public utility connections

Sec. 10-601

All mobile homes shall be located in mobile home parks meeting the requirements of the State of New Hampshire and the Mobile Home Ordinance

contained in Chapter 13 of the Municipal Ordinances. ... The approval of a Planning Board ruling on a petition for a mobile home park is only advisory to the City Council as the City Council has the discretionary authority to issue permits.

The 1982 Zoning Ordinance contained the same definition of “mobile home” and the requirement that “mobile home parks shall meet the requirements of the State of New Hampshire and the Mobile Home Ordinance contained in Chapter 13 of the Municipal Ordinances.” The 1982 Ordinance also allowed “single-family manufactured housing, including mobile homes, on individual lots in accordance with the requirements for single family dwellings” but did not allow manufactured housing to be placed in a mobile home park.

In the 1995 Zoning Ordinance the definition of “mobile home” was amended for the first time since at least 1976, to encompass what would now be considered a manufactured housing unit:

Mobile home – A movable or portable dwelling over 32 feet in length and over 8 feet wide, constructed to be transported on its own chassis and designed without a permanent foundation, whether or not a permanent foundation is subsequently provided, which includes one or more components that can be retracted for transporting purposes and subsequently expanded for additional capacity All mobile homes shall comply with the standards established under the National Manufactured housing Construction and Safety Standards Act of 1974, as amended.

The 1995 Ordinance allowed “mobile home parks” in the GA/MH district and continued to stipulate that “mobile home parks shall meet the requirements of the State of New Hampshire and the Mobile Home Ordinance contained in Chapter 13 or the Municipal Ordinance.” Although it does not appear to have been noticed at the time, the requirement that mobile home parks comply with both ordinances created an ambiguous situation because the new definition in the Zoning Ordinance conflicted with the definition in the Mobile Home Ordinance.

Thus, until 1995 manufactured housing units of the type now found in Hillcrest Estates (and other parks in the City) were specifically prohibited from being located in a “mobile home park” and there was no provision that allowed the establishment of a manufactured housing park. The 1995 Zoning Ordinance allowed for manufactured housing units for the first time but included a contradictory provision that required parks to comply with the Mobile Home Ordinance, thus prohibiting manufactured housing units in a “mobile home park.” Manufactured housing parks were clearly authorized in the Zoning Ordinance adopted in 2010, but no specific dimensional standards were implemented at that time.

Hillcrest Estates

Since its last approval by the City Council in 1981, Hillcrest Estates evolved from a mobile home park that only partially complied with its site plans into a manufactured housing park for which no site plan approval had ever been granted. It appears that the park in its current size and configuration has never complied with any zoning ordinance, but may have gained some legal status by virtue of the granting of building permits for the newer manufactured housing units.

Another issue that has created ongoing difficulties is the fact that the later expansions of Hillcrest Estates were developed by filling in low areas to create dry areas for roads and housing unit sites, with linear wetlands between rows of dwellings. As a result, a majority of the

dwelling in the park are partially or entirely within the wetland buffer, which makes strict enforcement of the wetlands protection regulations problematic. Although the Zoning Ordinance allows a single-family or two-family dwelling to be expanded within the wetland buffer by up to 25% of its footprint area without requiring a conditional use permit, the Ordinance does not allow for replacement of an entire manufactured housing unit that is partly within the buffer. Therefore, any replacement of a dwelling within the park requires the issuance of a conditional use permit, regardless of whether the resulting impact on the wetland is greater or less than the impact of the pre-existing structure. For a number of years, the Planning Department treated the replacement of a manufactured housing unit as if it were an expansion of an existing dwelling, but the more recent increases in the size of manufacture housing units makes continued use of this approach difficult to justify.

Over the course of the last year, the Planning and Legal Departments have been working with the new owner of Hillcrest Estates toward resolving the zoning status of the park, including the wetland issues. This process has two primary objectives: (1) to legitimize the existing park by establishing basic zoning standards and approving a site plan, and (2) to establish a consistent process for permitting future changes to the park, including those with impacts to the wetland buffer.

Proposed Dimensional Standards

As the owner now intends to replace up to 70 units over the next ten years, with many of these replacement units representing increases in site coverage, it is important to have an approved site plan as a starting point for future expansion/redevelopment, as well as appropriate dimensional standards for development within a manufactured housing park. The first proposed ordinance attached to this memo presents the recommended dimensional standards, which are very simple: a minimum separation of 20 feet between units, a maximum building height of 18 feet, and maximum building coverage of 2,250 sq. ft. for units (including garages) plus 225 sq. ft. for other structures on the site. Where two existing structures are less than 20 feet apart, the minimum separation is reduced to 10 feet provided that any new unit must be either an in-kind replacement or no more than 14 feet wide.

The proposed ordinance also repeals the Mobile Home Ordinance, which is no longer relevant in the City.

Proposed Wetland Protection Amendments

The second proposed ordinance is designed to provide a long-term approach to wetland protection in the City's manufactured housing parks, which are different from other site developments in that they contain numerous individual sites in proximity to wetlands. The proposed ordinance authorizes the approval of an overall Wetland Protection Plan as an optional alternative to site-by-site conditional use permitting. The Plan must comply with one of the following two standards:

1. No net increase in impervious surface within the wetland buffer, including no new impervious surface within 25 feet of a wetland boundary (this area is required by the wetland protection regulations to be maintained as a vegetated buffer strip);

OR

2. Compensation for any net increase in impervious surface within the wetland buffer area at specific ratios based on distance from the edge of the wetland (3-to-1 for a net impervious surface increase within 50 feet from the wetland; 2-to-1 for an increase more than 50 feet from the wetland).

Once the initial Wetland Protection Plan has been approved, the owner can submit individual building permit applications with attached individual site plans, which can be approved administratively as long as they meet the dimensional standards and conform to the Wetland Protection Plan. Then, after every 10 permits, the wetland protection plan will be submitted to the Planning Department and will serve as an amended site plan that will be approved administratively.

If this process is implemented, most future development within a manufactured housing park could be approved administratively. A park owner would only have to apply to a land use board when a proposed site development does not comply with the dimensional standards (requiring a variance from the Zoning Board of Adjustment, or when work within the wetland buffer does not fit within the approved Wetland Protection Plan (requiring a conditional use permit amendment).

Planning Board Recommendation and Proposed City Council Action

On December 17, 2015, following a public hearing on the proposed amendments, the Planning Board voted unanimously to recommend that these amendments be enacted.

I recommend that these amendments be submitted for first reading at the January 11, 2016, City Council meeting.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

1. That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. Amend Article 4, Section 10.440 Table of Uses- Residential, Mixed Residential and Industrial Districts, as follows:

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	Supplemental Regulations
1.70 Manufactured housing park	N	N	N	N	P	10.814

B. Amend Article 5, section 10.521 Table of Dimensional Standards – Residential and Mixed Residential Districts as follows:

		GA/MH
Minimum Yard Dimensions		
Front		30' 2,4
Side		25'
Rear		25'
Maximum Structure Dimensions		
Structure height		35' 3,4
Roof appurtenance height		8'
Building coverage		20% 4
Minimum open space		50%

Notes:

1. See Article 5A for dimensional standards in Character Districts.
2. See Section 10.533 for special front yard requirements on Lafayette Road.
3. Within the General Residence C and Garden Apartment/Mobile Home Park districts an additional 8' of height may be added to the maximum structure height in order to provide for multifamily dwellings that include vehicular parking spaces located within the residential building itself, if the additional height results in increased open space when compared to a site plan showing what open spaces would remain if required parking spaces were located in the open and in accessory structures.
4. **See Section 10.814 for requirements within a manufactured housing park.**

C. Amend Article 8, Section 10.810 Residential and Institutional Residence or Care Uses by adding the following:

10.814 Manufactured Housing Park Dimensional Standards

10.814.10 In addition to the minimum yard dimensions in Table 10.521, the following standards shall apply:

10.814.11 The minimum separation between any two structures, excluding sheds, shall be 20 feet.

10.814.12 Where the existing separation between any two structures, excluding sheds, is less than 20 feet on an approved site plan, the existing separation may be maintained or reduced to 10 feet provided that the manufactured housing unit is replaced in-kind or is no greater than 14 feet wide.

10.814.20 The maximum height of any structure shall be 18 feet with only one story of living space.

10.814.30 Maximum building coverage shall comply with Table 10.521 and with the following standards:

Maximum building coverage per dwelling unit including any associated garage or carport.....2,250 sf
Maximum building coverage by all other structures (decks, sheds, porches, etc.) per dwelling unit225 sf

2. Delete Chapter 13 – Mobile Home Ordinance in its entirety.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. Amend Article 10, Section 10.1016 Permitted Uses by adding the following:

10.1016.10 The following uses, activities and alterations are permitted in wetlands and wetland buffers:

- (7) Uses, activities and alterations that are consistent with a Wetland Protection Plan that has been approved by the Planning Board through the grant of a conditional use permit.**

B. Amend Article 10, Section 10.1017 Conditional Uses by adding the following:

10.1017.80 Wetland Protection Plan

10.1017.81 General

10.1017.811 The owner of a parcel that contains more than 5 acres and more than 5 residential structures may apply for a conditional use permit for pre-approval of multiple individual projects over a multi-year time frame by submitting a Wetland Protection Plan conforming to the requirements of this section.

10.1017.82 Submission Requirements and Procedures

10.1017.821 Plan Contents: A Wetland Protection Plan shall include the following information:

- (1) Wetland delineation, wetland buffers (100 feet), limited cut areas (50 feet) and vegetated buffer strips (25 feet).**
- (2) Existing buildings, structures, streets, driveways and other site improvements.**
- (3) Calculations of existing impervious surface areas (total and within the wetland buffer). For a manufactured housing park these calculations shall be provided for each dwelling site and for the park as a whole.**

- (4) Proposed protective measures (e.g., rain gardens, tree plantings, shrub plantings).
- (5) Calculations of areas of protective measures and proposed or potential future impervious surfaces.

10.1017.822 Initial Submission, Review and Approval

Procedures: The initial Wetland Protection Plan shall be submitted to the Planning Department and shall be processed following the procedures for an application for a conditional use permit under Section 10.1017.30 and 10.1017.40.

10.1017.823 Effect of Plan Approval: The grant of a conditional use permit for a Wetland Protection Plan represents an overall pre-approval of impacts within the wetland buffer as described on the Plan, subject to the submission of individual site plans in connection with application for a building permit that represents a change or increase in impervious surface within the wetland buffer.

10.1017.824 Permit Site Plans:

- (1) Following the approval of a Wetland Protection Plan, each application for a building permit that proposes a relocation of or increase in impervious surface within the wetland buffer shall be accompanied by a permit site plan showing the specific impervious surface changes and the specific protective measures proposed as compensation. Said protective measures shall be completed prior to or concurrently with the proposed impervious surface impact for which they provide compensation.
- (2) The Planning Director may approve a permit site plan that is consistent with an approved Wetland Protection Plan.
- (3) If the Planning Director determines that a permit site plan proposes a significant change from the approved Wetland Protection Plan, the owner shall submit an application to the Conservation Commission and Planning Board for an amendment to the conditional use permit.

10.1017.825 Plan Updates: After every 10 building permits have been issued under an approved Wetland Protection Plan, whether authorized administratively or by conditional use permit, the owner shall submit an updated Wetland Protection Plan showing the new existing site conditions and including updated calculations. The updated Plan shall also serve as an application for administrative site plan approval for all site changes that have been made since the previously approved Plan or Plan amendment.

10.1017.83 Wetland Protection Plan Standards

10.1017.831 No net increase in impervious surface within the wetland buffer: Buildings, structures or other impervious surfaces may be constructed, expanded or relocated within the wetland buffer provided that (1) no new impervious surface shall be within 25 feet of the wetland boundary, and (2) any new area converted to impervious surface shall be compensated for at a 1:1 ratio by the conversion of existing impervious surface within the wetland buffer to vegetated open space (lawn or planted areas). Such compensatory open space does not need to be shown on the approved Wetland Protection Plan, but shall be shown on the permit site plan submitted with the building permit application.

10.1017.832 Net increase in impervious surface within the wetland buffer with compensation: Buildings, structures or other impervious surfaces may be constructed, expanded or relocated within the wetland buffer provided that (1) no new impervious surface shall be within 25 feet of the wetland boundary, and (2) the net increase in impervious surface shall be compensated for by protective measures that are shown on the approved Wetland Protection Plan at the following ratios:

Protective Measure	Ratio of protective measure area to net impervious surface area	
	25'-50' from wetland	50'-100' from wetland
Rain garden	3.0:1	2.0:1
Tree plantings	3.0:1	2.0:1
Shrub plantings	3.0:1	2.0:1

10.1017.833 Any increase in permanent impervious surface permitted through the provision of compensating protective measures shall also permit a temporary impact within the wetland buffer equal to two times the area of the permanent impact.

C. Amend Article 15, Section 10.1530 – Terms of General Applicability, by inserting the following new terms and definitions in alphabetical order:

Impervious surface

Any modified surface that cannot effectively absorb or infiltrate water. Impervious surfaces include, but are not limited to, roofs and paved areas such as driveways, parking areas and walkways. Impervious surfaces also include decks, patios and gravel or crushed stone surfaces unless such structures or surfaces have been designed to effectively absorb or infiltrate water.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.


APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director 
DATE: January 6, 2016
RE: West End Character-Based Zoning

Attached for first reading at the January 11, 2016, City Council meeting are the following documents relating to the extension of character-based zoning to the West End:

- A one-page ordinance incorporating all the proposed zoning amendments;
- A proposed revision to Article 5A – Character Districts (40 pages);
- A set of “conforming amendments” to other sections of the Zoning Ordinance (6 pages);
- A list of additional proposed zoning changes for 52 lots adjacent to the proposed Character districts in the Islington Street corridor and West End (1 page); and
- A set of 4 maps showing proposed amendments to the Zoning Map. The first three maps are revisions to the existing Regulating Plan for the Character districts, extending character-based zoning down Islington Street to the West End, while the fourth map shows the 52 additional lots proposed for rezoning.

The proposed amendment to Article 5A incorporates the following substantive revisions:

1. A new Character District 4-West End (CD4-W) is established, based on and similar to the CD4 district in the downtown. The development standards for this district are set forth in Figure 10.5A41.10B on pages 5A-11 through 5A-13. In addition, Section 10.5A30 prohibits ground floor residential uses in this district, similar to the Downtown Overlay District.

The primary differences between the CD4-W district in the West End and the CD-4 district in the downtown pertain to the requirements for off-street parking, density, lot coverage and open space. In particular, the lack of public off-street parking facilities in the West End means that the standards for density, lot coverage and open space must reflect the need to provide off-street parking primarily on private development parcels.

2. The proposed amendment recognizes a new “recessed entry” façade type (see Figure 10.5A43, page 5A-27). This is an existing building façade type found in Portsmouth’s older neighborhoods, and it has been added as a permitted façade type along Islington Street, in the West End, and in other areas outside the Downtown Overlay District.
3. The proposed amendment increases the maximum building footprints in the CD4 and CD5 districts to reflect the historic land use patterns and building footprints in these areas of the downtown, as well as the concepts illustrated in the Vision Plans that TPUDC developed based on the Community Design Charrettes for both the North End

and the West End. It is proposed to increase the maximum building footprint in the CD4 district from 10,000 sq. ft. to 20,000 sq. ft. and in the CD5 district from 15,000 sq. ft. to 30,000 sq. ft.

4. The proposed amendment allows ground-level building footprints to be increased to 30,000 sq. ft. in the CD4 and CD4-W districts, and to 40,000 sq. ft. in the CD5 district, where necessary to accommodate parking on a ground floor or underground level (see Sections 10.5A43.42 and 10.5A43.43). In such cases, any above-ground parking requires a liner building along each street frontage, and all stories of the building above ground floor or underground parking levels (including the liner building) shall meet the maximum building footprint required for the Character district.
5. An exemption has been added to allow off-street parking to be located in front of single- and two-family structures (Section 10.5A44.31).
6. Incentives to the development standards have been added for the West End in order to encourage property owners to include workforce housing or community spaces such as pocket parks or plazas within a development (Section 10.5A47).

In addition to these substantive revisions, the proposed zoning amendments implement a number of minor housekeeping amendments intended to clarify existing provisions or correct inconsistencies in the Zoning Ordinance. In keeping with the changes enacted in August 2015, a number of definitions are moved from Article 5A to the general definitions chapter in Article 15.

These proposed amendments will be presented to the Planning Board at its January 21 meeting, and the Board will hold a public hearing at its meeting on February 18. Concurrently with the Planning Board review, Portsmouth Listens will hold a series of Study Circles meetings to review the proposed zoning changes, beginning with a kick-off event on the evening of January 20; and it is anticipated that the findings from this process will be presented to the Planning Board and City Council in mid-March. To accommodate this timetable, I recommend that the City Council defer the public hearing on the proposed amendments until the Council meeting on March 21, 2016.

I will be prepared to provide an overview of the proposed zoning changes at the January 11 Council meeting, and to give more detailed presentations at the Planning Board and City Council public hearings.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance be amended as follows:

- (1) Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated 1/11/2016.
- (2) Amend Articles 4, 5 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” dated 1/11/2016.
- (3) Amend the Zoning Map as set forth in the following maps dated 1/11/2016:
 - (a) Map 10.5A21A – Character Districts and Civic Districts;
 - (b) Map 10.5A21B – Building Height Standards;
 - (c) Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout & Uses.
- (4) Amend the Zoning Map by changing the zoning designation of 52 parcels as set forth in the document titled “Proposed Additional West End Zoning Changes” dated 1/11/2016 and as shown on the map titled “Additional West End Zoning Changes – First Reading – January 11, 2016”.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Article 5A Character-Based Zoning

- Section 10.5A10** General
- Section 10.5A20** Regulating Plan
- Section 10.5A30** Character District Use Standards
- Section 10.5A40** Character District Development Standards
- Section 10.5A50** Civic Districts
- Section 10.5A60** Definitions

Section 10.5A10 General

10.5A11 Purpose and Intent

The purpose of Article 5A is to encourage development that is compatible with the established character of its surroundings and consistent with the City's goals for the preservation or enhancement of the area. This is accomplished by providing a range of standards for the elements of development and buildings that define a place.

10.5A12 Applicability

- 10.5A12.10 Article 5A shall apply to the Character districts and Civic districts as shown on the Regulating Plan.
- 10.5A12.20 Municipal districts are shown on the Regulating Plan for reference but are governed by other sections of the Zoning Ordinance (specifically, Sections 10.460 and 10.560) and not by Article 5A.

10.5A13 Compliance with Regulating Plan

- 10.5A13.10 In the Character districts and Civic districts, all lots, buildings, structures, uses, and development shall comply with the requirements of Article 5A, as well as with all provisions of this Zoning Ordinance that are not superseded by Article 5A.
- 10.5A13.20 No development, subdivision, re-subdivision or construction of or on any building, lot or parcel of land shall occur except pursuant to the Regulating Plan and in compliance with the applicable standards and requirements for such district.

10.5A14 Relationship to Other Provisions of the Zoning Ordinance

- 10.5A14.10 The provisions of Article 5A shall take precedence over all other provisions of the Zoning Ordinance that are in conflict with Article 5A.
- 10.5A14.20 All provisions of the Zoning Ordinance that are not specifically modified or superseded by Article 5A, or that are not in conflict with Article 5A, shall apply to lots, buildings and uses in the Character districts and Civic districts.

10.5A15 Relationship to Other Regulations, Codes and Ordinances

- 10.5A15.10 Any proposed subdivision of land shall comply with the Subdivision Rules and Regulations, in addition to the requirements of Article 5A.
- 10.5A15.20 Any development that requires Site Plan Review under the Site Plan Review Regulations shall comply with such Regulations, in addition to the requirements of Article 5A.
- 10.5A15.30 The provisions of Article 5A do not modify or supersede any provision of the Building Code, other City ordinances or regulations, or State laws relating to the development of land.

10.5A16 Figures

- 10.5A16.10 The standards in the following figures are an integral part of Article 5A:
 - Figure 10.5A41.10A – Development Standards: Character District 4– Limited (CD4-L1/CD4-L2)
 - Figure 10.5A41.10B – Development Standards: Character District 4– West End (CD4-W)
 - Figure 10.5A41.10C – Development Standards: Character District 4 (CD4)
 - Figure 10.5A41.10D – Development Standards: Character District 5 (CD5)
 - Figure 10.5A43.10 – Façade Types
 - Figure 10.5A43.60 – Building Types
 - Figure 10.5A46.70 – Community Spaces
- 10.5A16.20 The diagrams, photographs and illustrations contained in the above figures are provided only to indicate general character within the various districts and shall have regulatory force and effect only to that extent.

10.5A17 Definitions

Terms used throughout Article 5A may be defined in the figures (Façade Types, Building Types, and Community Spaces), in Section 10.5A60, in Article 15 or elsewhere in the Zoning Ordinance. Terms not so defined shall be accorded their commonly accepted meanings. In the event of any conflict between the definitions in Article 5A, those in

Article 15, other sections of the Zoning Ordinance, the Subdivision Rules and Regulations, or any other local land use ordinances, rules or regulations, those of Article 5A shall take precedence unless the context clearly indicates otherwise.

Section 10.5A20 Regulating Plan

10.5A21 General

10.5A21.10 Contents of Regulating Plan

The Regulating Plan is the Zoning Map for the Character districts and Civic districts. The Regulating Plan consists of the following maps:

- Map 10.5A21A – Character Districts and Civic Districts
- Map 10.5A21B – Building Height Standards
- Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout, and Uses

10.5A21.20 Building Height Standards

10.5A21.21 Assignments for specific building heights require a building to have no more than the designated maximum number of stories or the maximum height in feet (whichever is lower) and no less than the designated minimum number of stories.

10.5A21.22 When a lot is assigned to more than one building height standard the lot shall be apportioned as follows:

- (a) A building height standard designated along the front lot line or street shall apply to the portion of the lot that is 50 feet or less from such lot line or street.
- (b) A building height standard designated along a water body shall apply to the portion of the lot that is 100 feet or less from the mean high water line.
- (c) More than 50 feet from a front lot line or street and more than 100 feet from a water body, the building height may increase to the highest building height standard designated for the lot.
- (d) Where a lot has less depth from the front lot line, street or water body than the required minimum distances stated above, the lowest building height standard for the lot shall be applied to the required linear distance from the lot line, street or water body.

10.5A21.30 Special Requirements for Façade Types, Front Lot Line Buildout, and Uses

The following standards shall apply when so designated by the Regulating Plan:

- (a) Assignments for shopfront, officefront or stepfront façade types require that a building have the designated façade type at the sidewalk level.
- (b) For waterfront lots on Ceres Street, the maximum front lot line buildout shall be 50%, and buildings shall have a wood-sided appearance.
- (c) Specific use requirements apply to designated properties along the waterfront area (see Sections 10.5A35-36).

10.5A22 Regulating Plan Amendment

10.5A22.10 General

The Regulating Plan may be amended in accordance with the provisions of Section 10.150 (Changes and Amendments), subject to the further provisions of Section 10.5A22.20.

10.5A22.20 Application Requirements

An application for a Regulating Plan amendment initiated by or on behalf of the owner of property shall be accompanied by a site plan for such property that complies with the requirements for a request for Design Review under the Site Plan Review Regulations.

Section 10.5A30 Character District Use Standards

- 10.5A31 Buildings, structures and land within a Character district shall comply with the use regulations set forth for the applicable district in Section 10.440, except as specified below:
- 10.5A32 In Character District 4–West End (CD4-W), residential uses are not permitted on the ground floor.
- 10.5A33 In Character District 4–Limited 2 (CD4-L2), commercial uses are not permitted above the ground floor.
- 10.5A34 A lot within the Downtown Overlay District shall comply with the requirements of Section 10.642 Ground Floor Uses.
- 10.5A35 In addition to the uses permitted in the underlying Character districts, lots in the Waterfront Use Overlay as shown on Map 10.5A21C shall also permit the following uses as set forth in Section 10.440: 9.60, 12.20, 12.22 and 12.40.

- 10.5A36 In addition to the uses permitted in Character District 4, waterfront lots on Ceres Street as shown on Map 10.5A21C shall also permit the uses permitted in the Waterfront Industrial district as set forth in Section 10.440.

Section 10.5A40 Character District Development Standards

10.5A41 Development Standards

Development, structures and lots within Character districts shall comply with the applicable general description and standards set forth in Figures 10.5A41.10A-D (Development Standards) and elsewhere in Article 5A.

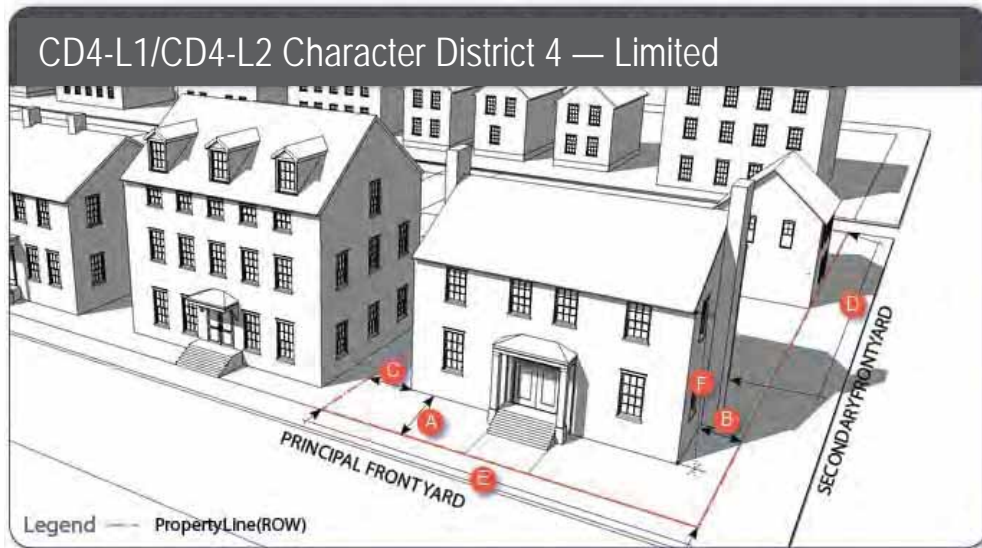
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**FIGURE 10.5A41.10A DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)**

These districts consist of medium density areas with a mix of medium to large houses. Upper floor uses are almost entirely residential. Ground floors include some commercial office uses; areas zoned CD4-L2 also allow some restaurant and retail uses on the ground floor. There are shallow front yards and shallow to medium side yards, with variable private landscaping with on-site accessory parking. Streets have sidewalks and street trees, and define medium to large blocks.



**FIGURE 10.5A41.10A DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)**



BUILDING PLACEMENT — PRINCIPAL BUILDING

Maximum principal front yard	15 ft	A
Maximum secondary front yard	12 ft	B
Side yard	5 ft min. to 20 ft max.	C
Rear yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	D
Front lot line buildout	60% min. to 80% max.	E

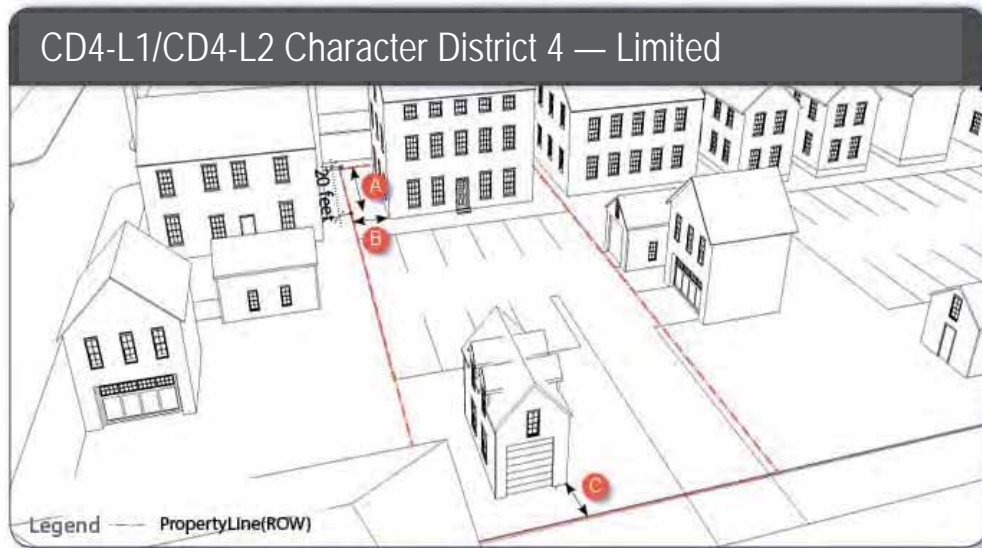
LOT OCCUPATION

Maximum building block length	80 ft
Required façade modulation (see Section 10.5A43.20)	50 ft
Minimum entrance spacing	50 ft
Maximum building coverage	60%
Maximum building footprint (see Section 10.5A43.50)	2,500 sf
Minimum lot area	3,000 sf
Minimum lot area per dwelling unit	3,000 sf
Minimum open space	25%

BUILDING FORM — PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	11 ft	
Minimum upper story height	10 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	25% min. to 40% max.	
Roof type	gable, hip, gambrel	
Roof pitch, if any:		
Gable	6:12 min. to 12:12 max.	
Hip	3:12 min.	
Gambrel	6:12 min. to 30:12 max.	

**FIGURE 10.5A41.10A DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)**



BUILDING PLACEMENT — OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	3 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

BUILDING TYPES	(see Figure 10.5A43.60)
House	permitted
Duplex	permitted
Rowhouse	permitted
Apartment building	permitted
Live/Work building	permitted
Small commercial building	CD4-L1: not permitted CD4-L2: permitted
Large commercial building	not permitted

BUILDING & LOT USE

See Sections 10.5A30 and 10.440
 In the CD4-L2 district, commercial uses are not permitted above the ground floor (see Section 10.5A33)

FAÇADE TYPES

FAÇADE TYPES	(see Figure 10.5A43.10)
Except where a façade type is required (see Map 10.5A21C) the below standards apply:	
Porch	permitted
Stoop	permitted*
Step	not permitted
Shopfront	not permitted unless required (see Map 10.5A21C)
Officefront	not permitted unless required (see Map 10.5A21C)
Forecourt	permitted*
Recessed-entry	permitted*

*Not permitted in the Downtown Overlay District
 See Map 10.5A21C for additional requirements

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A46

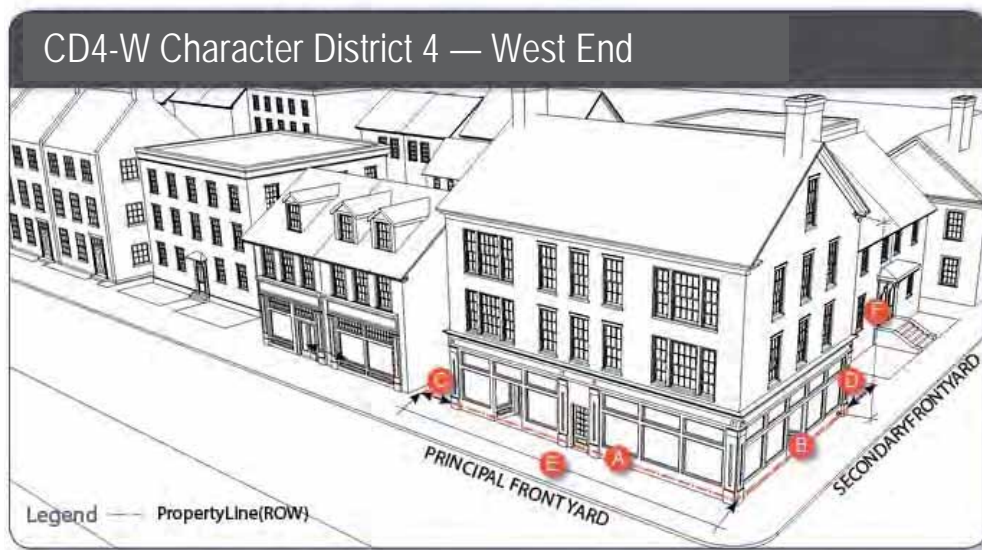
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**FIGURE 10.5A41.10B DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—WEST END (CD4-W)**

This district consists of a medium-to-high density area with a mix of building types and residential, retail, and other commercial uses. There are shallow or no front yards and medium to no side yards, with variable private landscaping and on-site accessory parking. Streets have sidewalks and street trees, and define medium blocks.



**FIGURE 10.5A41.10B DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—WEST END (CD4-W)**



BUILDING PLACEMENT – PRINCIPAL BUILDING*

Maximum principal front yard	10 ft	A
Maximum secondary front yard	15 ft	B
Maximum side yard	20 ft.	C
Rear Yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	D
Front lot line buildout	50% min.	E

* Except for items listed under Section 10.5A42.12

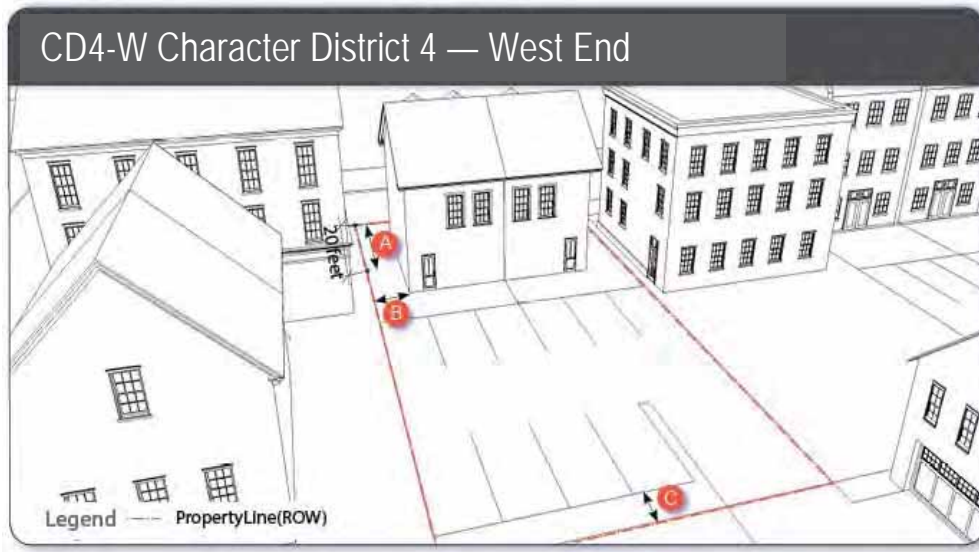
LOT OCCUPATION

Maximum building block length	200 ft
Required façade modulation (see Section 10.5A43.20)	80 ft
Minimum entrance spacing	60 ft
Maximum building coverage	60%
Maximum building footprint (see Section 10.5A43.50)	20,000 sf
Minimum lot area	5,000 sf
Minimum lot area per dwelling unit	2,500 sf
Minimum open space	15%

BUILDING FORM – PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	12 ft	
Minimum upper story height	10 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	20% min. to 50% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max.	
Hip	3:12 min.	
Mansard/Gambrel	6:12 min. to 30:12 max.	

**FIGURE 10.5A41.10B DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—WEST END (CD4-W)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

BUILDING TYPES	(see Figure 10.5A43.60)
House	not permitted
Duplex	not permitted
Rowhouse	permitted
Apartment building	not permitted
Live/work building	permitted
Small commercial building	permitted
Large commercial building	permitted

BUILDING & LOT USE

See Sections 10.5A30 and 10.440
Residential uses are not permitted on the ground floor (see Section 10.5A32)

FAÇADE TYPES

FAÇADE TYPES	(see Figure 10.5A43.10)
Except where a façade type is required (see Map 10.5A21C) the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A46

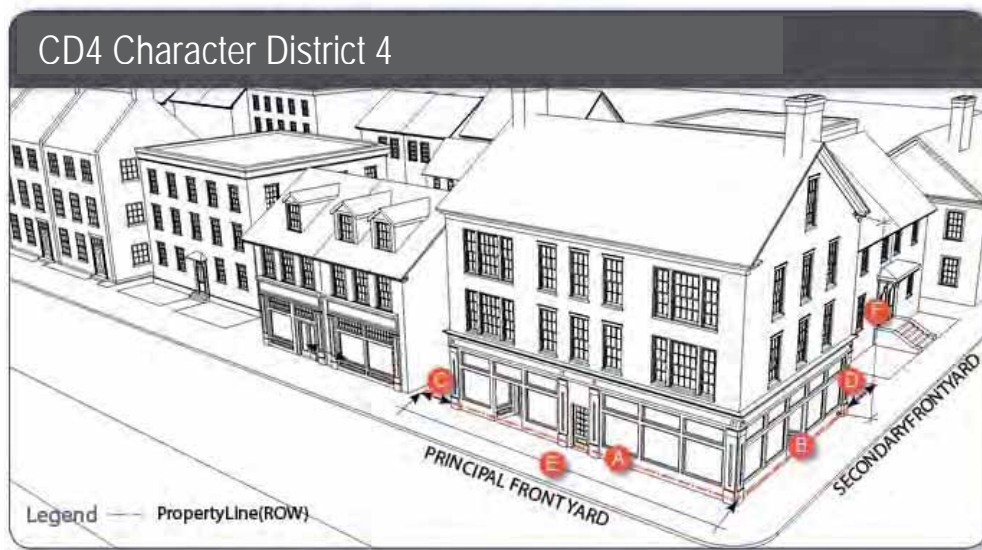
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**FIGURE 10.5A41.10C DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4 (CD4)**

This district consists of a medium-to-high density transitional area with a mix of building types and residential, retail, and other commercial uses. There are shallow or no front yards and medium to no side yards, with variable private landscaping. Streets have sidewalks and street trees, and define small to medium blocks.



**FIGURE 10.5A41.10C DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4 (CD4)**



BUILDING PLACEMENT – PRINCIPAL BUILDING*

Maximum principal front yard	10 ft	A
Maximum secondary front yard	15 ft	B
Maximum side yard	20 ft	C
Rear yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	D
Front lot line buildout		
On Ceres Street	50% max. (see Map 10.5A21C)	
Everywhere else	50% min.	

* Except for items listed under Section 10.5A42.12

LOT OCCUPATION

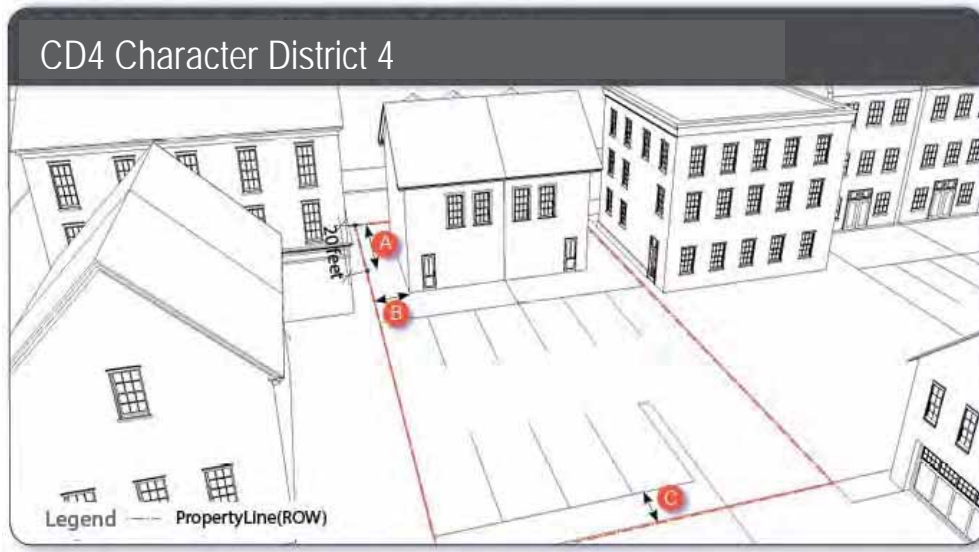
Maximum building block length	200 ft
Required façade modulation (see Section 10.5A43.20)	80 ft
Minimum entrance spacing	60 ft
Maximum building coverage	90%
Maximum building footprint (see Section 10.5A43.50)	20,000 sf

Minimum lot area	2,000 sf
Minimum lot area per dwelling unit	NR
Minimum open space	10%

BUILDING FORM – PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	12 ft	
Minimum upper story height	10 ft	
Façade glazing		
Shopfront façade	70% min.	
Other façade types	20% min. to 50% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max.	
Hip	3:12 min.	
Mansard/Gambrel	6:12 min. to 30:12 max.	

**FIGURE 10.5A41.10C DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4 (CD4)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

BUILDING TYPES	(see Figure 10.5A43.60)
House	not permitted
Duplex	not permitted
Rowhouse	permitted
Apartment building	permitted
Live/work building	permitted
Small commercial building	permitted
Large commercial building	permitted

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

FAÇADE TYPES	(see Figure 10.5A43.10)
Except where a façade type is required (see Map 10.5A21C) the below standards apply:	
Porch	not permitted
Stoop	permitted*
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted*
Recessed-entry	permitted*

*Not permitted in the Downtown Overlay District
See Map 10.5A21C for additional requirements

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A46

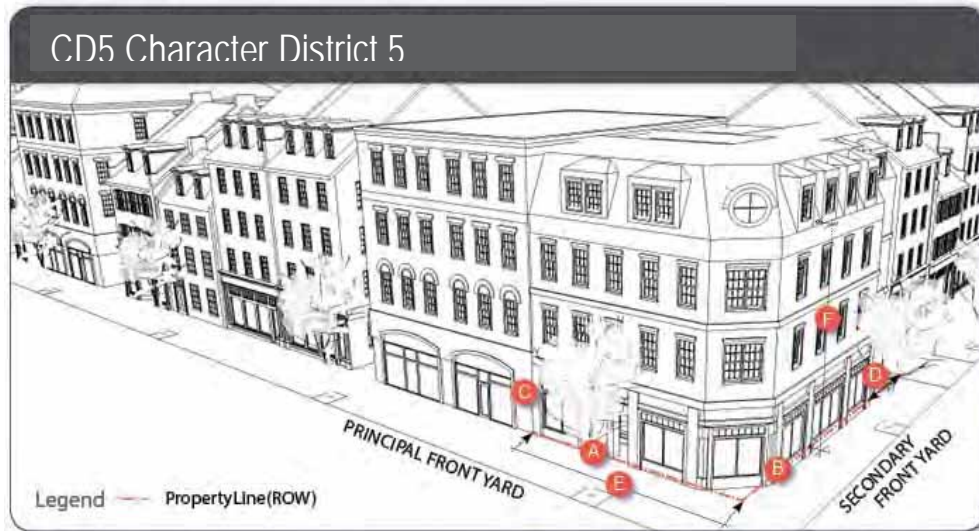
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**FIGURE 10.5A41.10D DEVELOPMENT STANDARDS
CHARACTER DISTRICT 5 (CD5)**

This district consists of a high density center with a mix of building types and residential, retail and other commercial uses. There are no front yards or side yards, and limited landscaping and public parking facilities. Streets have sidewalks and trees, and define small to medium blocks.



**FIGURE 10.5A41.10D DEVELOPMENT STANDARDS
CHARACTER DISTRICT 5 (CD5)**



BUILDING PLACEMENT – PRINCIPAL BUILDING*

Required principal front yard	0 ft	A
Required secondary front yard	0 ft	B
Required side yard	0 ft	C
Maximum rear yard	20 ft	
Required front lot line buildout	100%	

* Except for items listed under Section 10.5A42.12

LOT OCCUPATION

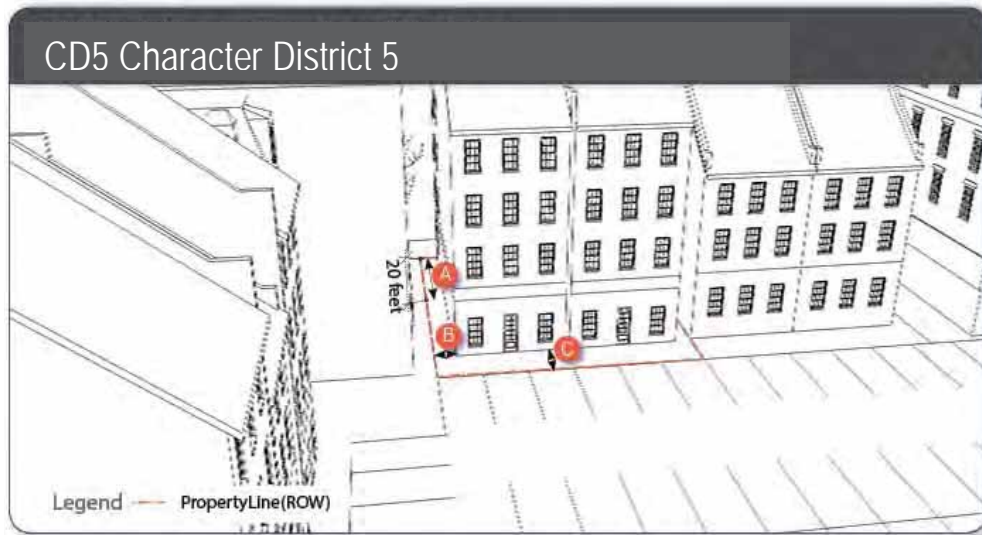
Maximum block length	250 ft
Required façade modulation (see Section 10.5A43.20)	100 ft
Minimum entrance spacing	60 ft
Maximum building coverage	95%
Maximum building footprint (see Section 10.5A43.50)	30,000 sf

Minimum lot area	2,000 sf
Minimum lot area per dwelling unit	NR
Minimum open space	5%

BUILDING FORM – PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	12 ft	
Minimum upper story height	10 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	20% min. to 50% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max.	
Hip	3:12 min.	
Mansard/Gambrel	6:12 min. to 30:12 max.	

**FIGURE 10.5A41.10D DEVELOPMENT STANDARDS
CHARACTER DISTRICT 5 (CD5)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind the façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

BUILDING TYPES	(see Figure 10.5A43.60)
House	not permitted
Duplex	not permitted
Rowhouse	not permitted
Apartment building	not permitted
Live/work building	permitted
Small commercial building	permitted
Large commercial building	permitted

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

FAÇADE TYPES (see Figure 10.5A43.10)

Except where a façade type is required (see Map 10.5A21C) the below standards apply:

Porch	not permitted
Stoop	permitted*
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted*
Recessed-entry	permitted*

*Not permitted in the Downtown Overlay District
See Map 10.5A21C for additional requirements

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A46

10.5A42 Building Placement

10.5A42.10 Yards

- 10.5A42.11 Yards shall be as required in Figures 10.5A41.10A-D (Development Standards).
- 10.5A42.12 Yards may be increased above the maximum permitted where truncated corners, alleys, vehicular access ways or community space are accepted by the City.
- 10.5A42.13 With respect to lots with more than one front yard:
- (a) For a corner lot, all requirements related to the front yard shall be applicable to both the principal front yard and the secondary front yard(s). The rear yard shall be determined based on the assigned street address.
 - (b) A through lot has two front yards and no rear yard.
 - (c) All requirements related to the front yard shall apply to both the principal front yard and the secondary front yard.

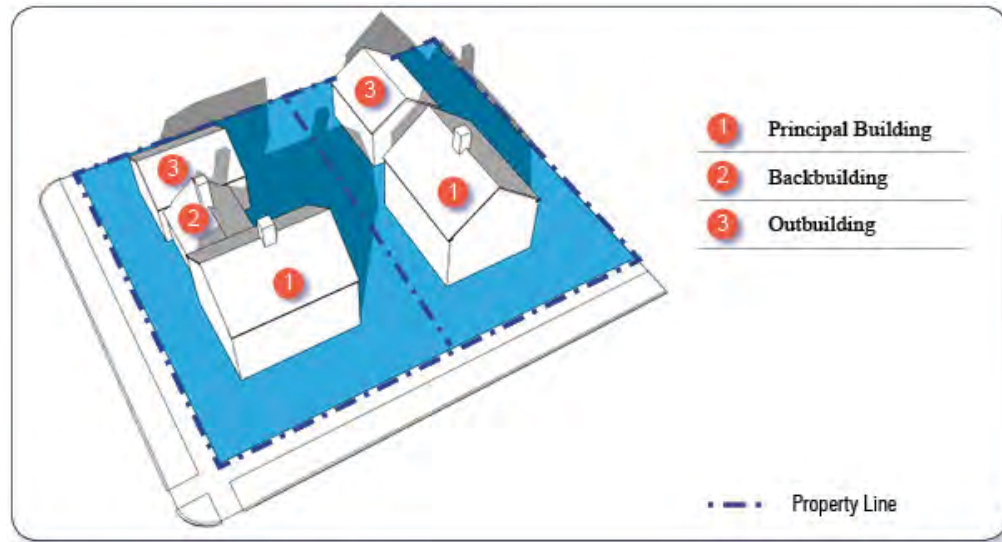
10.5A42.20 Façade Alignment

The façade facing the principal front yard shall be parallel to the front lot line. Where the front lot line is curved, the façade shall be parallel to a straight line connecting the points of intersection of the front lot line and the side lot lines.

10.5A42.30 Outbuildings and Backbuildings

A detached outbuilding, or an outbuilding attached to a principal building with a backbuilding, may be built on each lot to the rear of the principal building, as illustrated generally in Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

FIGURE 10.5A42.10 PRINCIPAL BUILDING/BACKBUILDING/ OUTBUILDING



10.5A43 Building Form and Façades

10.5A43.10 Façade Types

The façade facing the principal front yard shall conform to Figure 10.5A43.10 (Façade Types) and Figures 10.5A41.10A-D (Development Standards), and to any applicable façade type requirements indicated on the Regulating Plan. Permitted building form and façade types may be combined.

10.5A43.20 Façade Modulation

10.5A43.21 Except as listed in 10.5A43.22, a façade shall be modulated by major breaks in the façade plane and/or changes in exterior materials or rooflines, in order to render the appearance of individual buildings or wings no wider than the required façade modulation dimensions listed in Figures 10.5A41.10A-D (Development Standards).

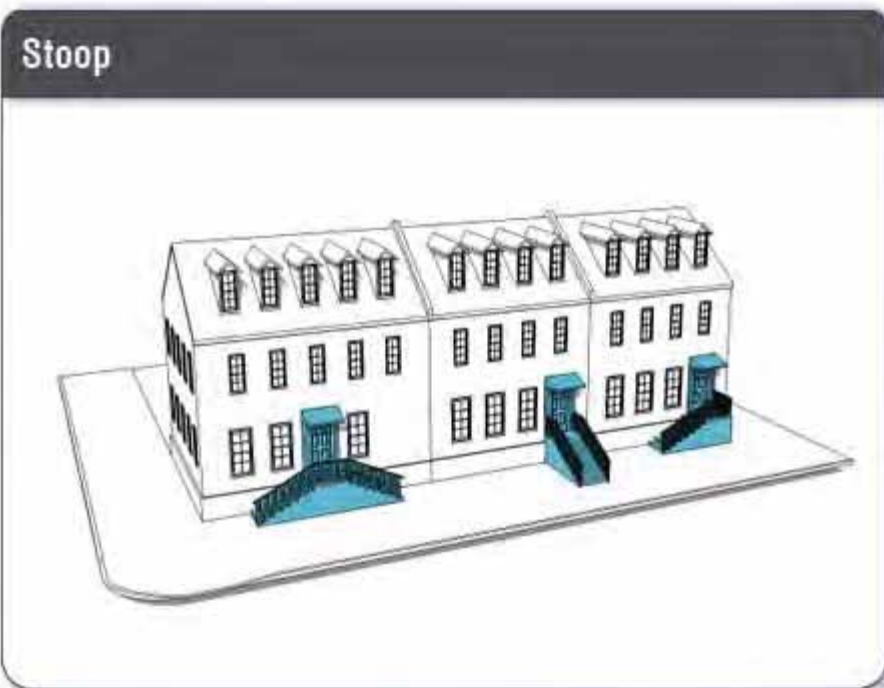
10.5A43.22 Façades that are all brick or masonry and have a high degree of fenestration, traditional masonry detailing, and traditional window styling (including windows recessed in the openings and with multiple panes) shall be exempt from the modulation requirements listed in Figures 10.5A41.10A-D (Development Standards).

FIGURE 10.5A43.10 FAÇADE TYPES



The façade is set back from the front lot line with an attached porch or stoop permitted to encroach. This may be used with or without a fence to maintain street spatial definition.

Permitted districts:
CD4-L1, CD4-L2



The façade is aligned close to the front lot line with the ground floor elevated from the sidewalk for privacy. The entrance has an exterior stair and landing.

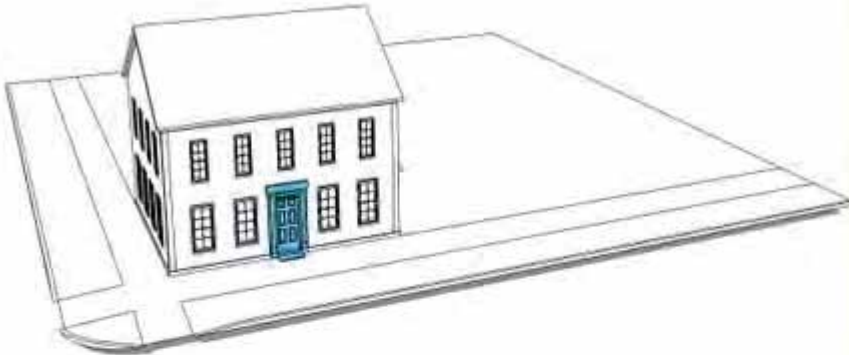
This type is recommended for ground floor residential use.

Permitted districts:
CD5, CD4, CD4-W, CD4-L1, CD4-L2

This façade type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)

Step



The façade is aligned close to the front lot line with the ground floor elevated from the sidewalk for privacy. The entrance has an exterior single step without a landing.

This type is recommended for ground floor residential office or retail use.

Permitted districts:

CD5, CD4, CD4-W
Permitted in CD4-L1 & CD4-L2 only where required on Map 10.5A21C (Special Requirements for Façade Types, Front Lot Line Buildout, and Uses)

Shopfront



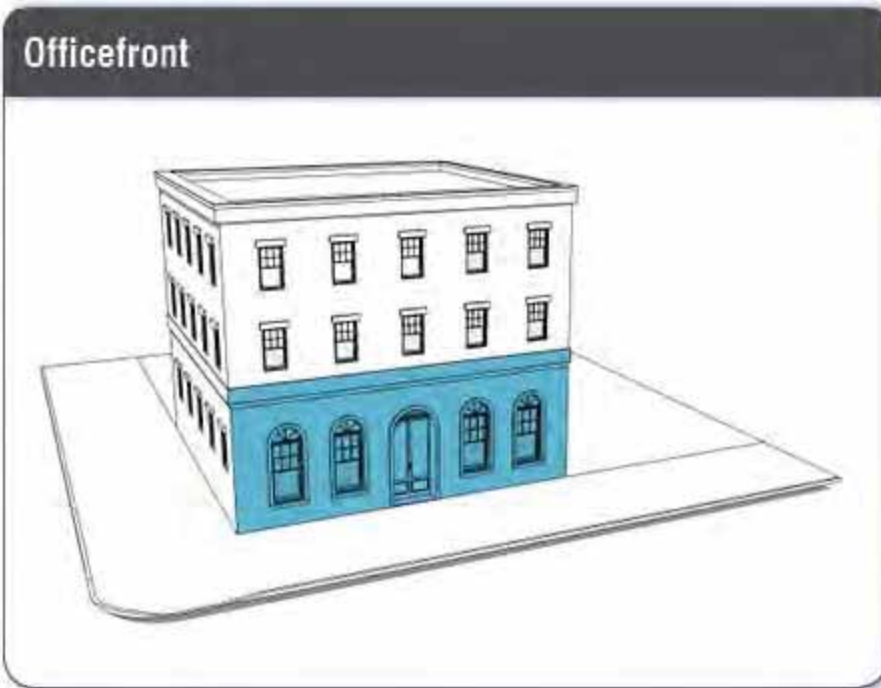
The façade is aligned close to the front lot line with the building entrance at sidewalk grade and with substantial glazing on the ground floor.

This type is conventional for retail, office or restaurant use.

Permitted districts:

CD5, CD4, CD4-W
Permitted in CD4-L1 & CD4-L2 only where required on Map 10.5A21C (Special Requirements for Façade Types, Front Lot Line Buildout, and Uses)

FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)

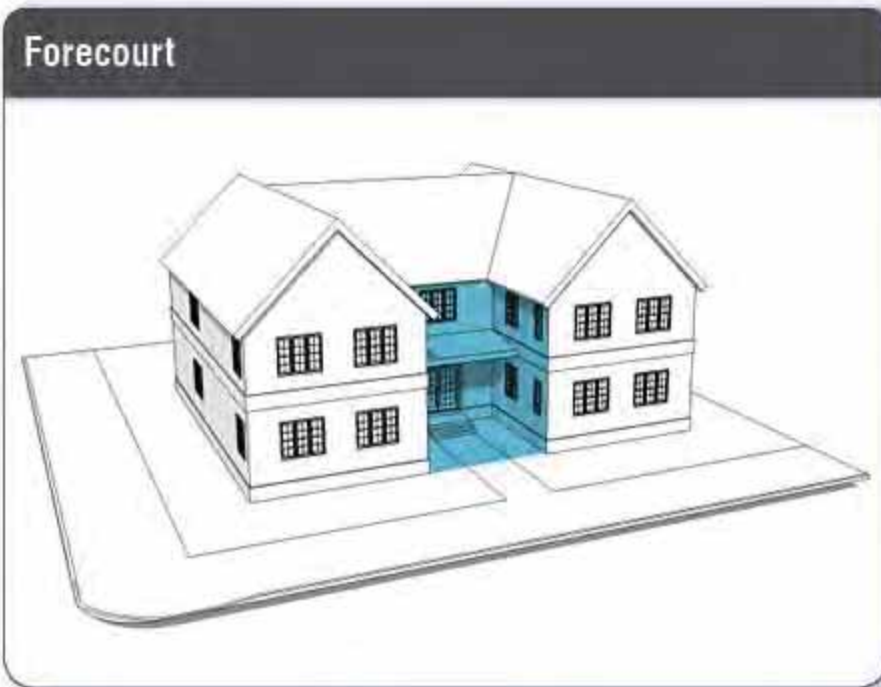


The façade is aligned close to the front lot line with the building entrance at or elevated above sidewalk grade. It may have substantial glazing on the sidewalk level.

This type is conventional for office use.

Permitted districts:

CD5, CD4, CD4-W
Permitted in CD4-L1 & CD4-L2 only where required on Map 10.5A21C (Special Requirements for Façade Types, Front Lot Line Buildout, and Uses)

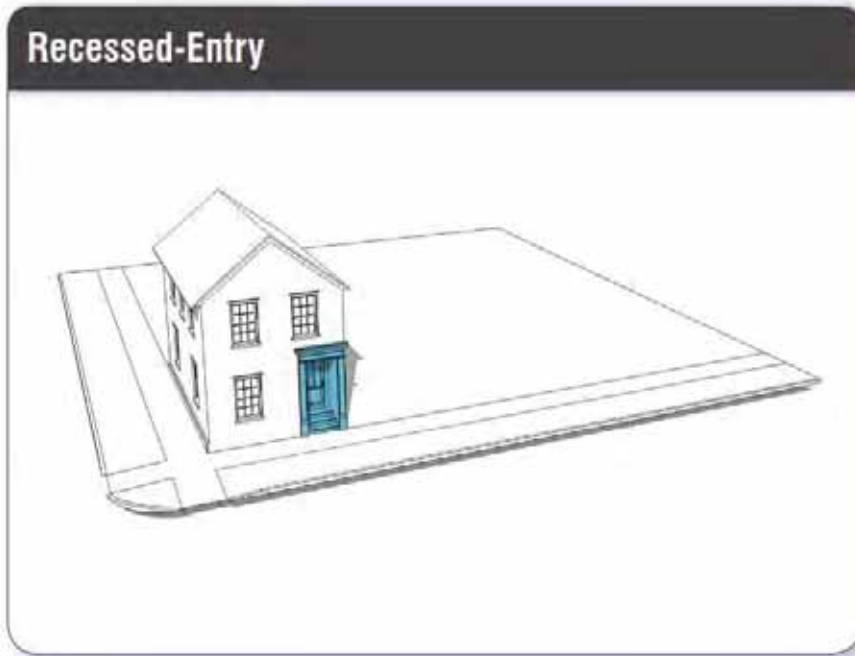


The two ends of the façade are close to the front lot line and the central portion is set back.

Permitted districts:

CD4-L1, CD4-L2
This façade type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)



The primary building entrance is recessed within the façade.

This type is conventional for residential use.

Permitted districts:

CD4-L1, CD4-L2, CD4, CD4-W, CD5

This façade type is not permitted in the Downtown Overlay District.

10.5A43.30 Building and Story Heights

10.5A43.31 Specific height requirement areas are designated on Map 10.5A21B. The maximum building height in each height requirement area shall be as follows:

Height Requirement Area	Minimum Height in Stories	Maximum Height in Stories	Maximum Height in Feet
1 story	1	1	20
2 stories	2	2	35
2 stories (short 3 rd)	2	2 + short 3 rd	35
2-3 stories	2	3	40
2-3 stories (short 4 th)	2	3 + short 4 th	45
2-4 stories	2	4	50
2-4 stories (short 5 th)	2	4 + short 5 th	60
2-5 stories	2	5	60

10.5A43.40 Maximum Building Footprint

10.5A43.41 No building or structure footprint shall exceed the applicable maximum building footprint listed in Figures 10.5A41.10A-D (Development Standards) except as provided in Sections 10.5A43.42-44 below.

10.5A43.42 In the CD5 district, a detached liner building may have a building footprint of up to 30,000 sq. ft. if it meets all other development

standards and is integrated into a parking structure through the provision of community space or shared access.

- 10.5A43.43 A building containing ground floor parking or underground parking levels may have a building footprint of up to 30,000 sq. ft. in the CD4 or CD4-W districts, and up to 40,000 sq. ft. in the CD5 district, if it meets all other development standards and meets both of the following criteria:
- (a) Any parking area that is not completely below a ground floor above the sidewalk level shall be separated from any street or vehicular right of way or easement by a liner building; and
 - (b) No story above the ground floor parking or underground parking levels shall be greater than 20,000 sq. ft. in the CD4 or CD4-W districts or 30,000 sq. ft. in the CD5 district.

- 10.5A43.44 The building footprint of a parking structure shall be no greater than 40,000 sq. ft., and the façade length shall be no greater than 300 feet.

10.5A43.50 Streetscreens

Any streetscreen in a front yard shall be built on the same plane as the façade of the principal building and shall be between 3.5 and 4.0 feet in height.

10.5A43.60 Building Types

Buildings in each Character district shall be of one or more of the building types specified for such Character district in Figure 10.5A43.60 (Building Types).

FIGURE 10.5A43.60 BUILDING TYPES



A residential building that has the appearance of a single-family dwelling, with yards on all sides.

Permitted districts:

CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.

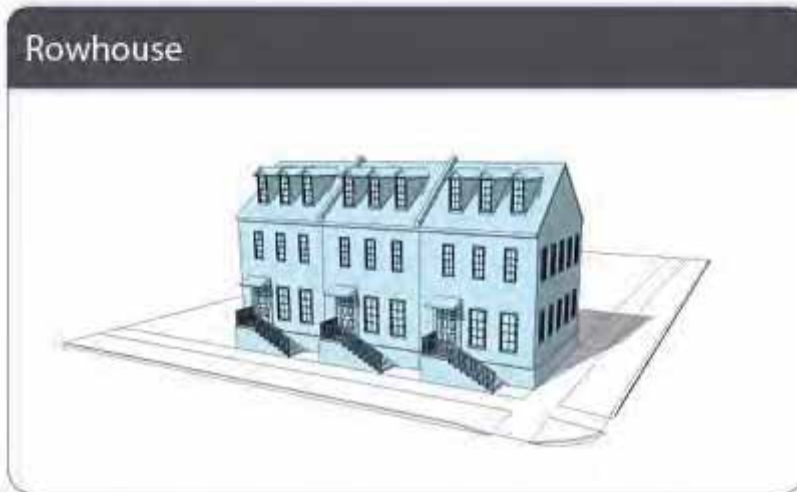


A residential building with two vertically-separated units with separate entrances. The building may have yards on all sides, or it may be divided along the party wall by a lot line where permitted by the standards of the Character district.

Permitted districts:

CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.



A building that occupies the full width of the lot and shares a party wall with one or more buildings of the same type, with a minimal front yard.

Permitted districts:

CD4, CD4-W, CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)

Apartment Building



A building that has the appearance of a multifamily dwelling, with yards on all sides.

Permitted districts:

CD4, CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.

Live / Work Building



A building designed to accommodate a ground floor commercial use and a residential use above or beside.

Permitted districts:

CD5, CD4, CD4-W, CD4-L1, CD4-L2

Only non-residential uses are permitted on the ground floor in CD4-W and the Downtown Overlay District.

Small Commercial Building



A building with a shopfront or officefront façade type and minimal or no front yard, and that is no more than 3 stories in height.

Permitted districts:

CD5, CD4, CD4-W, CD4-L2

Only non-residential uses are permitted on the ground floor in CD4-W and the Downtown Overlay District.

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)



A building with a shopfront or officefront façade type and minimal or no front yard, and that is 4 or more stories in height.

Permitted districts:
CD5, CD4, CD4-W

10.5A44 Off-Street Parking and Loading Requirements

10.5A44.10 General

10.5A44.11 Except as otherwise provided in this Section, all buildings, structures and uses in the Character districts and Civic districts shall comply with the off-street parking requirements set forth in Section 10.1110.

10.5A44.12 Buildings, structures and uses in the Character districts and Civic districts that are also within the Downtown Overlay District shall comply with the additional standards in Section 10.643.

10.5A44.20 Number of Required Spaces

10.5A44.21 Uses in the Character districts and Civic districts that are not located in the Downtown Overlay District shall provide off-street parking in accordance with Section 10.1112.

10.5A44.22 Uses in the Character districts and Civic districts that are included in the Downtown Overlay District shall comply with the off-street parking requirements for the Downtown Overlay District in accordance with Section 10.1115.

10.5A44.30 Parking, Loading, and Driveway Locations and Standards

10.5A44.31 Off-street parking spaces shall not be located in any required front yard, or between a principal building and a street (including on a corner lot), except when in an underground parking level. This restriction shall not apply to off-street parking for a single-family or two-family dwelling.

10.5A44.32 Parking lots and loading areas shall be screened from the street by a building or streetscreen except for any driveway.

- 10.5A44.33 Driveways at the street and within a required front yard shall be no wider than 24 feet.
- 10.5A44.34 All parking lots, garages, and parking structures shall include a pedestrian exit directly to a front lot line.
- 10.5A44.35 The above-ground portion of a parking structure shall have a liner building along the entire width of any front yard except for driveways and pedestrian entrances.
- 10.5A44.36 A parking lot containing more than 75 parking spaces shall have least one internal pedestrian walkway at least 8 feet wide that is paved differently from the parking spaces with respect to texture, material, style, and/or color.

10.5A44.40 Parking Lot Landscaping

Parking lots that contain 10 or more spaces shall conform to the following:

- 10.5A44.41 Landscape islands:
- (a) Parking lots shall contain one landscaped island for every 10 parking spaces.
 - (b) A parking lot with more than one landscaped island shall have such islands distributed throughout the parking lot.
 - (c) Each landscaped island shall be a minimum of 325 square feet.
- 10.5A44.42 Trees:
- (a) Parking lots shall contain at least one tree for every 7 parking spaces.
 - (b) No parking space shall be more than 75 feet from a tree within the lot, as measured from the center of the tree to the nearest line demarcating the space.
 - (c) All trees shall be separated from paved surfaces by at least 3 feet.
- 10.5A44.43 All landscaping required pursuant to this Section 10.5A44.40 shall be located and designed in a manner to protect the vegetation from vehicular damage.

10.5A44.50 Loading Docks, Storage and Service Areas

Loading docks, storage and service areas shall not be permitted between the principal building and any front lot line.

10.5A45 Architectural Design Guidelines

In reviewing a proposed project within the Historic District under Section 10.630, the Historic District Commission shall review the application for compliance with Architectural Design Guidelines adopted for the Character districts or for the Historic District generally. The initial Guidelines shall be those contained in the document titled “Interim Architectural Design Guidelines for the Character-Based Zoning Ordinance,” adopted by the Historic District Commission and dated November 18, 2013, which shall apply until superseded by new guidelines adopted by the Historic District Commission and approved by the City Council.

10.5A46 Community Spaces

- 10.5A46.10 Community space types are defined by the combination of certain physical constants, including the relationships among their intended use, their size, their landscaping and the buildings that front on them. The community space types are shown in Figure 10.5A46.10 (Community Spaces).
- 10.5A46.20 Any development having an aggregate land area of ½ acres or more, from the date of adoption of this amendment, shall include at least 10% of its gross land area assigned and improved as community spaces. Such community space shall count toward the required open space area listed under Figures 10.5A41.10A-D (Development Standards) or the community space required under Section 10.5A47.22(1) The Planning Board shall determine the size, location and type of the required community spaces based on the size and location of the development, and the proposed and adjacent uses.
- 10.5A46.30 Community spaces shall be designed as generally described in Figure 10.5A46.10 (Community Spaces) as related to the adjacent Character district, or if adjacent to more than one, as related to the highest numbered adjacent Character district.
- 10.5A46.40 Development, structures and lots within a community space shall comply with applicable requirements of Article 5A including, but not limited to, Section 10.5A40.
- 10.5A46.50 A community space that is provided on site and otherwise qualifies as open space shall count towards the open space requirement for the development.

FIGURE 10.5A46.10 COMMUNITY SPACES



A natural preserve available for structured or unstructured recreation. A park may be independent of surrounding buildings. Other than active use areas, its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors.

Permitted districts: CD4-L1, CD4-L2



A linear community space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A greenway may be spatially defined by landscaping rather than buildings. Its landscape shall consist of paths and trails, waterbodies, and trees, naturalistically disposed.

Permitted districts: CD5, CD4, CD4-W, CD4-L1, CD4-L2



A paved/brick pedestrian connector between buildings. Pedestrian alleys provide shortcuts through long blocks and connect community spaces and parking areas with streets. Pedestrian alleys may be covered by a roof and/or lined by shopfronts.

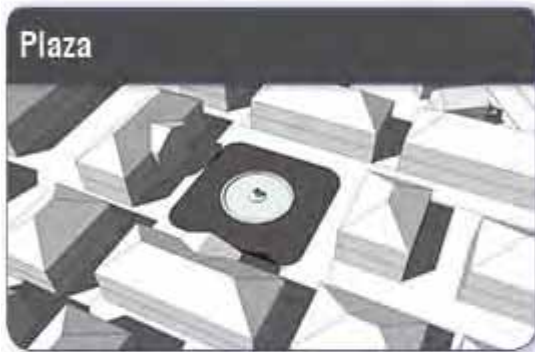
Permitted districts: CD5, CD4, CD4-W, CD4-L1, CD4-L2

FIGURE 10.5A46.10 COMMUNITY SPACES (CONTINUED)



A community space available for unstructured recreation and community purposes. A square is spatially defined by buildings. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important streets. The minimum size shall be 1/8 acre.

Permitted districts: CD4, CD4-W, CD5



A community space available for community purposes and commercial activities. A plaza should be spatially defined by buildings. Its landscape should consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/8 acre.

Permitted districts: CD4, CD4-W, CD5



A community space available for informal activities in close proximity to neighborhood residences. A pocket park is spatially defined by buildings. Its landscape shall consist of paths, lawns and trees, formally disposed.

Permitted districts: CD5, CD4, CD4-W, CD4-L1, CD4-L2



A community space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum size.

Permitted districts: CD5, CD4, CD4-W, CD4-L1, CD4-L2

10.5A47 Incentive Overlay Districts

The Incentive Overlay Districts are designated on Map 10.5A21B. In such areas, certain specified development standards may be modified as set forth in Section 10.5A47.10 below, if the development provides community space or workforce housing in accordance with Section 10.5A47.20, as applicable:

10.5A47.10 Incentives to Development Standards

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum Building Coverage	No Change	80%
Maximum Building Footprint	30,000 sf	30,000 sf
Minimum Lot Area	No Change	2,000 sf
Minimum Lot Area Per Dwelling Unit	No Change	No minimum
Maximum Building Height	Plus 1 story up to 10 ft	Plus 1 story up to 10 ft
Minimum Off-Street Parking	Residential: 1 space per dwelling unit 0.5 space per micro-unit	Residential: 1 space per dwelling unit 0.5 space per micro-unit Non-residential: 25% reduction from underlying standard

10.5A47.20 Requirements to Receive Incentives to the Development Standards

- 10.5A47.21 For a lot located adjacent to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall include a community space consisting of a continuous public greenway at least 20 feet in width that is parallel to the waterfront for the entire length of the rear or side lot line. The greenway shall include connections to abutting lots or public ways. When such a connection is not available due to current conditions on an abutting lot, provisions shall be made for future connections to such abutting lot in a location determined by the Planning Board.
- 10.5A47.22 For a lot that is more than 100 feet from North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall include either a community space or workforce housing as specified below:

- (1) Community space option – All of the following criteria shall be met:
 - (a) The community space shall be a community space type that is permitted within the applicable Character district.
 - (b) The community space shall constitute at least 20% of the gross area of the lot and shall not have any dimension less than 20 feet.
 - (c) The community space shall adjoin the public sidewalk and shall be open on one or more sides to the sidewalk.
 - (d) The community space shall include trees and other landscaping to provide shade and reduce noise, and pedestrian amenities such as overlooks, benches, lighting and other street furniture.
 - (e) The community space shall be located on or adjacent to the same lot as the development, except as provided in (f) below.
 - (f) The Planning Board may grant a conditional use permit to allow a proposed community space to be located on a different lot than the development if it finds that all of the following criteria will be met:
 - (i) An appropriate community space cannot feasibly be provided on the same lot as the development.
 - (ii) The proposed community space is within the same Incentive Overlay District as the development.
 - (iii) The proposed community space is suited to the scale, density, uses and character of the surrounding properties.

- (2) Workforce housing option – One or more of the following criteria shall be met:
 - (a) At least 30% of the dwelling units within a building, but no less than three units, shall be workforce housing units for sale (affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household). Such units shall be at least the average gross floor area of the proposed units in the building or 1,000 sq. ft., whichever is greater. The workforce housing units shall be distributed throughout the building wherever dwelling units are located; or
 - (b) At least 10% of the dwelling units within a building, or at least two units, shall be workforce housing units for rent (affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household). Such units shall be at least the average gross floor area of the proposed units in the building or 800 sq. ft., whichever is greater. The workforce housing units shall be distributed throughout the building wherever dwelling units are located.

Section 10.5A50 Civic Districts

10.5A51 Purpose

- 10.5A51.10 Civic districts are designated to preserve existing buildings and uses which are open to the general public and owned and operated by a not-for-profit organization or entity other than the City of Portsmouth.

10.5A52 Standards

- 10.5A52.10 Permitted uses in the Civic district are uses open to the general public and dedicated to arts, culture, education, religion, recreation, government, transit, gardening, horticulture, public gathering, assembly or meeting.
- 10.5A52.20 Structures may be converted to other civic uses permitted under 10.5A52.10 provided that no exterior changes are made to the existing structures.
- 10.5A52.30 When specified in the Site Plan Review Regulations, Site Plan approval is required for changes made to existing structures or the lot.
- 10.5A52.40 New structures, alterations and expansions of existing structures in the Civic district are exempt from the requirements of 10.5A42 and 10.5A43 provided that all uses remain civic.
- 10.5A52.50 Structures in the Civic district that are proposed for and/or converted to non-civic uses permitted under 10.5A30 shall require Regulating Plan amendment as set forth in Section 10.5A22.

Section 10.5A60 Definitions

This Section provides definitions for certain terms in Article 5A that are not otherwise defined in Article 15:

Backbuilding

A single-story structure connecting a principal building to an outbuilding. See Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

Block

The aggregate of private lots, rear alleys and rear lanes, circumscribed by streets, paths or pedestrian alleys.

Community space

An area that is dedicated for public use with permanent deeded access to the City of Portsmouth and conforming to the types shown in Figure 10.5A46.10.

Façade

The side of a building facing a front yard.

Façade glazing

The portion of a façade that consists of transparent windows and doors.

Front lot line buildout

The portion of the width of the required front yard that is occupied by a building.

Liner building

A building that is at least 20 feet deep measured from the façade and is specifically designed to mask a parking lot or a parking structure from the street. A liner building may be separated from a parking structure by community space if directly integrated with subsurface parking or vehicular access to a parking structure.

Outbuilding

A building, usually located toward the rear of the same lot as a principal building, and sometimes connected to the principal building by a backbuilding. See Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

Path

A pedestrian way traversing a park, square or other open space, or otherwise separated from streets by landscaped areas, and ideally connecting directly with the urban sidewalk network.

Regulating Plan

The zoning map or set of maps that shows the Character districts, Municipal districts, Civic districts and any additional requirements of areas subject to, or potentially subject to, regulation by Article 5A.

Streetscreen

A freestanding wall built (1) on the same plane as the front façade or at or along any lot line and (2) which masks a parking lot or other use from the street, provides privacy to a side yard, and/or strengthens the spatial definition of the public realm.

CHARACTER-BASED ZONING – 2016 REVISIONS
CONFORMING AMENDMENTS TO ZONING ORDINANCE

1/11/2016

Amend Chapter 10 – Zoning Ordinance as follows:
(deletions from existing language ~~stricken~~; additions to existing language **bolded**;
remaining language unchanged from existing)

- A. In Article 2, amend Section 10.234 – Procedures for Variances, Special Exceptions and Appeals from Decisions of the Code Official, as follows:

10.234.50 In any case in which the Board of Adjustment is required to give notice of a public hearing in accordance with the provisions of State law, all persons owning property within 300 feet of the property involved in the appeal or request shall be given notice in the manner set forth by State law, provided that failure to give notice beyond statutory requirement shall not give rise to any right of appeal or protest. The requirements of this paragraph shall not apply in ~~the Central Business A and Central Business B Districts~~ **Character Districts 4 and 5 (CD4 and CD5) and the Downtown Overlay District.**

- B. In Article 4, amend Section 10.410 – Establishment and Purpose of Districts, as follows:

District	Purpose
Character Districts	
Character District 4-L1 CD4-L1	To promote the development of walkable, mixed-use, human-scaled places by providing standards for building form and placement and related elements of development.
Character District 4-L2 CD4-L2	
Character District 4-W CD4-W	
Character District 4 CD4	
Character District 5 CD5	
Business Districts	
Central Business A CBA	To promote a wide range of business, retail, residential, cultural and other public and private uses, in and surrounding the City's historic commercial core, at intensities and patterns that promote pedestrian circulation and support public transit.
Central Business B CBB	

District	Purpose
Other Districts	
Civic District	To preserve existing buildings and uses that are open to the general public and owned and operated by a not-for-profit entity other than the City of Portsmouth.

C. In Article 4, amend Section 10.440 – Table of Uses – Residential, Mixed Residential and Industrial Districts, as follows:

1. Delete the column headed “CBA”.
2. In the column headed “CD4-L2”, change “N” to “S” for 7 specific uses, as follows:

Use	CD4-L2
3.70 Club, fraternal or service organization	N S
5.32 Retail bank	N S
7.20 Personal services	N S
7.30 Consumer services such as copy shop, bicycle repair, and pet grooming	N S
7.40 Trade, craft and general service establishments, such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers	N S
8.70 Manufacture of goods sold at retail on the premises, such as crafts, coffee roasting and bakery goods	N S
10.30 Inn	N S

3. In the header row, delete “CBB”, insert “CD4-W” below “CD4”, as follows:

CBB
CD5
CD4
CD4-W

D. In Article 5, amend Section 10.516 – Exceptions to Yard Requirements, as follows:

10.516.30 Corner Lot Vision Obstruction

On a corner lot, no structure, accessory structure, landscaping, or screening which obstructs visibility shall be erected or maintained between the heights of 2.5 feet and 10 feet above the edge of pavement grades within the area bounded by the sidelines of the intersecting street rights-of-way and a straight line joining points along said street sidelines 20 feet from the point of intersection of such sidelines or extensions thereof. This provision shall not apply in ~~the CBA and CBB districts~~ **Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.**

E. In Article 5, Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, delete the columns headed “CBA” and “CBB”.

F. In Article 5, delete Section 10.535 – Exceptions to Dimensional Standards in the Central Business Districts.

G. In Article 5, Section 10.590 – Minimum Distance Between Nonresidential Uses and Residential or Mixed Residential Districts, make the following changes:

1. In Section 10.591, insert the words “Gateway District” after the words “General Business District”, and replace the words “property zoned residentially” with the words “a parcel in a Residential or Mixed Residential district or Character District 4-L1.”
2. In Section 10.592.10, replace the words “Residential or Mixed Residential District” with the words “Residential or Mixed Residential district or Character District 4-L1” in both the introductory sentence and the table header row.
3. In the footnote to Section 10.592.10, replace the words “the Central Business A (CBA) or Central Business B (CBB) district” with the words “Character District 4 or 5 (CD4 or CD5) or the Downtown Overlay District.”
4. In Section 10.592.20, replace the words “Residential or Mixed Residential District” with the words “Residential or Mixed Residential district or Character District 4-L1” in both the introductory sentence and the table header row.

H. Amend Article 6, Section 10.640 Downtown Overlay District, as follows:

10.641 Establishment and Purpose

10.641.10 The Downtown Overlay District (DOD) is an overlay district applied to portions of the ~~Central Business A and Central Business B districts~~ and the Character districts. All properties located in the DOD must satisfy the requirements of both the DOD and the underlying districts.

10.641.20 The purpose of the DOD is to promote the economic vitality of the ~~central business district~~ **downtown** by ensuring continuity of pedestrian-oriented business uses along streets.

I. In Article 8, Section 10.830 – Business Uses, delete Section 10.831 – Waterfront Industrial District Adjacent to Central Business District.

J. Amend Article 8, Section 10.860 Hours of Operation, as follows:

10.861 The following uses are limited to operation during the times specified:

Use No.*	Use	District with time limitations	From	To
3.51	Performance facility, indoor	CBA, CBB, CD5, CD4, CD4-W, GB, GW, B	8 AM	11 PM
3.52	Performance facility, outdoor	CBA, CBB, CD5, CD4, CD4-W, GB, GW, B	4 PM	11 PM
8.111 8.121	Convenience goods 1 & Convenience goods 2	MRB, CBA, CBB, CD5, CD4, CD4-W, CD4-L2, GB, GW, B	6 AM	11 PM

* Refer to Section 10.440, Table of Uses.

K. Amend Article 11, Section 10.1120 Off-Street Loading, as follows:

10.1121 General Requirements

10.1121.10 ~~In all Business (except Central Business A and B), Airport, and Industrial districts, All new structures, additions to existing structures, and changes and intensification of use in existing structures shall be provided with off-street loading areas in accordance with this Section, except in Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.~~

10.1121.20 ~~No loading areas shall be required in the Central Business A and Central Business B districts~~ **Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.**

L. Amend Article 12, Section 10.1230 Sign Districts, as follows:

10.1231 The City is hereby divided into sign districts for the purpose of establishing standards for the number, type, size, location and illumination of signs. These sign districts are overlay districts. A property shall be subject to the regulations of both the sign district and the underlying zoning district.

10.1232 Unless otherwise specified by ordinance, the sign districts shall correspond to underlying zoning districts as follows:

Sign Districts	Underlying Zoning Districts
Sign District 3	Central Business A Central Business B Character District 4-W Character District 4 Character District 5

- M. Amend Article 15 Definitions, Section 10.1530 Terms of General Applicability, by inserting the following definitions in alphabetical order:

Garage

An area within a principal building that provides space for parking vehicles as an accessory use. Not synonymous with parking structure. (See also: parking lot, parking structure, underground parking level.)

Parking lot

A ground-level open area within a lot for parking vehicles as a principal use or accessory use. (See also: garage, parking structure, underground parking level.)

Parking structure

A structure containing multiple stories of parking as a principal use or accessory use. (See also: garage, parking lot, underground parking level.)

- N. Amend Article 15 Definitions, Section 10.1530 Terms of General Applicability, as follows:

Building footprint

~~The total area of a building, at or above 18 inches in elevation as measured from the outside walls at the grade plane,~~ **of a detached building, or of two or more buildings separated by fire walls, common walls or property lines.**

Workforce housing

~~Housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household; or rental housing which is affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this definition.~~ **A dwelling, or group of dwellings developed as a single project, containing workforce housing units, provided that a housing development that excludes minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this Ordinance.**

Character-Based Zoning – 2016 Revisions

Proposed Additional West End Zoning Changes

1/11/2016

(Parcels are listed by Assessors Map-Lot references)

From Character District 4-L1 (CD4-L1) to General Residence C (GRC)

126-27
126-28
126-31
126-32

From Mixed Residence Business (MRB) to General Residence C (GRC)

138-48	139-2	146-19
138-48-1	139-3	146-20
138-48-2	139-4	146-21
138-49	139-5	146-22
138-50	139-6	146-23
138-51		
138-52	144-40	147-22
138-54		147-23
138-55	145-14	147-24
138-56	145-19	147-25
138-57	145-20	147-26
138-58	145-21	147-27
138-59	145-29	147-28
	145-30	147-29
		147-30
		147-30A
		156-24
		156-35

From Business (B) to General Residence C (GRC)

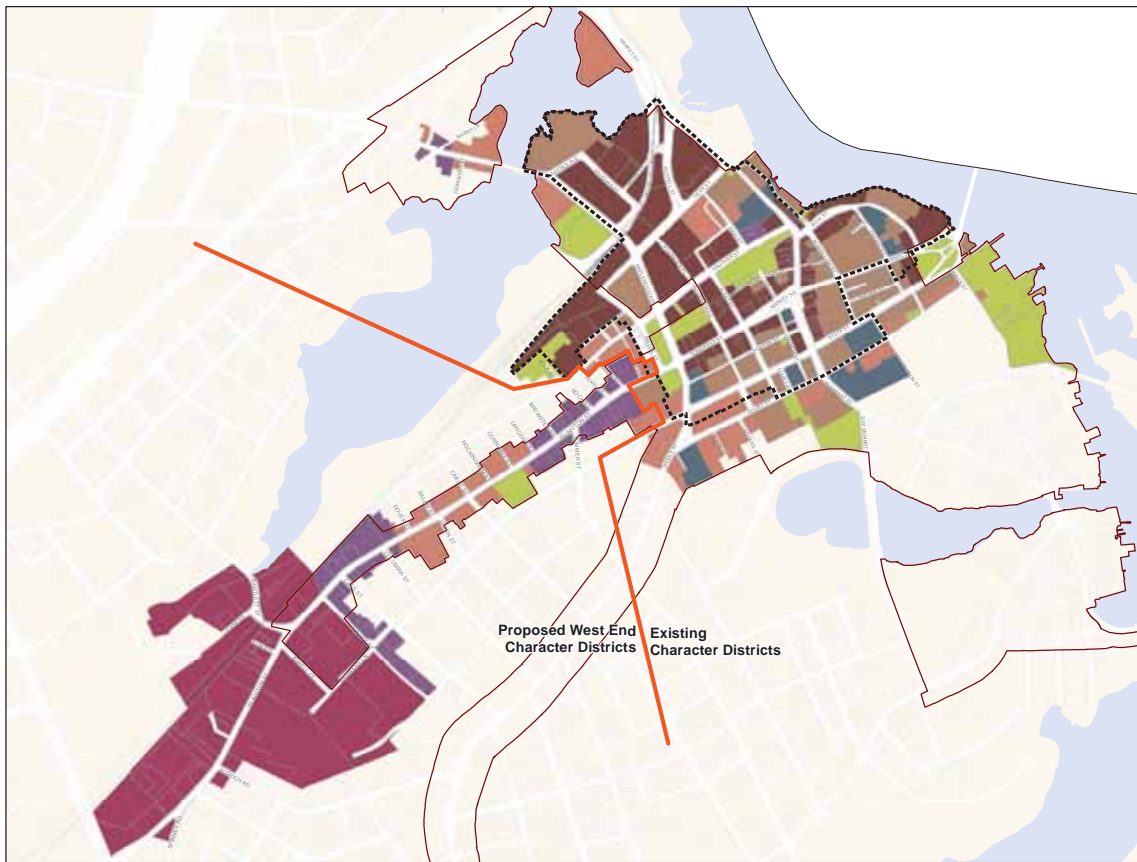
157-10
157-11
157-12
157-13
157-14

From Central Business B (CBB) to General Residence C (GRC)

138-34

Map 10.6A21A Character Districts and Civic Districts

First Reading - January 11, 2016



Legend

Downtown Overlay District

Historic District

Character Districts

CD5 Character District 5

CD4 Character District 4

CD4-W Character District 4-W

CD4-L1 Character District 4-L1

CD4-L2 Character District 4-L2

Civic District

Civic District

Municipal District

Municipal District

0 255 510 1,020 1,530 2,040 Feet
1 in = 700 ft

Map 10.6A21B Building Height Standards

First Reading - January 11, 2016



Legend

Height requirement area	Maximum building height*
1 Story	20'
2 Stories	35'
2 Stories (short 3rd*)	35'
2-3 Stories	40'
2-3 Stories (short 4th*)	45'
2-4 Stories	50'
2-4 Stories (short 5th*)	60'
2-5 Stories	60'

*Penthouse levels may exceed the building height by 2 feet.

1. A short story includes either: 1) use of a top story below the cornice line of a sloped roof that is at least 20% shorter in height than the story below; or 2) a story within a mansard roof with a pitch no greater than 30:12.

2. When a lot is assigned to more than one height requirement standard refer to the requirements listed in Section 10.5A21.22.

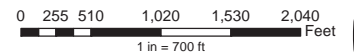
3. Attic space within either a gable, gambrel, Hip, or hip-top mansard roof or a penthouse level on a flat roof is not considered a story. Attic space is permitted above the top story provided the proposed building is no greater than the maximum building height.

|||| North End Incentive Overlay District

|||| West End Incentive Overlay District

The maximum building height within Incentive Overlay Districts may be increased pursuant to Section 10.5A47.

Between Maplewood Avenue and Russell Street, the boundary of the North End Incentive Overlay District is established at 100 feet from the mean high water line.



9

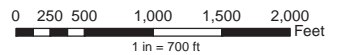
Map 10.6A21C Special Requirements for Façade Types, Front Lot Line Buildout, and Uses

First Reading - January 11, 2016



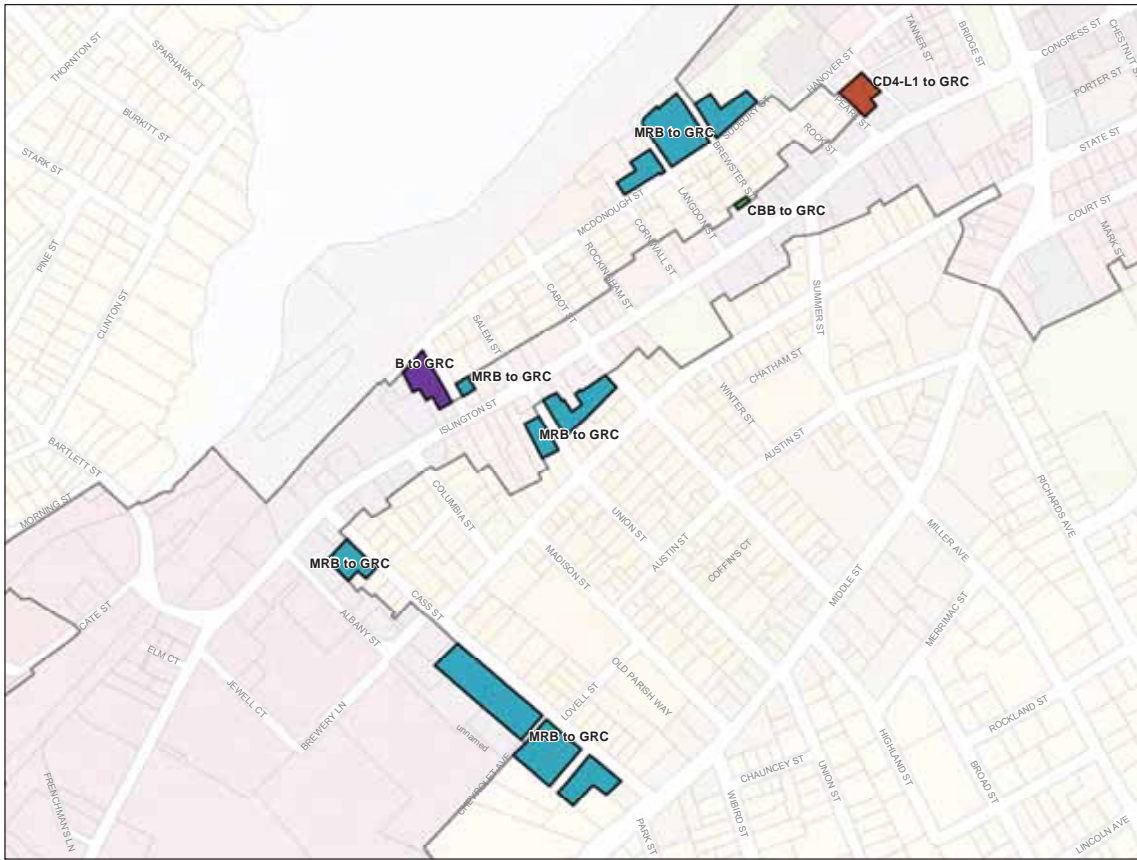
Legend

- Shopfront façade type
 - Step façade type
 - Officefront façade type
 - Waterfront Use Overlay
In addition to the uses permitted in the underlying Character districts, lots in the Waterfront Use Overlay shall also permit the following uses as set forth in Section 10.440: 9.60, 12.20, 12.22, and 12.40 (Section 10.5A35).
 - Waterfront lots on Ceres Street
For waterfront lots on Ceres Street, the maximum front lot line buildout shall be 50%, and buildings shall have a wood-sided appearance (Section 10.5A21.30).
- In addition to the uses permitted in Character District 4, waterfront lots on Ceres Street shall also permit the uses permitted in the Waterfront Industrial district as set forth in Section 10.440 (Section 10.5A36).



Additional West End Zoning Changes

First Reading - January 11, 2016

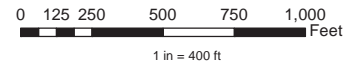


Legend

- Character districts area

Additional West End Zoning Changes

- Business to General Residence C
- Central Business B to General Residence C
- Character District 4-L1 to General Residence C
- Mixed Residential Business to General Residence C





American Foundation
for Suicide Prevention

December 18th, 2015

City of Portsmouth
Mayor's Office
1 Junkins Avenue
Portsmouth, NH 03801

Dear Honorable Mayor Lister and City Council Members;

The Portsmouth chapter of the AFSP Out of the Darkness Walk has hosted a fundraising and education walk since 2006 in Portsmouth. This event has grown to more than 600 walkers annually. In fact, in 2015 we had 670 walkers and raised \$70,000 to support local and state suicide prevention education as well as national research programs. We would like to continue the tradition and success of this program and are asking for permission to again host the Out of the Darkness Community Walk in the City of Portsmouth.

The proposed date and time is as follows;

Date: September 17, 2016 (Saturday)

Registration Begins: 8:30am

Walk Duration: 10am – Noon

The walk would begin and end on Pierce Island (see attached proposed walk route).

We would like to thank you for your consideration and look forward to your decision.

Respectfully,

Ken La Valley, Chair
OOTD Walk Committee
66 Hunter Lane
Barrington, NH 03825



American Foundation for Suicide Prevention

Proposed Walk Route (2.3 Miles)

Start: Pierce Island Outdoor Pool

To: Pierce Island Rd.

To: Left on Marcy St.

To: Left on Pleasant St.

To: Right on New Castle Ave.

To: Right on Junkins Ave.

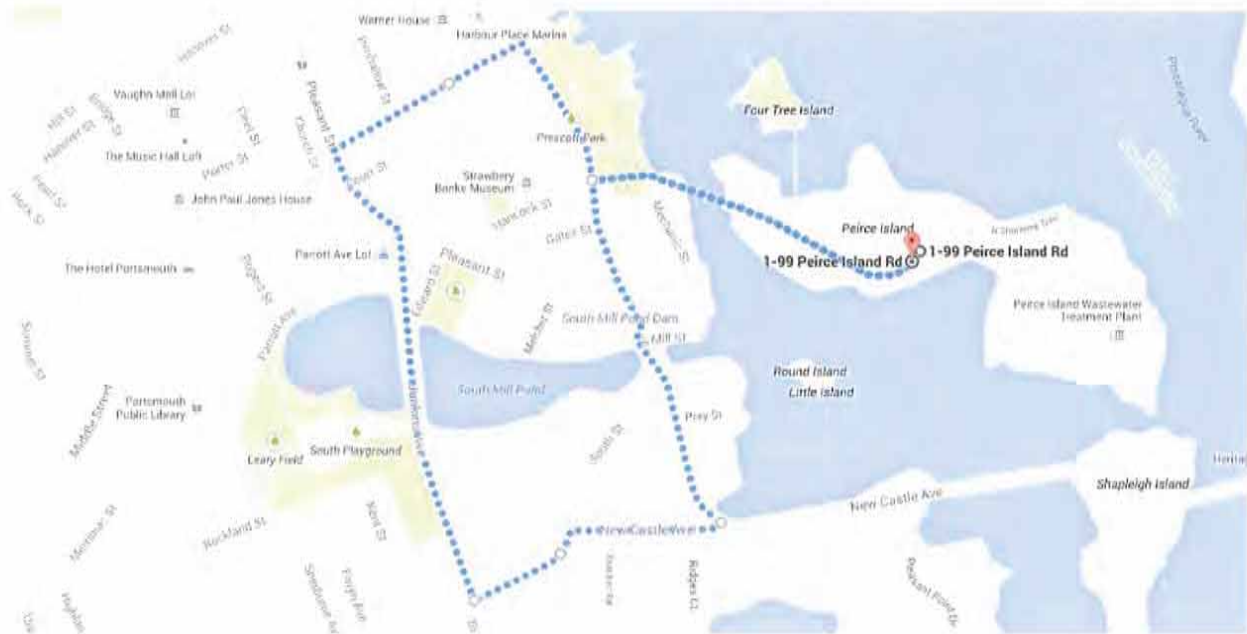
To: Left on Pleasant St.

To: Right on State St.

To: Right on Marcy St.

To: Left on Pierce Island Rd.

End: Pierce Island Outdoor Pool



M E M O R A N D U M

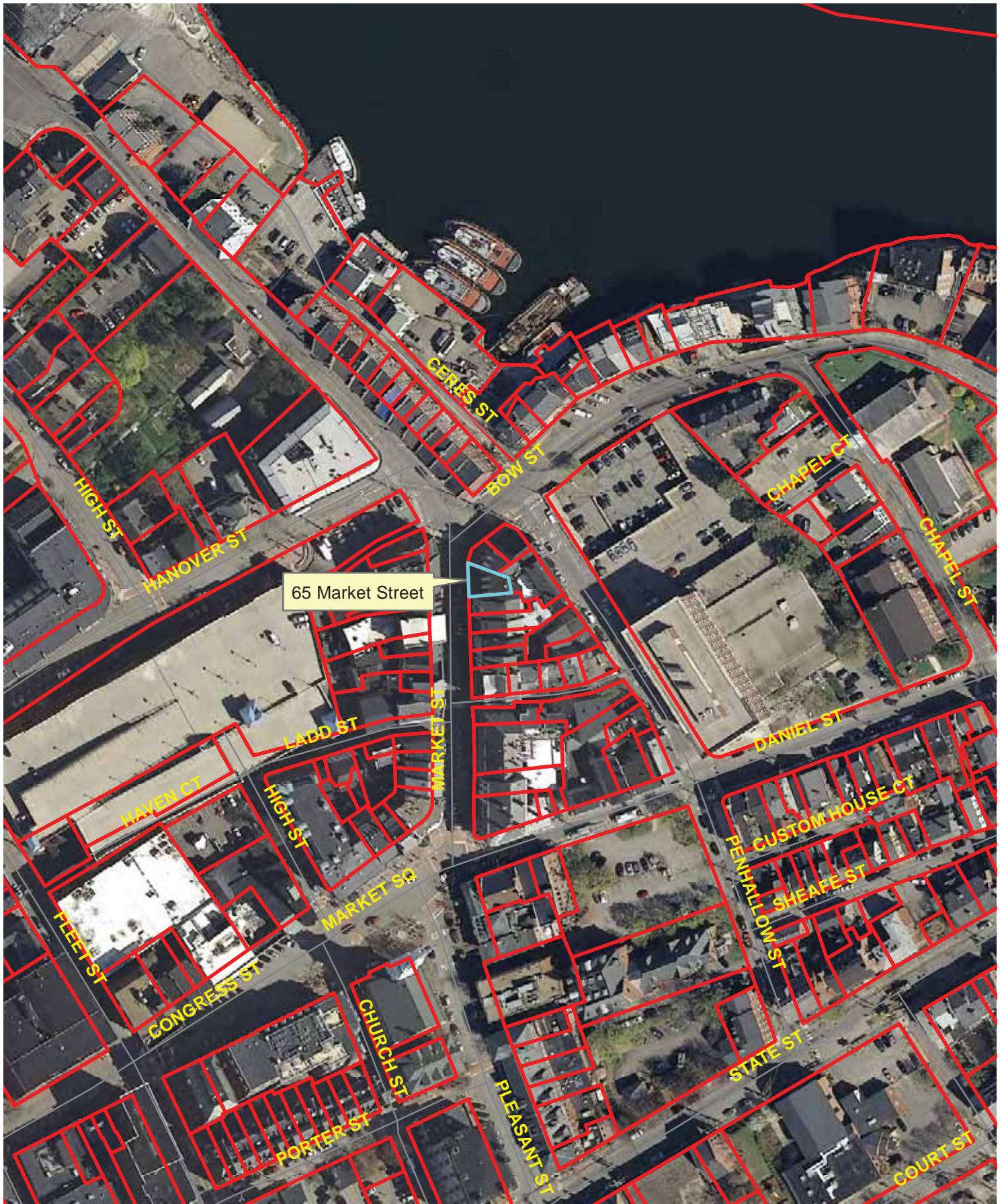
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: January 5, 2016
RE: City Council Referral – Projecting Sign
Address: 65 Market Street
Business Name: Prelude
Business Owner: Brie DeLise

Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 48" x 37"
Sign area: 12 sq. ft.
Height from sidewalk to bottom of sign: 7.7'

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:

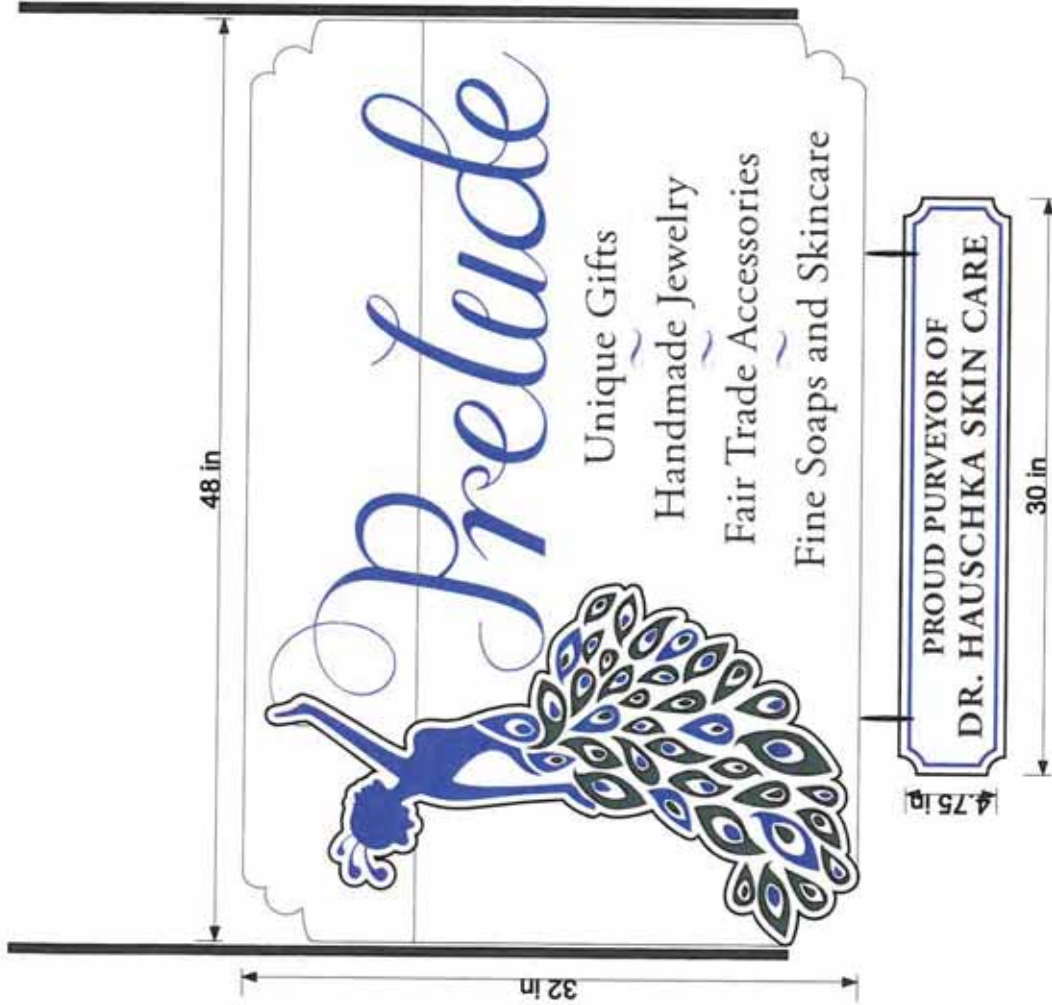
1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation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






Request for Projecting Sign License 65 Market Street

Prelude
Fine Soaps and Jewelry
65 Market Street
1 Projecting Sign





 <p>PortsmouthSign.com 603-436-0047</p>	<p>REVISION: All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.</p> <p>PLEASE NOTE: Designs are NOT actual size and color may vary depending on printer and/or monitor.</p>	<p>2/18/15</p> <p>I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.</p> <p>SIGNATURE: _____ Date: _____</p>	<p>Member of:</p>   <p>RETURN SIGNED TO: service@portsmouthsign.com</p>
<p>©COPYRIGHT 2015, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.</p> <p>Shop Use Only <input type="checkbox"/> Qty: <input type="checkbox"/> SS <input type="checkbox"/> DS <input type="checkbox"/></p>		<p>Materials: _____ Vinyl Color: _____ Other: _____</p> <p>Background Color: _____ HP <input type="checkbox"/> Int <input type="checkbox"/></p>	





AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

6 January, 2016

Honorable Mayor Blalock and City Council Members
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

**RE: Request for Licenses for Site Redevelopment
Property located at 40 Bridge Street**

Dear Mayor Blalock:

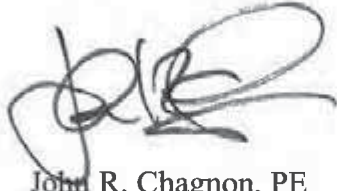
Please accept this letter, on behalf of Tanner Bridge Development LLC, for a request to use City property under a license. The site redevelopment at 40 Bridge Street received Planning Board Site Plan Approval on October 15, 2015 for construction of a three story mixed use development building. There are three areas where licenses are being requested;

- 1) The building's exterior wall is proposed to be constructed at the property line with the City (0' setback) along the frontage of Bridge Street, as allowed by the Zoning Ordinance. The buildings footing will therefore project approximately 18 inches into the City's right of way. This projection will be below grade.
- 2) Some utility improvements are needed to provide services to the building. The building will require that a new electrical duct bank be constructed within Bridge Street from the intersection of Hanover Street to the site.
- 3) The full width of the sidewalk as well as the parking along the frontage of the property is proposed to be used as a staging area during construction. A temporary license is being requested for this use.

We understand the need to obtain City Council approval in the form of a license for the three areas described. Attached are two plans showing the Proposed License Areas. The first plan shows the electrical duck bank area. The electrical duct bank area license would be issued to Eversource. The second plan shows the license areas needed by the developer which would be issued to Tanner Bridge Development, LLC. Approval of a license, at each of these locations, is hereby requested.

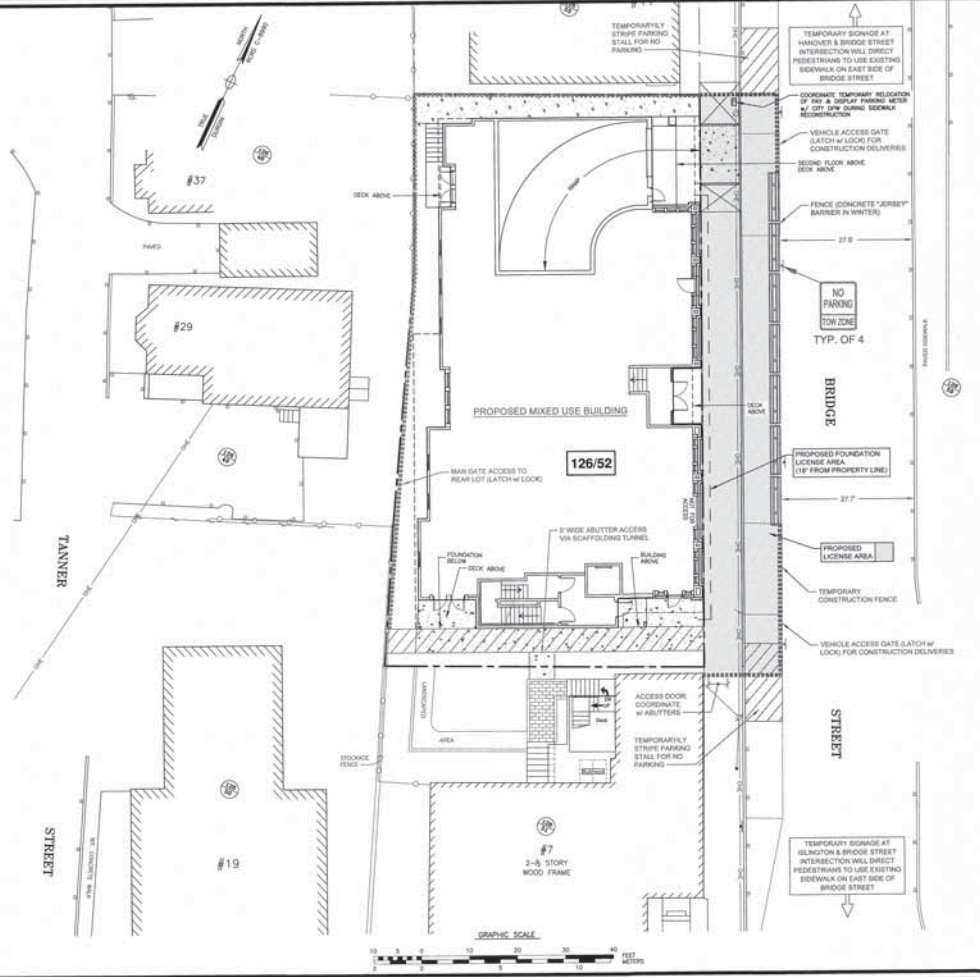
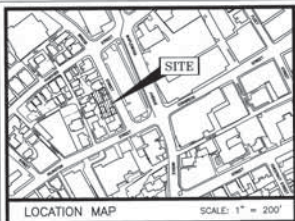
Please feel free to contact me if you have any questions or comments. We would be glad to meet you or City staff to explain the proposal in detail, if needed.

Sincerely,

A handwritten signature in black ink, appearing to read 'JRC', with a large, stylized flourish at the end.

John R. Chagnon, PE

CC: Rick Taintor, City of Portsmouth Planning Director
David Allen, PE, City of Portsmouth Assistant City Manager
Michael Busby, Eversource
Michael Whitcher, Whitcher Builders
Anthony Dilorenzo, Tanner Bridge Development, LLC

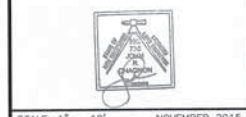


AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 49th Street - Suite 3
 Portsmouth, N.H. 03801-7114
 Tel: (603) 438-5588
 Fax: (603) 438-2822

- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 126 AS LOT 52.
 - 2) OWNER OF RECORD: TANNER BRIDGE DEVELOPMENT, LLC, 349 U.S. HIGHWAY 1 BLDG 3 PORTSMOUTH, N.H. 03801 483/150 2-14839
 - 3) PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C02294E, EFFECTIVE MAY 13, 2005.
 - 4) LOT AREA: 2,425 S.F. 0.1705 ACRES
- 5) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED LICENSE AREA (FOR SITE CONSTRUCTION) AT 40 BRIDGE STREET.

**PROPOSED MIXED USE BUILDING
 40 BRIDGE STREET
 PORTSMOUTH, N.H.**

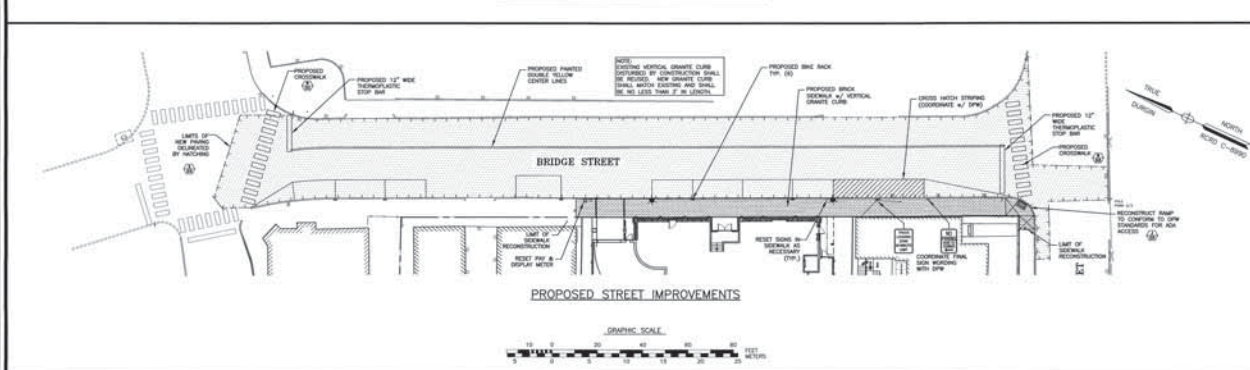
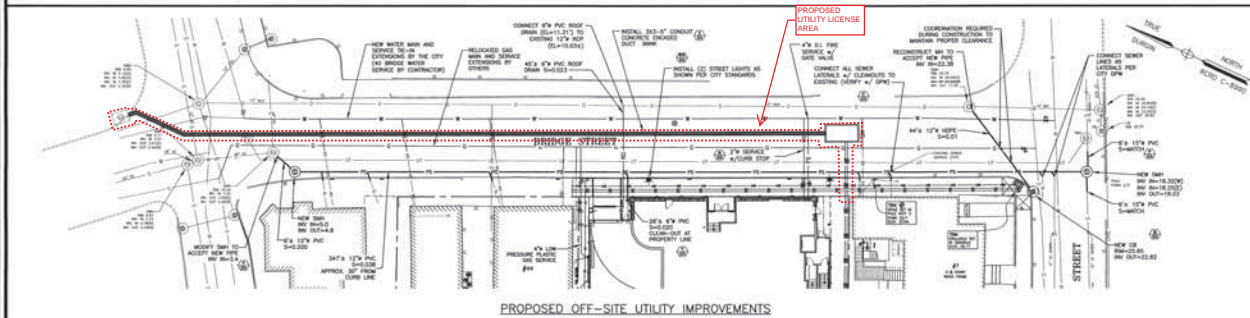
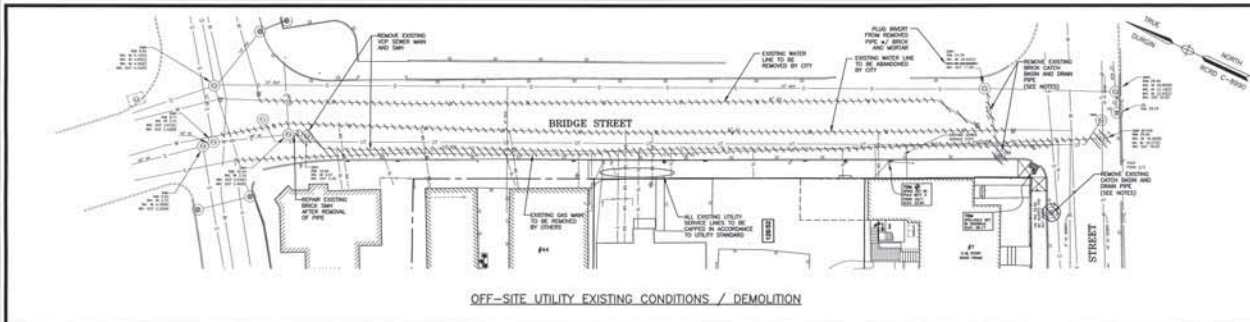
NO.	DESCRIPTION	DATE
1	FOUNDATION LICENSE	12/21/13
0	ISSUED FOR COMMENT	11/25/13



SCALE: 1" = 10' NOVEMBER 2015
CITY LICENSE PLAN **C1**

C:\Users\jcham\Documents\Projects\131114\131114_0101.dwg, 11/27/15 10:00:00 AM

- NOTES:**
1. THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
 2. UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 3. CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, DESIGN AND EROSION CONTROL DURING CONSTRUCTION (MARCH DECEMBER 2008).
 4. ACTUAL LIMITS OF WATER MAIN DEMOLITION AND RECONSTRUCTION SHALL BE DETERMINED BY PORTSMOUTH DEPARTMENT OF PUBLIC WORKS. LOCATIONS ON THIS PLAN ARE APPROXIMATE.
 5. PVC PIPE SHALL BE 30#-35 UNLESS OTHERWISE NOTED.
 6. HOSE PIPE SHALL BE 80-12 WITH SPLIT-JOINT JOINTS UNLESS OTHERWISE NOTED.
 7. FIRE SERVICE LINE SHALL BE CLASS DUCTILE IRON UNLESS OTHERWISE NOTED.
 8. REPAIR CURBS AS NECESSARY IF DAMAGED BY REMOVAL OF CATCH BASIN.
 9. CURB REPAIR AND RESURFACING SHALL BE COORDINATED WITH PORTSMOUTH DPW.
 10. EXISTING UTILITY CONNECTIONS SHALL BE REMOVED IN THEIR ENTIRETY AS INDICATED UNLESS THEY ARE TO BE REUSED. SHALL BE CUT & CAPPED. CONTRACTOR TO COORDINATE.
 11. TERMINATE AND CAP ALL NEW SERVICES FOR FINAL CONNECTIONS. CONTRACTOR SHALL COORDINATE STREET AND SIDEWALK CLOSINGS WITH CITY OF PORTSMOUTH AND COMPLY WITH THE APPROVED CONSTRUCTION MANAGEMENT PLAN AND LOGGING PLAN.
 12. CITY TO MONITOR CONSTRUCTION WITHIN STREET RIGHT-OF-WAY INCLUDING SEWER AND WATER REPAIRS. CONTRACTOR TO COORDINATE WITH SEWER DEPARTMENT AND PROVIDE A MINIMUM OF 24 HOURS NOTICE.
 13. CONTRACTOR SHALL NOT DISTURB OR DISRUPT ANY WATER OR SEWER SERVICE WITHOUT PERMISSION FROM THE PORTSMOUTH DPW.
 14. ALL TRENCHES WITHIN EXISTING PAVED LIMITS TO BE COMPACTED TO SIZE OF STANDARD PROCTOR COMPACTION AND TEST RESULTS SHALL BE PROVIDED TO THE CITY THAT SHOW COMPLIANCE.
 15. ALL TRENCHES SHALL BE TEMPORARILY FISHED FLUSH WITH 18 MM BINDER THAT MATCHES THE DEPTH OF THE ADJACENT PAVEMENT. UPON COMPLETION OF ROADWAY WORK, CONTRACTOR SHALL GRIND 1.5" OF PAVEMENT OVER THE ENTIRE STREET CROSS-SECTION TO LIMITS SHOWN AND PAVE WITH 12.5 MM HOT-MIX PAVEMENT PER CITY SPECIFICATIONS. APPROX. STORAGE IS 120 TONS. GRADINGS ARE TO BECOME THE PROPERTY OF THE CONTRACTOR.
 16. FINAL PAVED GRADINGS ARE INTENDED TO MATCH EXISTING PAVEMENT GRADINGS, PLUS OR MINUS ONE-HALF INCH OF TOLERANCE (±1/2"). CONTRACTOR IS REQUIRED TO RECORD EXISTING GRADINGS PRIOR TO THE START OF WORK.
 17. OFF-SITE IMPROVEMENTS TO BE COMPLETED BY THE CITY MAY NOT BE COMPLETED PRIOR TO PROJECT CONSTRUCTION. THIS PROJECT WILL CONSTRUCT THE IMPROVEMENTS IF NEEDED.



PROPOSED MIXED USE BUILDING 40 BRIDGE STREET PORTSMOUTH, N.H.

1	ISSUED FOR COMMENT	9/15/13
2	ROOF DRAIN IMPROV	9/24/13
3	DETAIL X/20, ELEC. SVC. DOWN CONDUIT, BIKE RACK	10/7/13
4	ADDED FROM STREET LIGHT POLES	11/27/13
5	ADDED ELECTRICAL DUCT BANK AND MANHOLE	12/27/13

NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	9/15/13
2	ISSUED FOR COMMENT	9/15/13
3	ISSUED FOR APPROVAL	9/15/13




SCALE: 1"=20' JULY 2015

CITY LICENSE PLAN
ELECTRIC DUCT BANK

C5

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: January 7, 2016
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on January 11, 2016 City Council Agenda

Work Session:

6:00 p.m.

1. **FY17 Budget Process and Proposed Budget Guidelines.** On Monday evening, I am requesting a Work Session at 6:00 p.m. to discuss the FY17 Budget process and proposed budget guidelines. In November 2015, former Mayor Robert Lister re-established the Joint Budget Committee (JBC). The JBC is established for the purposes of advising the City Manager and the City Council on issues pertaining to the development of the Annual Budget.

7 Voting Members

- Chair, Mayor Jack Blalock
- (2) City Councilors – Eric Spear and Brad Lown
- (2) School Board Members - Thomas Martin and Ann Walker
- (1) Fire Commission Member – Jennifer Matthes
- (1) Police Commission Member – Joseph Onosko

5 Non-voting Ex-officio Members

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

Charge of the JBC

- The JBC shall advise the City Manager and City Council on the adoption of guidelines for the preparation of the proposed FY17 budget by January 11, 2016.
- City Staff will provide information to the Committee on factors impacting the development of the municipal budget.
 - Health Insurance rates
 - Retirement rates
 - Contractual Obligation impacts
 - Any and all other costs which would impact the Operating Budget
- JBC Agenda Format
 - Anticipated to have one meeting a month from September through March
 - Agenda to be put together by the Mayor and City Manager with input from various departments and elected officials
 - At the beginning of each meeting, opportunity for any elected official to bring up a topic and speak to it
 - At the end of each meeting, opportunity for citizens to speak
- The Committee shall not assume responsibilities of the City Manager or the City Council as outlined in the City Charter.

On Thursday, December 17, 2015 after reviewing the FY 2017 budget projections, the JBC is recommending to the City Council a goal for the Operating Budget by no more than 3% increase in FY17.

At the Work Session on Monday evening, Judie Belanger, Finance Director, and I will present salient points within the budget process as well as estimated budget numbers for Fiscal Year 2017. [I have attached the PowerPoint that we will be presenting, which includes the proposed budget guidelines on Page 22 of the Presentation.](#)

Presentation:

1. **Update Re: 165 Deer Street (New Municipal Parking Garage).** On Monday evening, David Allen, Deputy City Manager, and Robert P. Sullivan, City Attorney, will give an update to the City Council regarding the status of the 165 Deer Street proposed new municipal parking garage.

As you will recall, there are two outstanding issues that staff has continued to work on prior to providing a recommendation to enter into a Purchase and Sales Agreement for the Deer Street property. The first is the real estate title for the property and the second being the environmental concerns associated with the property as a result of its previous industrial use.

There has been significant progress on the title research. Outside legal counsel is in the process of performing a final review of the voluminous information related to the property history of these parcels. Additionally, they have also begun working with the title insurance company on preparing a policy for the City.

In addition, work has continued on assessing the environmental conditions of the property. Further, we continue to work with our environmental consultant and the seller, and will be meeting with Department of Environmental Services (DES) to further identify the cost impacts. The seller has agreed to escrow up to \$200,000 of the sale price to be used towards offsetting the impacts of the environmental conditions of the property.

Staff continues to work towards having drafts of the Purchase and Sales Agreement, as well as a Post Closure Obligation Agreement prepared for the City Council meeting of January 25, 2016.

Acceptance of Grants and Donations:

1. **Acceptance of Donation to Fire Department Re: Kearsarge Restoration Project.** The City of Portsmouth Fire Department has received a donation in the amount of \$500.00 from Newburyport Bank for the Kearsarge Restoration Project ([see attached informational pamphlet on the inside cover of your packet](#)).

I recommend the City Council move to accept and approve the donation from Newburyport Bank for the Kearsarge restoration project, as presented. Action on this matter should take place under Section VII of the Agenda.

2. **Approval and Acceptance of Donation Re: Bench.** The City of Portsmouth has received a donation in the amount of \$1,850 for the purchase and installation of a bench in Market Square.

Therefore, I am recommending the City Council move to approve and accept the donation for a bench, as presented. Action on this matter should take place under Section VII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **First Reading of Proposed Ordinances.**

Below are two proposed Ordinances amending Chapter 10 – Zoning Ordinance - Manufactured Housing Parks and Wetland Protection Plans. This amendment has been drafted specifically to address zoning issues at the Hillcrest Estates manufactured housing park, but will also pertain to the other City park, Oriental Gardens. (A third park, Snug Harbor off Woodbury Avenue, is not zoned for the manufactured housing park use and does not contain a wetland buffer area.) [Attached is a memorandum from Rick Taintor, Planning Director](#), outlining the background and the Planning Board recommendation of December 17, 2015 that the proposed amendments be enacted.

- 1.1 **First Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 4, Section 10.440 Table of Uses – Residential, Mixed Residential and Industrial Districts – Use 170 Manufactured housing park, Supplemental Regulations 10.814.** Under Section VIII of the Ordinance, the [attached proposed Ordinance](#) will amend the Chapter 10 – Zoning Ordinance as follows:

Amend Chapter 10 – Zoning Ordinance, Article 5, Section 10.521 – Table of Dimensional Standards – Residential and Mixed Residential Districts as follows: Minimum Yard Dimension, Maximum Structure Dimensions,

Amend Chapter 10 – Zoning Ordinance, Article 8 – Section 10.810 – Residential and Institutional Residence or Care Uses by adding the following – 10.814 – Manufactured Housing Park Dimensional Standards

Amend Chapter 13 – Mobile Home Ordinance by deleting it in its entirety

I recommend the City Council move to pass first reading and schedule a public hearing and second reading the proposed Ordinance at the January 25, 2016 City Council meeting, as presented. Action on this matter should take place under Section VIII of the Agenda.

- 1.2 **First Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1016 – Permitted Uses by addition Uses, activities and alterations are permitted in wetlands and wetlands buffers.** Under Section VIII of the Agenda, the [attached proposed Ordinance](#) will amend the Chapter 10 – Zoning Ordinance as follows:

Amend Article 10, Section 10.1017 – Conditional Uses by adding the following – Wetland Protection Plan

Amend Article 15, Section 10.1530 – Terms of General Applicability, by inserting the following new terms and definitions – Impervious Surface

I recommend the City Council move to pass first reading and schedule a public hearing and second reading the proposed Ordinance at the January 25, 2016 City Council meeting, as presented. Action on this matter should take place under Section VIII of the Agenda.

1.3 **First Reading of Ordinance amending Chapter 10 – Zoning Ordinance Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated January 11, 2016.** Under Section VIII of the Agenda, [attached for first reading](#) are the following documents relating to the extension of character-based zoning to the West End:

- A one-page ordinance incorporating all the proposed zoning amendments;
- A proposed revision to Article 5A – Character Districts (40 pages);
- A set of “conforming amendments” to other sections of the Zoning Ordinance (6 pages);
- A list of additional proposed zoning changes for 52 lots adjacent to the proposed Character districts in the Islington Street corridor and West End (1 page); and
- A set of 4 maps showing proposed amendments to the Zoning Map. The first three maps are revisions to the existing Regulating Plan for the Character districts, extending character-based zoning down Islington Street to the West End, while the fourth map shows the 52 additional lots proposed for rezoning.

The proposed amendment to Article 5A incorporates the following substantive revisions:

1. A new Character District 4-West End (CD4-W) is established, based on and similar to the CD4 district in the downtown. The development standards for this district are set forth in Figure 10.5A41.10B on pages 5A-11 through 5A-13. In addition, Section 10.5A30 prohibits ground floor residential uses in this district, similar to the Downtown Overlay District.

The primary differences between the CD4-W district in the West End and the CD-4 district in the downtown pertain to the requirements for off-street parking, density, lot coverage and open space. In particular, the lack of public off-street parking facilities in the West End means that the standards for density, lot coverage and open space must reflect the need to provide off-street parking primarily on private development parcels.

2. The proposed amendment recognizes a new “recessed entry” façade type (see Figure 10.5A43, page 5A-27). This is an existing building façade type found in Portsmouth’s older neighborhoods, and it has been added as a permitted façade type along Islington Street, in the West End, and in other areas outside the Downtown Overlay District.
3. The proposed amendment increases the maximum building footprints in the CD4 and CD5 districts to reflect the historic land use patterns and building footprints in these areas of the downtown, as well as the concepts illustrated in the Vision Plans that TPUDC developed based on the Community Design Charrettes for both the North End and the West End. It is proposed to increase the maximum building footprint in the CD4 district from 10,000 sq. ft. to 20,000 sq. ft. and in the CD5 district from 15,000 sq. ft. to 30,000 sq. ft.

4. The proposed amendment allows ground-level building footprints to be increased to 30,000 sq. ft. in the CD4 and CD4-W districts, and to 40,000 sq. ft. in the CD5 district, where necessary to accommodate parking on a ground floor or underground level (see Sections 10.5A43.42 and 10.5A43.43). In such cases, any above-ground parking requires a liner building along each street frontage, and all stories of the building above ground floor or underground parking levels (including the liner building) shall meet the maximum building footprint required for the Character district.
5. An exemption has been added to allow off-street parking to be located in front of single- and two-family structures (Section 10.5A44.31).
6. Incentives to the development standards have been added for the West End in order to encourage property owners to include workforce housing or community spaces such as pocket parks or plazas within a development (Section 10.5A47).

In addition to these substantive revisions, the proposed zoning amendments implement a number of minor housekeeping amendments intended to clarify existing provisions or correct inconsistencies in the Zoning Ordinance. In keeping with the changes enacted in August 2015, a number of definitions are moved from Article 5A to the general definitions chapter in Article 15.

These proposed amendments will be presented to the Planning Board at its January 21, 2016 meeting, and the Board will hold a public hearing at its meeting on February 18, 2016. Concurrently with the Planning Board review, Portsmouth Listens will hold a series of Study Circles meetings to review the proposed zoning changes, beginning with a kick-off event on the evening of January 20, 2016; and it is anticipated that the findings from this process will be presented to the Planning Board and City Council in mid-March. To accommodate this timetable, I recommend that the City Council defer the public hearing on the proposed amendments until the Council meeting on March 21, 2016.

At Monday's City Council meeting, the Planning Director will provide an overview of the proposed zoning changes and give more detailed presentations at the Planning Board and City Council public hearings.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the March 21, 2016 City Council meeting, as presented. Action on this matter should take place under Section VIII of the Agenda.

Consent Agenda:

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

➤ Brie DeLise, owner of Prelude for property located at 65 Market Street

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

City Manager's Items Which Require Action:

1. **Elderly and Disabled Exemptions.** Annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions pursuant to RSA 72:39-b and RSA 72.37-b and makes recommendations as to these levels.

Last year, the City Council adopted resolutions #3-2015 and #4-2015 which increased the income and asset levels for both the elderly and disabled exemptions by the Social Security cost of living adjusting for 2015 of 1.7% from the previous year. The current elderly and disabled exemption income levels are \$36,311 for a single taxpayer, \$44,793 for married taxpayers, and an asset limit of \$121,039.

If qualified, for elderly taxpayers, the exemption off the assessed value of the property is as follows:

- Age 65 to 74 \$125,000
- Age 75-79 \$175,000
- Age 80 + \$225,000

If qualified, for disabled taxpayers the exemption off the assessed value of the property is \$100,000.

As discussed during the 2015 revaluation process, a recommendation would be brought forward to the City Council to increase both the income level and asset limit for the elderly and disabled exemption. Attached is a Town/City comparison indicating what other City and neighboring communities' income and assets limits are for the elderly exemption. I would recommend that the income and asset limit be for both the elderly and disabled exemption be increased for the 2016 tax year or FY17 as follows:

- Single \$ 40,000 increase of \$ 3,689
- Married \$ 55,000 increase of \$10,207
- Asset Limit \$175,000 increase of \$53,961

The exemption off the assessed value of the property would remain the same as indicated.

Any adjustment if approved would be for assessments as of April 1, 2016 for the 2016 tax year or FY17.

The Assessor's office mails a notification annually to all elderly and disabled persons who currently receive this exemption to update their applications. All new applicants must submit an application and required documentation by April 15th of each year.

If the City Council wishes to make any adjustments in these exemptions, it would require an amendment to these resolutions as well as first reading, a public hearing and a majority vote of the City Council. If no adjustment, income and asset limits would remain at their current levels. I have also attached for your information the tax impact of the elderly and disabled exemptions for FY16.

I recommend the City Council move to authorize the City Manager to proceed with the proposed increase of both the income and asset limits for the elderly and disabled exemptions, and further, move to authorize the City Manager to bring the Resolutions back for first reading at the January 25, 2016 City Council meeting, as presented. (This requires two readings and a public hearing.)

2. **Adoption of Certificate of Authorizing Resolution Re: HealthTrust, Inc. Application and Membership Agreement.** Annually, the City Council is required to act on the [attached Certificate of Authorizing Resolution](#) from HealthTrust in accordance with RSA 5-B:3(I), which requires any political subdivision of the state entering a pooled risk management program agreement to do so by resolution of its governing body.

In order to comply with this requirement, HealthTrust requires that the Portsmouth City Council formally adopts the necessary resolution authorizing the City to execute HealthTrust's new Membership Agreement.

I recommend the City Council move to adopt the HealthTrust, Inc. Application and Membership Agreement, and further, authorize and direct the City Manager to execute and deliver to HealthTrust, on behalf of the City of Portsmouth, the "Application and Membership Agreement", as presented.

3. **Sidewalk Permit Request Re: 195 State Street.** CCI, Inc. was granted a sidewalk encumbrance permit in early December to begin its renovation work on the second and third floors of 195 State Street which includes window replacement. [See attached sketch](#) of the encumbered area. Encumbrance permits are generally issued for no more than 30 working days; consequently, CCI requires a license agreement to continue to encumber the sidewalk to complete its work.

By letter dated December 23, 2015, [see attached, CCI, Inc.](#) requests that the City Council grant it a license to encumber the sidewalk through March 4, 2016.

Staff has no objection to the grant of a license provided that it includes terms and conditions similar to those already contained in the encumbrance permit which includes protection of pedestrians, clean up of debris, payment for metered parking spaces used, and related conditions. The Legal Department will approve the form of the license.

I recommend the City Council move to authorize the City Manager to enter into a License with CCI Inc. to facilitate the completion of renovation activities at 195 State Street.

4. **Interim Police Chief Agreement.** The Police Commission has requested that the City Council act on the [attached Employment Agreement](#) between Interim Police Chief David Mara and the City of Portsmouth Police Commission. A representative of the Police Commission will be present to answer any questions that City Council may have regarding this matter.

Action on this matter is required.

5. **Polling Hours for February 9, 2016 Presidential Primary Election.** [Attached is a memorandum from Kelli L. Barnaby, City Clerk](#), recommending that the polling hours for the Presidential Primary Election on February 9, 2016 be set from 8:00 a.m. to 7:00 p.m.

I would recommend the City Council move to set the polling hours from 8:00 a.m. to 7:00 p.m. for the Presidential Primary Election on February 9, 2016.

Informational Items:

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

Elderly Exemption Comparison Sorted by Single Asset Limit

	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Rochester	\$31,400	\$41,500	\$50,000	\$50,000	\$48,000	\$84,000	\$108,000
Stratham	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Somersworth	\$30,000	\$45,000	\$80,000	\$80,000	\$45,000	\$50,000	\$55,000
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$72,818	\$118,420	\$202,124
Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Portsmouth	\$36,311	\$44,793	\$121,039	\$121,039	\$125,000	\$175,000	\$225,000
Greenland	\$35,000	\$50,000	\$125,000	\$125,000	\$90,000	\$115,000	\$145,000
Nashua	\$36,000	\$46,000	\$125,000	\$125,000	\$155,000	\$180,000	\$225,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
Dover	\$38,000	\$52,000	\$155,000	\$155,000	\$107,000	\$149,000	\$191,000
North Hampton	\$40,000	\$55,000	\$175,000	\$175,000	\$120,000	\$160,000	\$200,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$120,000	\$150,000	\$178,000

Elderly & Disabled Exemption Impact

Exemption Type	Exemption Amount	Number Currently Receiving Exemption	Value Loss	Revenue Loss
65 through 74	\$ 125,000.00	32	\$ 4,000,000.00	\$ 67,160.00
75 through 79	\$ 175,000.00	30	\$ 5,250,000.00	\$ 88,147.50
80 and over	\$ 225,000.00	62	\$ 13,950,000.00	\$ 234,220.50
Disabled	\$ 100,000.00	6	\$ 100,000.00	\$ 10,074.00
Totals		146	\$ 23,200,000.00	\$ 399,602.00

Note: The current tax rate of \$16.79 would be decreased to \$16.71 a difference of 8 cents on the current tax rate if the elderly and disabled exemptions were not granted.

EXHIBIT A

CERTIFICATE OF AUTHORIZING RESOLUTION

I hereby certify to *HealthTrust, Inc.* ("HealthTrust"), that the following is a true copy of a resolution adopted by the Governing Body of City of Portsmouth at a meeting duly held on January 11, 2016 [Date].

RESOLVED: That City of Portsmouth shall participate as a Member in the HealthTrust pooled risk management program for the provision of group medical and/or other benefit plans in accordance with the "Application and Membership Agreement" and NH RSA 5-B.

RESOLVED: That John P. Bohenko, City Manager [Name/Title] is hereby authorized and directed to execute and deliver to HealthTrust, on behalf of City of Portsmouth, the "Application and Membership Agreement" in substantially the form presented to this meeting.

I further certify that the foregoing resolution remains in full force and effect without modification.

APPLICANT: CITY OF PORTSMOUTH

Date: _____

By: _____
Duly Authorized

Name: _____

Title: _____



HEALTHTRUST, INC.
APPLICATION AND MEMBERSHIP AGREEMENT

City of Portsmouth

This Application and Membership Agreement ("Membership Agreement") is made by and between City of Portsmouth ("Applicant") and HealthTrust, Inc., a New Hampshire voluntary corporation ("HealthTrust"), effective as of July 1, 2015 ("Effective Date"). This Membership Agreement sets forth the terms and conditions of Applicant's membership and/or continuing membership in HealthTrust.

Preamble

HealthTrust is a pooled risk management program operating pursuant to RSA 5-B and offering its member political subdivisions the opportunity to participate in its Coverage Programs and related services including, but not limited to, group medical, dental, short-term disability, long-term disability, and life coverages.

Applicant is eligible and wishes to become or remain a Member of HealthTrust and participate in certain Coverage Programs offered by HealthTrust and therefore is entering this Membership Agreement.

Agreement

Applicant and HealthTrust hereby mutually agree as follows:

1. **Application.** Applicant applies for membership (including continuing membership if applicable) in HealthTrust for the provision of group medical and/or other benefit plans as may be selected by Applicant from time to time.
2. **Eligibility.** Applicant hereby represents and warrants to HealthTrust that Applicant is an entity eligible for membership in HealthTrust in accordance with the HealthTrust Bylaws.
3. **Contingent on Acceptance.** Applicant understands and agrees that its membership in HealthTrust is contingent on HealthTrust's acceptance and execution of this Agreement.
4. **Governing Provisions.** Applicant shall be bound by the provisions of this Membership Agreement, the HealthTrust Articles of Incorporation, Bylaws, Rules, any applicable Coverage Documents, and any other agreements pursuant or incident thereto, all as amended and in effect from time to time (known collectively in the Bylaws as the "Operative Documents"). Applicant acknowledges receipt of the HealthTrust Bylaws.
5. **Member Rights.** As a Member, Applicant will have the rights provided in the Operative Documents including, without limitation, the right to participate in HealthTrust's Coverage Programs and the right to vote for the HealthTrust Board of Directors at annual meetings of the Members. Applicant acknowledges that pursuant to the current HealthTrust Bylaws, the person serving as the top administrative official of Applicant, or his or her designee, shall be entitled to cast a vote on behalf of Applicant at any meetings of the Members of HealthTrust unless and until

Applicant's Governing Board appoints, by resolution, a different representative to cast such a vote prior to the meeting(s) to which the designation relates.

6. **Selection of Coverage Programs and Services.** Subject to the terms and conditions of the Operative Documents, Applicant may select and periodically change the Coverage Programs and related services in which Applicant participates without amending this Membership Agreement. Applicant's participation (or continuing participation) in any of the Coverage Programs and/or related services is subject to:

- (a) The proper and timely completion and execution by an authorized representative of Applicant of the documents, agreements, and forms for such participation as required by HealthTrust, and
- (b) The policies, procedures, guidelines and Operative Documents that apply to any selected coverages including, without limitation, any applicable minimum participation requirements for such Coverage Program.

7. **Contributions.** Applicant agrees to pay in a timely manner all Contributions required to participate in HealthTrust and/or the applicable Coverage Programs pursuant to the terms of the Operative Documents.

8. **Surplus.** Applicant hereby acknowledges and agrees that any distribution of surplus, or a Member's rights thereto, shall be governed by the applicable terms of the HealthTrust Bylaws and/or other Operative Documents, as they may be amended from time to time. Applicant further agrees that HealthTrust may first apply any surplus due to Applicant to pay any unpaid and overdue Contributions or other amounts owed by Applicant to HealthTrust prior to returning the balance remaining of such surplus to Applicant.

9. **Health Plan Coverage Program Responsibilities.**

- (a) Applicant acknowledges that, with respect to the group health (medical and/or dental) plan(s) offered to its Employees through HealthTrust, Applicant is responsible for complying with all applicable provisions of federal and state law governing such health plan(s) including, without limitation: (i) the continuation of coverage provisions set forth in Sections 2201 through 2208 of the Public Health Service Act ("COBRA"), (ii) the retiree medical coverage provisions set forth in New Hampshire RSA 100-A:50, and (iii) the Patient Protection and Affordable Care Act of 2010, as amended and implemented ("ACA").
- (b) To assist Applicant in satisfying certain of its COBRA coverage obligations, HealthTrust provides base COBRA services on behalf of Applicant pursuant to a separate COBRA administrative services agreement which Applicant must sign as a condition of participating in HealthTrust's medical and/or dental Coverage Programs. In addition, Applicant may elect to receive additional COBRA billing services offered by HealthTrust pursuant to the separate COBRA administrative services agreement.
- (c) To assist Applicant in satisfying certain of its retiree coverage obligations, HealthTrust may offer to provide and Applicant may elect and contract with HealthTrust to receive retiree billing services on behalf of Applicant pursuant to a separate retiree billing administrative services agreement.

10. **Provision of Information.** Applicant agrees to provide HealthTrust in a timely and accurate manner any and all information HealthTrust deems necessary or desirable with regard to HealthTrust's provision of the Coverage Programs and related services selected by Applicant, including but not limited to, all required eligibility and enrollment data.

11. **Safeguarding Personal Information.** HealthTrust may provide Applicant certain non-claims related information, including enrollment, billing, and payment information relevant to the administration of the medical and dental Coverage Programs in which Applicant participates. Some of this information may constitute protected health information, as defined by the Health Insurance Portability and Accountability Act of 1996, as amended and implemented. Examples of information HealthTrust may disclose to Members include: monthly invoices detailing coverage types and cost, payment and enrollment confirmation, and information necessary to assist Applicant in completing its IRS reporting required by the ACA. HealthTrust, at its discretion, also may provide Applicant with non-individually identifiable summary claims information in a manner consistent with state and federal law and applicable HealthTrust policies and procedures.

Applicant hereby certifies that with respect to any protected health information received from HealthTrust, Applicant will:

- (a) Safeguard the privacy and security of the information,
- (b) Not use or disclose the information beyond that which is necessary to administer the selected coverage(s),
- (c) Not use the information for employment-related actions or decisions, and
- (d) Restrict access to the information to only those individuals who require the information to administer the coverage(s).

Applicant also acknowledges and agrees that:

- (e) HealthTrust will only provide such information to those individuals specifically identified in HealthTrust's database as authorized to receive such information on behalf of Applicant,
- (f) HealthTrust does not share individually identifiable claims information unless authorized in writing by the covered person or otherwise permitted by applicable laws, and
- (g) HealthTrust reserves the right to decide what, if any, information is provided to Applicant.

12. **Term and Termination.** The term of Applicant's membership (or continuing membership) in HealthTrust under this Membership Agreement begins on the Effective Date. Applicant's participation in specific Coverage Program(s) shall begin on the effective dates for such coverage as indicated in the Coverage Documents executed by Applicant in order to participate in such coverage. Membership in HealthTrust and participation in any Coverage Program shall continue until such coverage is terminated or cancelled in accordance with the terms of the HealthTrust Bylaws, Coverage Documents and/or other Operative Documents.

13. Miscellaneous Provisions.

- (a) This Membership Agreement is governed by New Hampshire law and may only be modified by a written amendment signed by all applicable parties.
- (b) All capitalized terms utilized but not defined herein shall have the same meaning as set forth in the HealthTrust Bylaws.
- (c) Section headings contained in this Membership Agreement are solely for the purpose of reference, are not part of the agreement of the parties and shall not in any way affect the meaning or interpretation of this Membership Agreement.

14. Certificate of Authorizing Resolution. This Membership Agreement shall be accompanied by a certificate of authorizing resolution (or a copy of the resolution) of the Governing Body of Applicant in substantially the same form and content as contained in the attached Exhibit A that indicates Applicant has duly authorized its membership in HealthTrust in accordance with RSA 5-B and the execution and delivery of this Membership Agreement by the individual signing, which authorization is legally binding and remains in full force and effect as of the date hereof.

IN WITNESS WHEREOF, Applicant and HealthTrust have caused this Membership Agreement to be executed by their duly authorized officials:

For APPLICANT:

CITY OF PORTSMOUTH

Authorized Official Signature

Print Name

Title

Date

For HEALTHTRUST, INC.:

David Frydman
Interim Executive Director

Date

<p>CAROLAT RESIDENCE 195 STATE STREET PORTSMOUTH NH</p>	<p>FRONT ELEVATION (PROPOSED RENOVATIONS)</p>
<p>CHARLES HOYT DESIGNS Single Site Architecture 401 Ocean Blvd Rte. NH 437N 06031-4318 www.charleshoymtdesigns.com</p>	
<p>A2</p>	



METAL FLUE FOR GAS FIREPLACE
PAINTED BLACK OR DARK GREY

REPLACE EXISTING ROOF SHINGLES
W/ A 30 YEAR ARCH GRADE ASPHALT SHINGLE
COLOR TO MATCH EXISTING (TYP)

RE-BUILD FASCIA AND RAISE IN KIND

REPLACE OLD WINDOW
W/ WOOD DR W/ BRICK MOULD
AND HISTORIC SILL BY LEPAGE
MULLION PATTERN AS SHOWN (TYP)
(SEE SPECS)

RESTORE AND MAKE NEW
FRONT DOOR ASSEMBLY

WOOD DR W/ BRICK Moulding
AND HISTORIC SILL BY LEPAGE
MULLION PATTERN AS SHOWN (TYP)

REPLACE EXISTING ROOF SHINGLES
W/ A 30 YEAR ARCH GRADE ASPHALT SHINGLE
COLOR TO MATCH EXISTING (TYP)

RE-BUILD FASCIA AND RAISE IN KIND

REPLACE OLD WINDOW
W/ WOOD DR W/ BRICK Mould
AND HISTORIC SILL BY LEPAGE
MULLION PATTERN AS SHOWN (TYP)
(SEE SPECS)

RESTORE AND MAKE NEW
FRONT DOOR ASSEMBLY

WOOD DR W/ BRICK Moulding
AND HISTORIC SILL BY LEPAGE
MULLION PATTERN AS SHOWN (TYP)

PROPOSED FRONT ELEVATION
195 STATE STREET

NEED 3 SCALE: 1/8" = 1'-0"
parking spaces

REVISED 11-10-15
HDC SET 9-17-15
BUILDING PERMIT PART 1) SET 11-10-15



December 23, 2015

Mr. John Bohenko
City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

**Re: Sidewalk License Request
195 State Street, Portsmouth, NH**

Dear Mr. Bohenko:

CCI, Inc. was issued a Sidewalk/Street Occupation Permit on December 1st for the time frame of December 3rd through January 3rd.

We have constructed overhead protection in this area with the proper lighting and full plywood overhead to protect any pedestrians walking in this area. CCI, Inc. is working overhead renovating the 2nd and 3rd floor which will include interior renovations as well as window replacements.

We have received all permits to date including historical, demolition and building permits.

I recently went to renew the sidewalk permit and was advised that the Inspection Department is only allowed to issue permits for 30 days. Any additional time needed requires a license from the City Council.

I am requesting that CCI, Inc. be issued the necessary license to continue to occupy the sidewalk area in front of 195 State Street, Portsmouth, NH as it was permitted by the Inspection Department.

We anticipate needing the license until March 4, 2016 or sooner which is the estimated date for substantial completion.

If you need any additional information please let me know. Thank you in advance for your assistance with this matter.

Sincerely,

Tina Sylvester
President

Cc: Suzanne M. Woodland, Deputy City Attorney, City of Portsmouth

Phone: (603) 964-5073

(800) 797-7676

Fax: (603) 964-2183

14 Lafayette Road

P.O. Box 695

North Hampton, NH 03862

www.ccibuilding.com

EMPLOYMENT AGREEMENT

This Employment Agreement is entered into on this ___ day of January, 2016, by and between the Police Commission for the City of Portsmouth, New Hampshire ("the Commission") and David Mara (the "Employee").

1. For a term commencing on January 12, 2016 and extending through July 11, 2016, the Commission agrees to employ the Employee, and the Employee agrees to accept employment, in the position of Interim Police Chief for the City of Portsmouth, New Hampshire.
2. Throughout the term of this Employment Agreement, the employee will be expected to perform all duties of a Police Chief as set forth in the provisions of NH RSA 105:2-a; all duties of a Police Chief as set forth in the provisions of the Charter of the City of Portsmouth; and all additional duties reasonably requested by the Commission.
3. Throughout the term of this Employment Agreement, the Employee shall maintain all of the following minimum employment standards:
 - A. Minimum employment standards for part time police officer as established by the New Hampshire Police Standards and Training Council;
 - B. Minimum employment standards for part time police officer as established by the Portsmouth New Hampshire Police Department; and
 - C. Sufficient physical condition as determined by a medical history and examination, necessary to perform the essential functions of a part time police officer.
4. During the term of this Employment Agreement, the Employee will be paid at a rate of seventy-two dollars and twelve cents per hour (\$72.12), less all ordinary and regular withholdings required by law and agreed to by the Employee.
5. During the term of this Employment Agreement, the Employee will be provided with a suitable vehicle for his use as Interim Police Chief and gas for said vehicle in accordance with current Portsmouth Police Department policy and practice.
6. During the term of this Employment Agreement, the Employee will receive holiday pay for any holidays (as defined by the City) that fall during the term.
7. During the term of this Employment Agreement, the Employee will be entitled to five (5) paid sick days. The Employee will not receive any compensation for any unused sick days.

8. During the term of this Employment Agreement, the Employee will be entitled to ten (10) paid vacation days. The Employee will not receive any compensation for any unused vacation days.
9. By signing below, the parties acknowledge and agree that the Employee has been offered health insurance in compliance with the Affordable Care Act, but that the Employee has voluntarily declined such coverage.
10. During the term of this Employment Agreement, the Employee will not be entitled to any other compensation or employment benefits unless specifically agreed to in writing by the Employee and the Commission.
11. During the term of this Employment Agreement, the Employee will be expected to work thirty two (32) hours per week.
12. During the term of this Employment Agreement, the Commission will provide the Employee with an office and secretarial support at the Portsmouth Police Department. It is the parties' expectation and intent that the Employee will perform his duties on-site, at the Portsmouth Police Department, during regular business hours.
13. The Employee agrees not to accept any supplemental or additional employment during the term of this Employment Agreement without the prior written approval of the Commission.
14. This Employment Agreement may be terminated for cause by the Commission at any time prior to July 11, 2016, without any further obligation to the Employee, only upon the occurrence of one of the following events: (a) the death of the Employee; (b) inability on the part of the employee to carry out the essential functions of the position of Interim Police Chief either with or without reasonable accommodation; (c) failure on the part of the Employee to comply with any term or condition of this Employment Agreement, including but not limited to those set forth in paragraph three above; (d) commission and conviction of a misdemeanor or felony; (e) violation of the laws, rules and regulations of the State of New Hampshire that constitutes malfeasance; or (f) violation of the Municipal Charter of the City of Portsmouth that constitutes malfeasance.
15. This Employment Agreement may be terminated by the Employee by providing the Commission with thirty (30) days' advance written notice. The Employee will not be entitled to any compensation or employment benefits after this thirty (30) day notice period has expired.
16. The Commission will indemnify and hold the Employee harmless from any and all claims, demands, actions, suits or judgment (including reasonable attorney's

Tues. 1/12
6-h

fees and other expenses of defense) arising out of any act or omission of the Employee while acting in good faith and within the scope of his employment.

17. No change or modification of this Employment Agreement will be valid or enforceable unless it is in writing and signed by both parties.
18. This Employment Agreement shall be construed and governed by the laws of the State of New Hampshire.
19. If any clause or provision of this Employment Agreement shall be determined to be void or against public policy, the remainder of this Employment Agreement shall still remain fully in force.

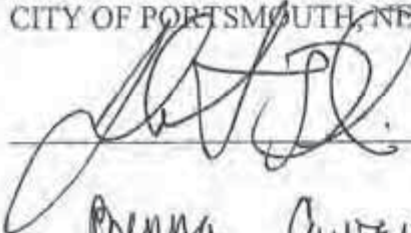
1-4-2016
DATE

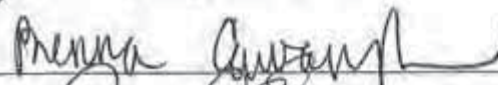


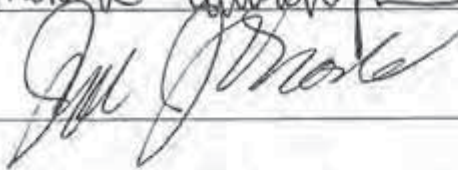
DAVID MARA

POLICE COMMISSION FOR THE
CITY OF PORTSMOUTH, NEW HAMPSHIRE

1/4/2016
DATE







APPROVED AND AUTHORIZED BY A VOTE OF THE POLICE COMMISSION ON

1/4/16

APPROVED AND AUTHORIZED BY A VOTE OF THE CITY COUNCIL ON

OFFICE OF THE CITY CLERK

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Kelli L. Barnaby, City Clerk
DATE: January 5, 2016
SUBJECT: Polling Hours for February 9, 2016 Presidential Primary Election

In accordance with RSA 659:4, the City Council shall determine the polling hours for the election. I would request that the polling hours be set from 8:00 a.m. - 7:00 p.m. for the Presidential Primary Election.

If you have any questions, please do not hesitate to contact me.

Run: 1/07/16
10:35AM

Event Listing by Date

Page: 1

Starting Date: 1/ 1/2016

Ending Date: 12/31/2016

Start End	Type Description	Location	Requestor	Vote Date
1/ 1/2016 1/ 1/2016	RACE Michael Rennebu is the contact for this event. This race starts at 11:00 a.m. Registration at 9:00 a.m.	Portsmouth Middle School	Great Bay Services	12/ 7/2015
3/12/2016 3/12/2016	ROAD RACE Matthew A. McFarland is the contact for this event. He can be reached at 498-5778. This event begins at 10:30 a.m. Starting at Peirce Island and ends at Strawberry Banke	Peirce Island and Strawberry Banke - start and fini	St. Patrick School Road Race	11/16/2015
3/26/2016 3/26/2016	ROAD RACE Donald Allison is the contact for this event. He can be reached at (617) 835-2378. This race begins at Traip Academy in Kittery and travels through Portsmouth.	Through Portsmouth	Eastern States 20 Mile	11/16/2015
4/ 3/2016 4/ 3/2016	RACE Contact: todd Hanson, Race Director	Pease Tradeport	St. Paddy's 5 Miler	12/21/2015
4/16/2016 4/16/2016	WALK Emily Christian, Development Manager is the contact for this event. Telephone number 781-693-5154	Little Harbour School - start and finish	National Multiple Sclerosis So	4/16/2016
4/30/2016 4/30/2016	WALK Jenelle Dolan, Community Director is the contact. jdolan@marchofdimes.com Tel. 978-729-5849 Time: 6:00 am. to 12:00 p.m.	Little Harbour School	March of Dimes	10/ 5/2015
5/ 1/2016 5/ 1/2016	FAIR Barbara Massar, Executive Director is the contact for this event. This event is Pleasant Street - State Street to Market Square; no parking on Market Street - Bow Street to Isle Shoals Steam Co. entrance. This event is from Noon to 4:00 p.m.	Downtown	Children's Day	8/ 3/2015
5/ 1/2016 5/ 1/2016	RIDE Contact: Melissa Walden, Associate of Development 207-624-0306 Cycle the Seacoast - First riders leaving Redhook Brewery at 7:00 a.m. and the last rider will be in around 3:00 p.m.		American Lung Association	8/17/2015
5/ 7/2016 5/ 7/2016	ROAD RACE Carolyn Ostrom, NH Community Relations Specialist is the contact for this event. The event begins on Peirce Island and ends at Strawberry Banke Starting time is 9:00 a.m.	Peirce Island	Susan G. Koman	8/17/2015
6/11/2016 6/11/2016	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square Day - 39th	Pro Portsmouth	8/ 3/2015
6/11/2016 6/11/2016	RACE Barbara Massar, Executive Director is the contact for this event. This is 5K Road Race that begins in Market Square.	Market Square Road Race	Pro Portsmouth	8/ 3/2015

Event Listing by Date

Starting Date: 1/ 1/2016

Ending Date: 12/31/2016

Start End	Type Description	Location	Requestor	Vote Date
6/18/2016 6/18/2016	RACE Nicole McShane is the contact for this event. Her contact number is 430-1140 ex. 2407 Raindate for this event is Sunday, June 19th.	Pleasant Street	Big Brother Big Sisters of New	10/19/2015
6/25/2016 6/25/2016	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/ 2/2016 7/ 2/2016	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/ 4/2016 7/ 4/2016	RACE David Hampson is the contact for this event. Telephone No. 334-3032 Race Start: 9:00 a.m. Registration: 7:30 a.m.	Strawbery Banke, Marcy Street	Easter Seals Veteran's Count	12/ 7/2015
7/16/2016 7/16/2016	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/23/2016 7/23/2016	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/30/2016 7/30/2016	MUSIC Barbara Massar, Executive Director This event is from 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
8/ 4/2016 8/ 4/2016	RACE Justin Finn is the contact for this event. Race Start: 6:00 p.m. Registration: 4:30 p.m.	Portsmouth High School Cross Country Track	Portsmouth Rotary Club	12/ 7/2015
9/18/2016 9/18/2016	RACE Wendy McCoolle is the contact for this event. Telephone #603-759-5640 Race Start: 9:00 a.m. Registration: 7:30 a.m.	Portsmouth Middle School	Celebrate Pink	12/ 7/2015
9/24/2016 9/25/2016	BIKE TOUR Donna Hepp is the contact for this event. Tel. 414-258-3287	Through Portsmouth	Grante State Wheelmen	12/ 7/2015
9/24/2016 9/25/2016	TOUR Caroline Amport Piper is the contact. Tel. (603) 686-4338 Location of this event is to be determined. This event begins each day at 11:00 a.m. to 3:00 p.m.	To Be Determined	Friends of the South End	12/ 7/2015

Run: 1/07/16
10:35AM

Event Listing by Date

Page: 3

Starting Date: 1/ 1/2016

Ending Date: 12/31/2016

Start End	Type Description	Location	Requestor	Vote Date
10/ 9/2016 10/ 9/2016	ROAD RACE Contacts: Catherine Edison at CEdison@communitycampus.org Ben Anderson - ben@prescottpark.org Angela Greene - angela@prescottpark.org Race Start: 10:00 a.m. Registration: 8:00 a.m.	Memorial Bridge Portsmouth	Memorial Bridge Road Race (Date changed to October 9, 2016 instead of October 8th)	12/ 7/2015
11/24/2016 11/24/2016	ROAD RACE Matt Junkin, Race Director is the contact for this event. This is the Thanksgiving Day Turkey Trot which begins at Peirce Island and ends at Strawbery Banke. Registration begins at 7:00 a.m. Race commences at 8:30 a.m.	Peirce Island is the start - Strawbery Banke is th	Seacoast Rotary Turkey Trot 5K	11/16/2015

December 28, 2015

Craig Welch
Executive Director
Portsmouth Housing Authority
245 Middle Street
Portsmouth, NH 03801

Dear Mr. Welch:

Please accept this letter as my notice of resignation from the Board of Commissioners for the Portsmouth Housing Authority, effective December 31, 2015. I have immensely enjoyed my time with the PHA and look forward to staying closely involved in your work.

Thank you and best wishes,



Rebecca E. Perkins, Esq.

37 Langdon St.

Portsmouth, NH 03801

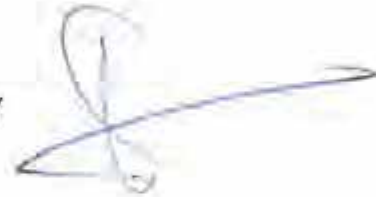
Cc: Kelli Barnaby, City Clerk

Jack Blalock, Mayor-elect

Ruth Griffin, Chairwoman

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: January 5, 2016
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: CITY COUNCIL RULES AND ORDERS



Per the request of Mayor Blalock I attach hereto proposed City Council Rules and Orders. This document consists of the Rules and Orders adopted by the previous City Council with the following changes:

Amend Rule 30 – Ordinance Procedure
Ordinances to be adopted in two readings

Amend Rule 37 – Hour City Council Meetings to Conclude
At 10:00 p.m. all remaining City Council Agenda Items become Consent
Agenda Items

Adjournment of all meetings at 10:30 p.m. or prior

Create new City Council Rule
Each City Council or may have 1 agenda item under their name for each
agenda

Amend Rule 7 – Order of Business
XIV Reports and Communications from City Officials
C. CITY COUNCIL MEMBERS
1 agenda item per City Councilor per agenda

All proposed changes are in redline, see Rules 4, 7 (XIV C & XVI), 30 and 37.

attachment

REVISED RULES AND ORDERS OF THE PORTSMOUTH CITY COUNCIL

RULE 1. MEETING NIGHTS

The regular meetings of the City Council shall be on the first and third Mondays of each month at some time between 7:00 o'clock and 8:30 o'clock in the evening to be set by the Council. Work sessions may commence at any time after 6:00 p.m. and the regular council meeting may commence at any time after 7:00 p.m. (See Charter section 4.4) (AMENDED 4/2/90 TO AGREE WITH THE CITY CHARTER) (AMENDED 1/9/06)

RULE 2. SPECIAL MEETINGS

Special meetings may be called by written request of five or more members of the Council, by the Mayor, or by the City Manager.

The City Clerk shall prepare a notice of the special session stating the time and the place and this notice shall be served personally upon each member of the Council and the City Manager, or left at their usual place of residence at least twenty-four (24) hours before the time of the meeting.

It shall also be the duty of the City Clerk, immediately upon receipt of written request for a special meeting to make every diligent effort to notify each member of the Council in person, either by telephone or otherwise of such special session. The City Clerk shall also post notices of the special meeting in a conspicuous place in City Hall and shall make every effort to publicize the meeting by way of local news media. Only matters set forth in the notice of the meeting shall be discussed and/or acted upon.

RULE 3. WORK SESSIONS

Upon request of the Mayor or five or more members of the Council, the Council may meet in "work sessions." Each work session shall be devoted exclusively to subjects for which the preliminary receipt and discussion of information is deemed appropriate. No formal vote shall be taken on any matter under discussion, nor shall any Council member enter into a commitment with another respecting the vote to be taken at a subsequent meeting of the Council; provided, however, that nothing herein shall prevent a polling of the Council or the taking of any informal vote on any matter under discussion. Work sessions shall be open to the public, and notice procedures for regular meetings shall be followed.

RULE 4. COUNCIL MEETING AGENDA

All reports, communications, ordinances, resolutions, or other matters to be submitted to the Council shall, by 12:00 noon on Wednesday prior to each Council meeting be delivered to the City Clerk whereupon the City Clerk shall immediately arrange or cause to be arranged a list of such matters according to the Order of Business. Each member of the Council shall be entitled to place a single item of business on the Agenda under the name of that Councilor. The City Clerk shall furnish each member of the Council, City Manager, and City Attorney with a copy of the Agenda by 5:00 p.m. on Thursday prior to each Council meeting, and shall make

copies of the Agenda available in the Office of City Clerk for the public by that time.
(AMENDED 1/5/98)

RULE 5. CALL TO ORDER

The Mayor shall take the chair at the hour appointed for the meeting and shall call the members to order. A roll call shall be taken to determine if a quorum be present.

RULE 6. CHAIRING OF MEETING

In the absence of the Mayor, the Assistant Mayor shall preside during that meeting or until the Mayor arrives. In the absence of both the Mayor and the Assistant Mayor, the Councilor present who received the largest plurality in the last election shall preside during that meeting or until the Mayor or Assistant Mayor arrives.

RULE 7. ORDER OF BUSINESS

The business of all regular meetings of the Council shall be transacted in the following order, unless the Council by vote of at least two-thirds of the members present, shall suspend the rules and change the order:

- I. Work Session
- II. Call to Order [7:00 p.m. or thereafter]
- III. Roll Call
- IV. Invocation
- V. Pledge of Allegiance
- VI. Volunteer Committee Reports
- VII. Acceptance of Minutes
- VIII. Public Comment Session
- IX. Public Hearings on Ordinances and/or Resolutions
- X. Approval of Grants/Donations
- XI. Consideration of Resolutions and Ordinances
- XII. Consent Agenda
- XIII. Presentation and Consideration of Written Communications and Petitions
- XIV. Reports and Communications from City Officials
 - A. CITY MANAGER
Items Which Require Action Under Other Sections of the Agenda
City Manager's Items Which Require Action
 - B. MAYOR
 - C. CITY COUNCIL MEMBERS
 - G. Limited to one item of business per City Councilor per agenda
- XV. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting
- XVI. Adjournment [at 10:00:00 p.m. or earlier]

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(ADOPTED NEW ORDER OF BUSINESS 1/9/06)

RULE 8. CONSIDERATION OF MOTIONS

When a motion is made and seconded, it shall be considered by the Council, and not otherwise.

RULE 9. WRITTEN MOTIONS/ROLL CALL

Every motion shall be reduced to writing if the Chair so directs; or if any member of the Council requests it; and upon request of any member the roll call shall be called upon any question before the Council.

RULE 10. DIVISION OF QUESTION

The Division of a question may be called for when the motion contains two or more independent parts.

RULE 11. READING

When the reading of a paper is called for and the same is objected to by any member, it shall be determined by vote of the Council.

RULE 12. ADJOURNMENT

The Chair shall consider a motion to adjourn always in order, the time of the next meeting having been agreed on. Such motion shall be decided without debate.

RULE 13. DISPOSITION OF MOTIONS

After a motion is seconded, and stated by the Chair, it shall be disposed of by vote of the Council unless the mover withdraws it before a decision or amendment.

RULE 14. MOTIONS DURING DEBATE

When a question is under debate, only the following motions shall be received: Adjourn; take a recess; raise a question of privilege; call for orders of the day; lay on the table; the previous question; limit or extend limits of debate; postpone definitely or to a certain time; commit or refer or recommit; amend; postpone indefinitely; questions of order and appeal; suspend the rules; object to consideration of questions; division of a question; division of the assembly.

RULE 15. ORDER OF QUESTIONS

The Chair shall put all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature; except in naming sums and fixing times, the largest sum and the longest time shall be put first.

RULE 16. MOTION FOR RECONSIDERATION

A motion for the reconsideration of a vote shall be open to debate, but such motion shall not be considered unless made by a member voting with the majority, nor unless such motion is made at the meeting at which such vote is passed, or notice of such motion is given at said meeting, in which case the motion shall be made at the next meeting, and only one motion for the reconsideration of any vote shall be permitted.

RULE 17. TABLING

No motion which has been tabled at a current or prior Council meeting may be acted upon after being removed from the table at a current meeting; but such action must be withheld until the next regular Council meeting which agenda will show the item of business.

RULE 18. SPEAKING PRIORITY

When two or more members rise at once, the Chair shall then name the member who is entitled to the floor.

RULE 19. SPEAKING

When any member is about to speak in debate or to deliver any matter to the Council, and respectfully address the presiding officer, the member shall confine themselves to the question under debate, and avoid personalities. The member shall sit down as soon as done speaking. (AMENDED 4/2/90) (AMENDED 1/10/2000)

RULE 20. INTERRUPTION OF SPEAKING MEMBER

No member shall be interrupted by another, but by rising to a call to order, to correct a mistake, or for explanation. But if any member in speaking, or otherwise, transgress the Rules of the Council, the Mayor shall or any member may call the offending member to order who shall immediately sit down, unless permitted to explain; and the Council, if appealed to, shall decide on the case, and without debate.

RULE 21. CONFLICTS OF INTEREST

No member shall vote or serve on any committee or any question as to which the member has a direct, personal and pecuniary interest.

RULE 22. VOTING REQUIRED

Every member present when a question is put, if not excluded by interest, shall vote. No member shall leave a meeting without permission, if their presence is necessary to make a quorum.

RULE 23. COMMITTEE NOMINATION

Except for the committees created solely by the Mayor, the Mayor shall submit for approval by the City Council all nominations of non City Councilors to committees. All nominations shall

be laid on the table until the next regularly scheduled Council meeting. The Mayor shall make all appointments of the City Councilors to committees.

*(ADOPTED 1/22/96; AMENDED 1/17/2012, AMENDED 1/13/2014)

RULE 24. COMMITTEE MEMBERSHIP

No member shall be obliged to be on more than two committees at the same time nor to be chairman of more than one.

RULE 25. SPECIAL COMMITTEES AND COMMITTEE RESPONSIBILITIES

All special committees of the Council shall consist of three members, unless a different number be ordered. It shall be the duty of every committee of the Council to whom a subject is specially referred to report thereon within the time limit set by the Council or to request an extension thereof. No report shall be received unless presented in writing, signed by a majority of the committee and agreed to in committee actually assembled.

RULE 26. COMMITTEE MEETINGS

No Committee shall sit during the sitting of the Council without special leave.

RULE 27. COMMITTEE OF THE WHOLE

The City Council may resolve itself of the Whole, at any time, upon a motion of a member made for the purpose; and in forming a Committee of the Whole, the Mayor may leave the Chair and appoint some member to preside in the Committee; and when the Committee of the Whole shall have gone through the subject referred to them, they shall rise, and the Chairperson, or any other member that the Committee may order, shall report their proceedings to the Council.

RULE 28. COMMITTEE OF THE WHOLE PROCEEDINGS

The rules of proceedings in the Council shall be observed in Committee of the Whole, so far as they may be applicable; but no member shall speak twice to any question until every member choosing to speak shall have spoken.

RULE 29. ORDINANCES

All bylaws passed by the City Council shall be termed "ordinances", and the enacting style shall be: "The City of Portsmouth Ordains." Each ordinance shall be identified by a number and a short title, and the effective date shall be specified in it.

RULE 30. ORDINANCE PROCEDURE

Each Ordinance shall pass through the following stages, to wit: There shall be a first reading for information. If the first reading is passed, the Council shall, consistent with public notice

requirements of law, set a time and place for a public hearing and consideration of a second and third-readings. An ordinance may be rejected at any stage in its progress. No ordinance shall be amended except on second reading. Passage of the second third-reading shall constitute final passage.

RULE 31. ORDERS AND RESOLUTIONS

In all votes by which the City Council shall express anything by way of command the form of expression shall be "Ordered" and whenever it shall express opinions, principles, facts or purposes, the form shall be "Resolved." Resolutions prepared in writing prior to introduction shall be identified by a short title.

RULE 32. TAXING, SPENDING, AND BORROWING

Each order or resolution authorizing the levying of a tax, the expenditure of money, or the borrowing of money shall have two separate readings and a public hearing with notice as required by law.

RULE 33. RECORD RETENTION OF RESOLUTIONS AND ORDINANCES

When an ordinance or resolution shall have passed the City Council, it shall receive the signature of the Mayor. It shall be enrolled in the City records of the City Clerk, and the original ordinance or resolution shall be placed in some safe deposit in the archives of the City.

RULE 34. CITY CLERK

The City Clerk shall attend all Council meetings, except work sessions and executive sessions, and shall keep a record of procedures of the Council by recording the motions and votes thereon. The City Clerk shall make notes of the general content of the remarks by members of the Council, the Mayor, and the City Manager and not their specific detail. The City Clerk shall note in the minutes all reports, memorials and other papers submitted to the Council by their title or brief description of the purport. The City Clerk shall cause to be recorded through the use of appropriate recording device the business of all Council meetings, said recordings to be maintained by the City Clerk as a public record for a period of three years. Preservation of the recordings and custody of all recordings shall be the sole responsibility of the City Clerk who shall prepare such rules for use as the Clerk deems necessary or appropriate to the discharge of the above responsibility.

RULE 35. SEATING ARRANGEMENT DURING COUNCIL MEETINGS

Council seats shall be assigned by the Mayor. Council members who wish to exchange seats may do so upon request to the Mayor. Seating arrangement may be changed at any time the Mayor wishes. (AMENDED 10/29/90)

RULE 36. PROCEDURE FOR QUESTIONS TO THE CITY ATTORNEY

Whenever a City Councilor has a question of the City Attorney, during a City Council Meeting, on the Council Rules, the Portsmouth City Charter or on Parliamentary Procedure, they shall, through the Chair, be given the immediate right to state their question.

RULE 37. HOUR CITY COUNCIL MEETINGS TO CONCLUDE

City Council meetings shall conclude no later than 10:00 P.M. or at such time as any agenda item being discussed at 10:00 P.M. is acted upon. ~~if because of this rule any agenda items remain to be taken up at 10:00 P.M. shall be treated as Consent Agenda items applying City Council Rule 46 as completely as the situation allows, the Council shall recess the meeting to a time certain at which recessed meeting the remainder of the agenda shall be acted upon unless a majority of the Council wishes to suspend in order to continue.~~ (AMENDED 1/9/06).

RULE 38. NOTICE TO COUNCIL REGARDING APPOINTMENT QUALIFICATIONS

All nominees to positions on boards or commissions of the City shall submit in writing, on a form as provided by the City Clerk, information regarding their occupational backgrounds, the nature of their nominations, and their reasons for wishing to serve. Such form shall accompany the agenda in which the nomination is to be made and shall be delivered to City Council members in accordance with Rule No. 4.

RULE 39. SUSPENSION OF RULES

No standing rule or order of the Council shall be suspended unless a two-thirds majority of the members of the Council present shall consent thereto, for a specific purpose; nor shall any rule or order be repealed or amended without one week's notice being given of the motion therefore, or unless a two-thirds majority of the Council shall concur therein.

RULE 40. PARLIAMENTARY AUTHORITY

Except where specifically controlled by Charter, Statute, Ordinance or these Rules, proceedings of the City Council shall be conducted pursuant to the parliamentary authority of the most recent revision of Roberts Rules of Order, Newly Revised, published by Scott, Foresman & Co.

RULE 41. ADDRESS BY PUBLIC

Members of the public-at-large may address the Council on any issue being discussed by the Council after a motion to allow same has been made by any Council member and passed by a majority vote, provided that no person shall speak for more than five (5) minutes.

RULE 42. PUBLIC'S RIGHT TO KNOW GUARANTEED

All letters, memos, reports and other information provided or circulated to the City Council by staff members or received as communications to the Mayor and City Council from any person shall be included with the Agenda packet of a City Council meeting and made publicly available by 5:00 p.m. on Friday prior to each Council meeting, or if sent separately to Council

members shall be made publicly available in the Office of City Clerk. Exempt under this Rule are those documents which would not be deemed public records under the New Hampshire Right to Know Law (RSA 91-A) or personal communications. (AMENDED 1/27/92)

RULE 43. PUBLIC COMMENT SESSION

A public comment session shall appear on the agenda of all regular Council meetings. This session shall be a period of time not to exceed forty-five minutes during which any member of the public may have three minutes to address any single topic which that member of the public has identified to the City Clerk prior to the commencement of the meeting. Comments shall be limited to one topic per person per meeting. All speakers must register in person (not electronically or telephonically) with the City Clerk prior to the City Council meeting. Any person abusing the provisions of this rule may be prohibited from speaking at future public comment sessions by a majority vote of the City Council. Any provision of this rule may be modified on a per case basis by majority vote of the Council. (ADOPTED 3/12/90) (AMENDED 1/5/98) (AMENDED 4/17/2000) (AMENDED 1/24/2005)

* Comments for which a public hearing is scheduled under the same agenda shall not be permitted.

- * The Chair reserves the right to select speakers of different issues to be permitted to speak in order to provide a form of various topics to be presented. *(ADOPTED 1/18/94).

RULE 44. NAMING OF MUNICIPAL BUILDINGS, PARKS AND FACILITIES

The procedure to be followed in naming municipal buildings, parks and facilities shall be that a written request be submitted to the Mayor by the City Councilors or resident who proposes the naming of any municipal building, park or facility. The Council shall then schedule a work session to deliberate concerning that request. In general, it shall be deemed inappropriate to name complete municipal buildings after actual persons, although portions of buildings may be so named. Subsequent to the work session, the request shall then be placed on the next available Council agenda for a vote of the full City Council. (ADOPTED 8/14/2000)

RULE 45. PUBLIC HEARINGS

City Council public hearings shall be subject to the following terms and conditions:

- A. The order in which speakers shall be called, the duration of time permitted for each person to speak and the number of opportunities which any person shall be provided to speak on any issue may be regulated by the Mayor in the interest of legislative efficiency.
- B. All speakers must limit their presentation to the issue for which the public hearing has been called. Any speaker not in compliance with this provision shall be ruled out of order by the Mayor.

(ADOPTED 5/6/2002)

RULE 46. CONSENT AGENDA

The agenda for any regular meeting of the City Council may include a section entitled "Consent Agenda". The Consent Agenda shall consist of items of City Council business which the Mayor, the City Manager and the City Clerk have previously determined to be routine in nature. All Consent Agenda items shall identify the action which it is anticipated will be taken by the City Council on it. Any item of business shall be removed from the Consent Agenda and placed elsewhere on the Council agenda for the same meeting at the request of any member of the City Council. All recommended actions on Consent Agenda items shall be deemed to have been taken by the City Council on the passage of a motion, "to adopt the Consent Agenda". (ADOPTED 1/9/06)

¹ Rule #47 - Appointments to Boards and Commissions was repealed by the City Council on March 18, 2008.

2009				
POLICY #	POLICY NAME	EFFECTIVE DATE	RATIFIED	NOTES
2009-01	Quarterly Meetings of Certain Board Chairs for report back to City Council	April 6, 2009	1/19/2010; 01/17/2012; 01/13/2014	
2009-02	Group Parking License Discount	April 20, 2009	1/19/2010; 01/17/2012; 01/13/2014	
2009-03	Projecting Sign Policy	May 4, 2009	1/19/2010; 01/17/2012; 01/13/2014	amended by the City Council on March 21, 2011
2009-04	Vendors Policy	May 18, 2009	1/19/2010; 01/17/2012; 01/13/2014	
2009-05	Public Gatherings in Market Square	July 20, 2009	1/19/2010; 01/17/2012; 01/13/2014	
2009-06	Public Art Acquisition Policy	December 21, 2009	1/19/2010; 01/17/2012; 01/13/2014	
2010				
POLICY #	POLICY NAME	EFFECTIVE DATE	RATIFIED	
2010-01	Flags Projecting over City Property	February 1, 2010	1/17/2012; 01/13/2014	amendments made 02/23/10 by committee
2010-02	Brick Sidewalks	May 17, 2010	1/17/2012; 01/13/2014	amended by the City Council on January 20, 2015.
2011				
POLICY #	POLICY NAME	EFFECTIVE DATE	RATIFIED	
	THERE WERE NO POLICIES ADOPTED			
2012				
POLICY #	POLICY NAME	EFFECTIVE DATE	RATIFIED	
2012-01	Appointments to City Boards and Commissions - 1 year residency	February 21, 2012	1/13/2014	
2012-02	Use of City Property for Sidewalk Cafés Providing Alcohol Service	March 19, 2012	1/13/2014	

2013			
POLICY #	POLICY NAME	EFFECTIVE DATE	<u>RATIFIED</u>
2013-01	Complete Streets Policy	October 7, 2013	1/13/2014
2013-02	Bicycle Friendly Community Policy	October 7, 2013	1/13/2014
2013-03	Walk Friendly Community Policy	October 7, 2013	1/13/2014
2014			
POLICY #	POLICY NAME	EFFECTIVE DATE	<u>RATIFIED</u>
2014-01	First Reading on Ordinance Amendments	January 13, 2014	
2014-02	Public Art Referral	June 16, 2014	



CITY OF PORTSMOUTH
CITY COUNCIL POLICY No. 2009-01

There shall be established a policy by the City Council that the Recreation Board, Peirce Island Committee, Conservation Commission, and other Blue Ribbon Committees as deemed necessary meet on a quarterly basis with the Chairman of the aforementioned Boards and Commissions, along with their City Council liaison. (Quarterly meetings to take place March, June, September and December.) Subsequent to the quarterly meetings, the chairman of the aforementioned Boards and Commissions shall report to the City Council at their next available meeting. The quarterly meetings shall be for the purpose of reviewing mutual concerns and bringing those to the attention of the City Council.

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

Adopted by the Portsmouth City Council on **April 6, 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.

Kelli L. Barnaby, CMC/CNHMC
City Clerk



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2009-02

Group Parking License Discount Policy

Any request for a group license per Section 7.402 of the City Ordinance will be considered on a case by case basis. To be eligible, the company requesting the group license shall be locating or expanding its corporate headquarters in the city's downtown. The primary element of analysis is that the request will benefit the city's overall vitality and economy. Criteria for consideration of a group license shall include the following:

- The proposal is in accordance with the goals of the Master Plan.
- The entity requesting the group license will purchase 25 or more passes in publicly owned, leased, and operated parking facilities.
- The entity requesting the group license seeks to expand or locate its corporate headquarters in the City of Portsmouth or offers some other articulable benefits to the city.
- Approval of the group license shall be based on the availability of spaces in publicly owned and/or operated parking facilities and on the overall percentage of monthly leased spaces in these facilities.
- Terms of the license shall be revisable every two years.
- Monthly group licenses shall be issued for one of two categories:
 - 1) 24 hours Monday through Friday 7 AM -7 AM
 - 2) 12 hours Monday through Friday 7 AM -7 PM

Weekday group license discount rates shall be in accordance with the following:

Number of employees	Monthly discount
25 - 75	10%
76 - 125	20%
126 - 175	30%
176 - 225	40%
> 225	50%



The process for group license requests shall be a written request to the City Manager, reviewed by city staff for consistency with eligibility criteria and EDC recommendation to the Manager and City Council with final approval by the City Council at a regularly scheduled meeting.

Being ever mindful of the many small and independent Portsmouth businesses that contribute significantly to the local economy and to the uniqueness of downtown, yet are unlikely to be large enough to qualify for a group license, it is advised that the group license discounts shall be granted sparingly.

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

Adopted by the Portsmouth City Council on **April 20, 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.

Kelli L. Barnaby, CMC/CNHMC
City Clerk



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.

Kelli L. Barnaby, CMC/CNHMC
City Clerk



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.

Kelli L. Barnaby, CMC/CNHMC
City Clerk



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2009-05

Policy Regarding Public Gatherings in Market Square

WHEREAS, Market Square in downtown Portsmouth has developed by past public use into a public forum in which expressive conduct such as public gatherings, speech making, the carrying of political signs and other forms of expressive conduct are constitutionally protected; and

WHEREAS, Market Square is a place in which numerous businesses operate, many people reside and the streets and sidewalks are heavily travelled by persons and vehicles; and

WHEREAS, the City Council seeks to balance the need of people and vehicles to travel on, near or through Market Square safely against the protected expressive conduct created by the public forum which Market Square has become; and

WHEREAS, the City Council has been advised that it may adopt content neutral reasonable time, place and manner restrictions on the use of Market Square for expressive conduct so long as such restrictions are narrowly tailored to accomplish the legitimate government concern of protecting public safety and maintaining the safe and orderly conduct of citizen travel and business activity in Market Square, and alternate means of expressive conduct exist; and

WHEREAS, the City Council has the authority to regulate obstructions and other activities on the City streets and sidewalks (City ordinances Chapter 8, Article, I, Section 8.106); and

NOW THEN, the City Council of the City of Portsmouth duly convened, does hereby adopt the following policy regarding expressive conduct in Market Square:

1. The area affected by this policy is all of the streets and sidewalks in the area where Market Street, Daniel Street, Pleasant Street, Church Street and Congress Street (collectively, "the protected area") convene, expressly inclusive of the sidewalk area in front of the North Church;

2. The protected area may be utilized at any reasonable time and in any reasonable manner without prior permission from the City by any person or by a group of people provided that there is no interference with pedestrian or vehicular travel on the street or sidewalk.
3. Should any person or group desire to place an obstruction of any kind or type or the use of electronic amplification upon the City sidewalk or right of way, that person or group should submit the request in writing to the City Manager who shall have the authority to approve the same.
4. The City Manager shall have authority to approve the use of the Vaughn Mall for gatherings involving obstructions and/or amplification with such reasonable terms and conditions as the City Manager may determine to be necessary to safeguard public travel and the conduct of lawful business activity within or near the gathering or event.
5. The City Manager shall have authority to approve the use of that portion of Pleasant Street from Porter Street to Market Square (being the same area used for summer-in-the-street activities) for gatherings involving obstructions and/or amplification with such reasonable terms and conditions as the City Manager may determine to be necessary to safeguard public travel and the conduct of lawful business activity within or near the gathering or event.
6. The City Manager shall have the authority to assess the organizing person or group actual costs directly related to the use of the space. The costs are limited to police details for any necessary traffic control and wages for any public works personnel required for set up and clean-up. The assessment of costs is most likely to arise with the use of Pleasant Street which requires street closure and redirecting of traffic. In no event shall costs include police protection for public safety. The assessment of costs may be appealed to the City Council.
7. Consistent with past practice, all other requests for obstructions or encumbrances of the sidewalk, public spaces and roadways require City Council approval; short-term occupation permits for construction purposes excepted.

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

Adopted by the Portsmouth City Council on **July 20, 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.

Kelli L. Barnaby, CMC/CNHMC
City Clerk



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2009-06

PUBLIC ART ACQUISITION POLICY

The City of Portsmouth is committed to acquiring public art by donation, acquisition or commission. Only original work will be considered for acceptance.

The City Council desires that Art-Speak be charged with the formation of a standing committee, whose role will be to oversee the acquisition and de-accession (removal) of public art for all city departments¹. This committee will consist of between 7 and 11 members and will consist of Art-Speak Board Members (minimum of two), city staff, and community members.

The standing committee will evaluate proposed donations, acquisitions or commissions based on the following criteria:

- The quality of the artwork.
- Appropriateness of the size, scale and materials for the site(s)
- Availability of an appropriate site.
- Costs of installation and maintenance of artwork.
- Condition and durability of the artwork.
- Aesthetic merit.
- Inclusion of a mandatory maintenance plan (including materials used and proper care for such materials)

All donated, acquired or commissioned works of *outdoor* art must include a cash stewardship donation of at least 10% of the cost of the artwork which will be added to the Public Art Trust for ongoing stewardship of public art. *Indoor* art may or may not require a stewardship donation, depending on the type of art. The standing committee will determine if a stewardship donation is required for a given piece of indoor art, and if so, the amount of the donation. If the artwork is donated, the committee will determine the value of the artwork.

¹ The Trustees of the Portsmouth Public Library have their own policy for art acquisition. Art-speak will defer to the Trustees of the Library for art acquisition at the Library.

Art-Speak, along with recommendations from appropriate city boards, city staff, and/or committees, will review and recommend pieces of public art to the City Council for acceptance. All final decisions on acceptance shall be made by the City Council.

Suitable donations will be accepted unconditionally and free of all obligations and encumbrances. The City reserves the right to relocate donated artwork from time to time; and to not display a donated piece of art. Works from the collection may be considered for removal if they are in poor condition, damaged or deteriorated beyond reasonable repair or conservation.

As pieces of public art are acquired, they will be entered into the City Art and Artifact Index maintained by Portsmouth Public Library staff. If a piece is decommissioned, the date and reason for withdrawal will also be so recorded. Changes of location, whether temporary or permanent will be recorded in the Art and Artifact Index.

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

Adopted by the Portsmouth City Council on **December 21, 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.

Kelli L. Barnaby, CMC/CNHMC
City Clerk



CITY OF PORTSMOUTH
CITY COUNCIL POLICY No. 2010 - 01

POLICY REGARDING FLAGS PROJECTING OVER CITY PROPERTY¹

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.

Kelli L. Barnaby, CMC/CNHMC
City Clerk



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2010 - 02

POLICY REGARDING SIDEWALKS AND DRIVEWAY APRONS

WHEREAS, there are aesthetic and cost concerns regarding any municipal decision to construct, repair or replace sidewalks using either brick or concrete; and

WHEREAS, the determination of the materials to be used in sidewalk construction repair and replacement must be made early in the design and engineering process in order to accommodate the City's bidding and contractual policies; and

WHEREAS, a request for a variance from this sidewalk policy regarding standard materials and typical sidewalk and driveway details (Exhibit B) will be made to the Director of Public Works; and

WHEREAS, there may be additional costs for variances from this policy that will be paid by the benefiting parties.

NOW THEREFORE, the City Council adopts the following policy:

- A. Whenever sidewalks are constructed, repaired or replaced in the City the following shall apply:
1. Sidewalks within the Historic District will be brick, with the exception of the following streets which will be concrete:
 - a. Islington Street,
 - b. New Castle Avenue east of Marcy Street,
 - c. Middle Street and Lafayette Road south of Aldrich Road; and
 - d. All streets west of the easterly shore of the North Mill Pond, with the exception of Nobles Island.

(All as shown on Exhibit A attached hereto.)
 2. Sidewalk material for sidewalks located outside the Historic District which have historically been brick will be determined by vote of the City Council.
 3. Where a sidewalk is located both within the Historic District and outside of the Historic District, the relative portion of the sidewalk that is greater in length shall determine whether the sidewalk shall be brick or concrete.

4. The preferred standard material for all other sidewalks will be concrete.
5. Driveway aprons in the City shall be continuous bituminous asphalt from the edge of road to property line. Sidewalks, if any, shall terminate on either side of driveway apron.

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

Adopted by the Portsmouth City Council on **May 17, 2010.**
Ratified by the Portsmouth City Council on January 17, 2012.
Ratified by the Portsmouth City Council on January 13, 2014.
Amended by the Portsmouth City Council on January 20, 2015.

Kelli L. Barnaby, CMC/CNHMC
City Clerk



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2012 - 01

POLICY REGARDING APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

WHEREAS, the City Council believes that familiarity with the City of Portsmouth is a beneficial prerequisite to service on City Boards and Commissions;

NOW THEREFORE, the City Council adopts the following policy:

It is generally the policy of the City Council of the City of Portsmouth to appoint to membership on City Boards and Commissions only those persons who have resided in the City of Portsmouth for a cumulative total of at least one (1) year.

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

Adopted by the Portsmouth City Council on: **February 21, 2012**.

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

Kelli L. Barnaby, CMC/CNHMC
City Clerk

CITY OF PORTSMOUTH
CITY COUNCIL POLICY No. 2012-02

POLICY REGARDING USE OF CITY PROPERTY FOR SIDEWALK CAFE'S
PROVIDING ALCOHOL SERVICE

WHEREAS, the City Council allowed the pilot use of City property by two sidewalk cafe's providing alcohol service during the 2011 summer season; and

WHEREAS, the City Council recognizes the benefit to residents, businesses, visitors and the City's economic vitality of allowing sidewalk cafe's with alcohol service on City property; and

WHEREAS, the City Council desires to balance said benefits of sidewalk cafe's with the safety, desires, and convenience of the public at large; 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 City sidewalks; and

WHEREAS, the City Council recognizes the authority of the State to regulate alcohol service.

NOW THEREFORE, the City Council adopts the following policies, criteria and standards with regard to the use of City property for sidewalk cafe's providing alcohol service:

1. Requests for use of City property for sidewalk cafe's providing alcohol service shall be made in writing to the City Council on an annual basis by May 1st with no expectation of continued year-to-year use of the sidewalk area on a continuing basis. The City Council shall allow no more than six (6) sidewalk cafe's with alcohol service in any season.
2. Such requests shall include a dimensioned site plan of the existing conditions, including a depiction of public infrastructure such as curb lines, light poles, bike racks, street trees, tree grates, manhole covers, meters, licensed A-frame signs, adjacent on-street parking and loading zones, adjacent accessible sidewalk curb cuts and the like. Such requests shall also include a dimensioned site plan depicting the proposed table/chair layout plan for the sidewalk café, dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk, as well as detail sheets for the proposed enclosure system, tables, chairs, lighting, trash receptacles, and the like.
3. The terms and conditions of any such requests that are approved by the City Council in any given year shall be described in an annual Area Service Agreement, which includes a clear depiction of the area approved for sidewalk café use, with said Area Service Agreement to be signed by the City Manager and the party or parties making the request.
4. The term of the Area Service Agreement should be for no more than six (6) months and shall typically run mid-April thru mid-October.
5. Area Service Agreements shall not be assignable to other parties.

6. Use of the Area subject to the Area Service Agreement (the “Area”) may be precluded, modified or made subject to any such terms and conditions as may be determined by the City in order to accommodate special municipal events.
7. A ten dollar (\$10.00) per square foot fee will be charged for the Area subject to the Area Service Agreement and the fee shall be for the entire 6 month season with no proration of the fee. The minimum fee for the season shall be \$2,000 even if the size of the Area subject to the Agreement is less than 200 square feet. The fee shall be due and payable to the City of Portsmouth prior to authorization to use the Area.
8. The Area specified for sidewalk café use in the Area Service Agreement shall be restored upon termination of the Area Service Agreement at season’s end. Specifically, at season’s end, the enclosure system, tables, chairs and all other materials in their entirety shall be removed from the City-owned area with the area left in an unobstructed, undamaged, clean and sanitary condition at no cost to the City.
9. Sidewalk cafés on City property shall indemnify and hold harmless the City of Portsmouth and shall maintain and provide insurance of the types and amounts specified by the City’s Legal Department.
10. Sidewalk cafe’s shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, or make same inaccessible for public use or maintenance purposes.
11. Sidewalk cafe’s may utilize the Area for authorized purposes during their normal business hours, except that all tables within the Area shall be cleared of all food and alcoholic beverages by 10:30 p.m. Monday through Saturday and by 10:00 p.m. on Sunday with no alcohol served within the Area subsequent to one-half hour before the foregoing closure times.
12. Sidewalk café operators shall agree at all times to comply with all laws, rules and regulations of the NH State Liquor Commission and all other local, state and federal laws. Approval of the Area Service Agreement by the State Liquor Commission is required. Alcoholic beverage violations shall be self-reported to the State Liquor Commission.
13. Sidewalk cafe’s shall only serve alcoholic beverages to patrons who are seated at a table and who are ordering a substantial meal with service at tables conducted by wait staff only.
14. Sidewalk café operators will agree that they shall be solely responsible for compliance with the Americans with Disabilities Act.
15. The Area Service Agreement may be suspended at the sole discretion of the City on an administrative basis.
16. The Area Service Agreement may be revoked in its entirety, excepting for indemnity provisions, by the City by vote of the City Council.

17. Sidewalk cafe's with alcohol service should meet the following site design standards:

- Be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the City Manager or his designee; special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and insure public safety; the minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches.
- Sidewalk cafe's shall have no audio or visual or entertainment of any type located outside, and no visual entertainment shall be situated on the inside of the building in such a manner that it is directed to patrons in the sidewalk café.
- Sidewalk café seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the Area approved by the City, and the adjacent public pedestrian way shall not be crossed in order to provide alcohol or food service to additional areas.
- The internal dimensions and table/chair layout of the sidewalk café Area must allow for the passage of customers and wait staff and shall, in any event, meet ADA requirements.
- Sidewalk cafe's must provide a 5-foot radius clearance from the center of restaurant doorways (exterior) and doorways shall be kept clear at all times and a 5-foot minimum clear pedestrian path in front of restaurant doorways (exterior) shall be maintained at all times.
- The enclosure system, tables and chairs shall be movable/non-permanent.
- In Market Square the minimum width for the pedestrian way adjacent to the Area shall be 10-feet to 12-feet depending on site conditions. In all other areas where sidewalk cafe's are allowed the width for the pedestrian way adjacent to the Area shall, at a minimum, be 5-feet and, in any event, meet ADA, but will depend on site conditions. The pedestrian way in both instances shall allow for and provide clear unimpeded passage and access along the Area. The pedestrian way shall be located entirely on the public sidewalk and shall meet criteria that ensure pedestrian safety, usability and ADA compliance. In no event shall the Area interfere with accessibility or public safety, including safe lines of site for drivers.
- Canopies over the sidewalk café shall not be allowed unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the sidewalk café; table umbrellas without logos are allowed, but must not extend beyond the Area.
- No advertising of any kind shall be allowed in the Area.
- No improvements or personal property located within the Area shall extend on or over any municipal property located outside the Area.

18. Smoking should not be allowed in the sidewalk café Area.

19. Sidewalk café operators shall agree at all times to comply with all local laws, rules regulations and orders including, but not limited to the following:
- Health Department to approve outdoor food service operations and cleaning operations, with the Area to be left in a clean and sanitary condition at all times and garbage contained at all times in covered receptacles. The Area shall be left in clean condition at close of business with all garbage removed in its entirety from the Area, and any ground debris swept up, at close of daily business. No food prep, grilling, service windows, service counters, wait stations, or bus buckets shall be allowed in the Area and no condiments, paper products or the like shall be stored on the tables in the Area. Health Department shall review/approve that kitchen facilities are sufficient to support additional seating.
 - Inspections Department shall review/approve that bathroom facilities are sufficient to support outdoor sidewalk café seating. Permits shall be sought from the Inspections Department for any proposed Area lighting.
 - A Place of Assembly inspection and updated Place of Assembly permit shall be required from the Fire Department and the Fire Department shall review/approve means of egress.
20. No Area Service Agreement should be approved by the City except in conformance with the foregoing.
21. The above are policy guidelines that will serve as the basis for Area Service Agreements, which may include other terms and conditions deemed by the City to be in the public interest.
22. The number and location of sidewalk cafe's on City sidewalks shall be at the sole unfettered discretion of the City Council acting in the public interest and no entitlement is created by this policy for any party to have a sidewalk café at any location.

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

Adopted by the Portsmouth City Council on March 19, 2012.
Ratified by the Portsmouth City Council on January 13, 2014.

Kelli L. Barnaby, CMC/CNHMC
City Clerk

CITY OF PORTSMOUTH
CITY COUNCIL POLICY No. 2013 – 01

COMPLETE STREETS POLICY

WHEREAS, an objective of the City of Portsmouth’s 2005 Master Plan is to “ensure that all transportation projects in Portsmouth provide for full consideration of all modes (automobile, truck, bicycle, pedestrian, transit) in their design, as appropriate;” and

WHEREAS, the City Council recognizes that in support of this objective it will be beneficial to provide guidance to City Boards, Committees and Departments as to project planning, design standards, implementation and monitoring;

NOW THEREFORE, the City Council adopts the following policy:

I. VISION

Streets and roadways in the City of Portsmouth will be convenient, safe and accessible for all transportation users, including pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities.

II. CORE COMMITMENT

Definition

“Complete Streets” means streets that are designed and operated to enable safe access for all users, so that pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities are able to safely move along and across as street.

All Users and Modes

The City of Portsmouth will plan for, design, construct, operate and maintain appropriate facilities for pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities in all new construction and retrofit or reconstruction projects subject to the exceptions contained herein.

Planning

The City will incorporate Complete Streets principles into the City’s Master Plan, area plans, transportation plans, the Zoning Ordinance and Site Plan Review Regulations, standards and specifications documents, and other plans, manuals, rules, regulations and programs as appropriate. Implementation of projects supported by adopted plans shall be a priority under this policy.

Projects and Phases

The City of Portsmouth will approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These phases include, but are

not limited to: planning, programming, design, right-of-way acquisition, construction engineering, construction, reconstruction, operation and maintenance.

Complete Streets principles will be applied on all new City projects and privately funded developments, and incrementally on existing streets through a series of small improvements and activities over time.

Maximum financial flexibility is important to implement Complete Streets principles. All sources of transportation funding, public and private, should be drawn upon to implement Complete Streets within the City of Portsmouth.

It is understood that maintenance activities do not necessarily trigger requirements for major street improvements and should not be expected to do so. However, maintenance activities do present some opportunities that can improve the environment for other roadway users.

Exceptions

Complete Streets principles will be applied in all street construction, retrofit, and reconstruction projects except in unusual or extraordinary circumstances contained below. Even under the conditions outlined below, a project's impact will be evaluated for the effect it would have on the usefulness of the street for all users, now and in the future, and the ability to implement other adopted plans in the future.

- 1 Where pedestrians and bicyclists are prohibited by law from using the facility.
In this case, alternative facilities and accommodations shall be provided within the same transportation corridor, and the ability to reasonably and conveniently cross the facility will be part of the facility design and construction.
- 2 Where existing right-of-way does not allow for the accommodation of all users.
In this case alternatives shall be explored such as obtaining additional right-of-way, use of revised travel lane configurations, paved shoulders, signage, traffic calming, education or enforcement to accommodate pedestrians, cyclists, transit vehicles and riders and persons with disabilities.
- 3 Where the cost of establishing walkways or bikeways or other accommodations would be disproportionate to the need, particularly if alternative facilities are available within a reasonable walking and/or bicycling distance.
- 4 Where application of Complete Streets principles is unnecessary or inappropriate because it would be contrary to public safety and increase risk of injury or death.
- 5 Where the construction is not practically feasible or cost effective because of unreasonable adverse impacts on the environment or on neighboring land uses, including impact from right-of-way acquisition.
- 6 Ordinary maintenance activities designed to keep street and other transportation assets in serviceable condition or when interim measures are implemented on temporary detour or haul routes. However, all temporary detours shall comply with temporary traffic control requirements of the Manual of Uniform Traffic Control Devices.

- 7 Ordinary public works or utility maintenance activities, including, but not limited to: water, sewer and storm sewer main repairs; installation of new or removal of existing water or sewer service lines, installation or repair of fire hydrants, installation or repair of private utility fixtures.

Exclusive of exceptions 6 and 7 above, any determination that a project that will not meet Complete Streets principles based on the above exceptions will have said determination reviewed and confirmed by City Council.

III. BEST PRACTICES

Design Guidance and Flexibility

The City shall follow accepted or adopted design standards and use the best and latest design standards available, including:

- American Association of State Highway and Transportation Officials (AASHTO)
 - *Guide for the Development of Bicycle Facilities* (4th Edition, 2012)
 - *Guide for the Planning, Design and Operations of Pedestrian Facilities* (2004)
- American Planning Association (APA)
 - *Complete Streets: Best Policy and Implementation Practices* (2010)
- American Planning Association (APA) & American Society of Civil Engineers (ASCE)
 - *U.S. Traffic Calming Manual* (2009)
- Federal Highway Administration (FHWA)
 - Manual of Uniform Traffic Control Devices (MUTCD)
 - PEDSAFE: Pedestrian Safety Guide and Countermeasures Selection System
- Institution of Transportation Engineers (ITE)
 - *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach* (2010)
 - *Neighborhood Street Design Guidelines* (2010)
- National Association of City Transportation Officials (NACTO)
 - *Urban Bikeway Design Guide* (2nd Edition, 2012)
 - *Urban Street Design Guide* (2013)
- U.S. Architectural and Transportation Barriers Compliance Board (the Access Board)
 - *Accessible Rights-of-Way: A Design Guide*
- Active Transportation Alliance
 - *Complete Streets Complete Networks: A Manual for the Design of Active Transportation*

Context Sensitivity

The implementation of this Policy shall reflect the context and character of the surrounding built and natural environments, and enhance the appearance of such.

Performance Measures

Complete Streets should be continuously evaluated for success and opportunities for improvement. This policy encourages the regular evaluation and reporting of progress through the following performance measures:

- User data – bike, pedestrian, transit and traffic
- Crash data

- Use of new projects by mode
- Compliments and complaints
- Linear feet of pedestrian accommodations built
- Number of ADA accommodations built
- Miles of bike lanes/trails built or striped
- Number of transit accessibility accommodations built
- Number of street trees planted
- Number of exemptions from this policy approved

IV. IMPLEMENTATION

The City views Complete Streets as integral to everyday transportation decision-making practices and processes. To this end:

1. The Planning Department, Department of Public Works, and other relevant departments, agencies or committees shall incorporate Complete Streets principles into the City's Master Plan, the Pedestrian and Bicycle Master Plans, and other appropriate plans, and other manuals, checklists, decision trees, rules, regulations, and programs as appropriate.
2. The Planning Department and Department of Public Works shall review current design standards, including subdivision and site plan review regulations, to ensure that they reflect the best available design guidelines, and effectively implement Complete Streets.
3. When available, the City shall encourage staff professional development and training on non-motorized transportation issues through attending conferences, classes, seminars, and workshops.
4. City staff shall identify current and potential future sources of funding for street improvements and recommend improvements to the project selection criteria to support Complete Streets projects.
5. The City shall promote project coordination among City departments and agencies with an interest in the activities that occur within the public right-of-way in order to better use fiscal resources.
6. The Planning Department shall make an annual report to the City Council showing progress made in implementing this policy.

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

Adopted by the Portsmouth City Council on: **October 7, 2013.**

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

Kelli L. Barnaby, CMC/CNHMC
City Clerk

CITY OF PORTSMOUTH
CITY COUNCIL POLICY No. 2013 – 02

BICYCLE FRIENDLY COMMUNITY POLICY

WHEREAS, a goal of the City of Portsmouth’s 2005 Master Plan is to “provide for safe and convenient bicycle and pedestrian circulation throughout the City;” and

WHEREAS, in support of that goal, an objective of the Master Plan is to “incorporate and formalize bicycle/pedestrian needs into city transportation planning, policies and ordinances;” and

WHEREAS, the City Council recognizes that increasing bicycle use can:

- Improve the environment by reducing the impact on residents of pollution and noise, limiting greenhouse gases, and improving the quality of public spaces.
- Reduce traffic congestion by shifting short trips out of single occupancy motor vehicles. This will also make our City more accessible for public transport, walking, essential car travel, emergency services, and deliveries.
- Save lives by creating safer conditions for bicyclists and as a direct consequence improve the safety of all other road users.
- Increase opportunities for residents of all ages to participate socially and economically in the community, regardless of income or ability.
- Boost the economy by creating a community that is an attractive destination for residents, tourists and businesses.
- Enhance recreational opportunities, especially for children, and further contribute to the quality of life in the community.
- Improve the health and well being of the population by promoting routine physical activity.

NOW THEREFORE, the City Council adopts the following policy:

Accommodating bicycles and improving safe bicycle travel shall be integrated into municipal decision-making, practices and processes in order to:

1. Provide safe and convenient bicycle access to all parts of the community through a network of on-and off-street facilities, low-speed streets, and secure parking.
2. Establish information programs to promote bicycling for all purposes and to communicate the many benefits of bicycling to residents and businesses.

3. Make the City a model employer by encouraging bicycle use among its employees.
4. Ensure all city policies, plans, codes, and programs are updated and implemented to take advantage of every opportunity to create a more bicycle-friendly community.
5. Educate all road users to share the road and interact safely.
6. Enforce traffic laws to improve the safety and comfort of all road users, with a particular focus on behaviors and attitudes that cause motor vehicle/bicycle crashes.
7. Promote intermodal travel between public transport and bicycles.

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

Adopted by the Portsmouth City Council on: **October 7, 2013.**

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

Kelli L. Barnaby, CMC/CNHMC
City Clerk

CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2013 – 03

WALK FRIENDLY COMMUNITY POLICY

WHEREAS, the City Council recognizes the benefits of walking as a key element of a healthy, efficient, socially inclusive and sustainable community, and

WHEREAS, all people should be able to walk safely and to enjoy high quality public spaces in the City of Portsmouth anywhere and at anytime; and

WHEREAS, the City Council is committed to reducing the physical, social and institutional barriers that limit walking activity;

NOW THEREFORE, the City Council adopts the following policy:

Municipal decision-making, practices and processes shall be carried out in order to further the following objectives:

- Provide clean, well-lit sidewalks free from obstruction, and with sufficient opportunities to cross roads safely and directly;
- Ensure seating is provided in outdoor public spaces in quantities and locations that meet the needs of all users;
- Provide protection for pedestrians from weather and climate elements with landscaping and facilities as appropriate (for example shade or shelter);
- Provide coherent and consistent information and signage systems to support exploration and discovery on foot;
- Build and maintain high-quality networks of connected, functional and safe walking routes between residential areas and local destinations;
- Provide an integrated, extensive and well-equipped public transportation service with vehicles which are fully accessible to all potential users and public transport stops and interchanges with easy, safe and convenient pedestrian access and supportive information;
- Encourage a pedestrian-friendly driving culture with targeted campaigns and enforcement of road traffic laws;
- Maintain reduced motor vehicle traffic speeds in residential areas, shopping areas, around schools, and in other areas with a high frequency of pedestrian traffic;

- Reduce the impact of busy roads by installing sufficient safe crossing points, ensuring minimal waiting times and enough time to cross for the slowest pedestrians;
- Ensure that facilities designed for cyclists and other non-motorized modes do not compromise pedestrian safety or convenience;
- Involve all relevant agencies at all levels to recognize the importance of supporting and encouraging walking and to encourage complementary policies and actions;
- Actively encourage all members of the community to walk whenever and wherever they can as a part of their daily lives.

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

Adopted by the Portsmouth City Council on: **October 7, 2013.**

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

Kelli L. Barnaby, CMC/CNHMC
City Clerk



CITY OF PORTSMOUTH
CITY COUNCIL POLICY No. 2014 - 01

POLICY REGARDING FIRST READING ON ORDINANCE AMENDMENTS

WHEREAS, historically, the City Council has followed the process for submitting proposed ordinances as stated below;

NOW THEREFORE, the City Council adopts the following policy:

Any proposed ordinance to be acted on by the City Council shall be submitted one meeting in advance of any first reading and that the proposed ordinance is submitted to the Legal Department to draft in the City Ordinance format. Further, that all appropriate Departments, Boards and Commissions be advised of the ordinance prior to first reading and when necessary, request a report back.

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

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

Kelli L. Barnaby, CMC/CNHMC
City Clerk



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2014 - 02

POLICY REGARDING PUBLIC ART

WHENEVER from any source an issue relating to Public Art should be brought to the attention of the City Council, that matter will be referred to Art Speak for an advisory report.

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

Adopted by the Portsmouth City Council on June 16, 2014.

Kelli L. Barnaby, CMC/CNHMC
City Clerk

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the Mayor

DATE: January 6, 2016
TO: Portsmouth City Council Members
FROM: Jack Blalock, Mayor
RE: Mayor's Blue Ribbon Committee for Master Plan of Prescott Park

I have appointed a Mayor's Blue Ribbon Committee for the Master Plan of Prescott Park. The members on the Committee are:

Councilor M. Christine Dwyer (I have appointed her Chair of the Committee)
Councilor Nancy Pearson
Stefany Shaheen
Phyllis Eldridge, Trustees of Trust Funds
Thomas Watson, Trustees of Trust Funds
Dana Levenson, Trustees of Trust Funds

I will also serve on this Committee as Mayor.

For your information, the City Manager has provided me with a copy of the Request for Proposal (RFP) that will be issued to retain a consultant that would work with the Committee to complete this Master Plan.

c. John P. Bohenko, City Manager



ARTICLE VIII: CODE OF ETHICS

Section 1.801: DEFINITIONS

For purpose of this Article, the following terms shall be defined in the following manner:

- A. Officer: The term "Officer" shall be defined to include every member of the City Council, School Board, Police Commission, Fire Commission, each member of every land use regulatory board, i.e. the Board of Adjustment, Planning Board, Historic District Commission, Conservation Commission, Technical Advisory Committee, Traffic Safety Committee, Building Code Board of Appeals, Recreation Board, Planning and Development Council, and Economic Development Commission, every department head as that term is used in the Administrative Code, Chief of Police, Fire Chief, Superintendent of Schools, the Trustees of the Trust Funds and members of the Housing Authority.
- B. Employee: The term "Employee" shall include all employees of the City including the Police, School and Fire Departments whose salary is paid in whole or in part from the City Treasury.
- C. Governing Body: The term "Governing Body" shall mean the City Council, School Board, Police Commission, and Fire Commission.
- D. Official Duties: The term "Official Duties" shall mean the following:
 - 1. In the case of members of the City Council, School Board, Fire Commission, Police Commission and the City Manager, those duties and responsibilities set forth in the City Charter and/or established by State law.
 - 2. In the case of members of Land Use Regulatory Boards, the Trustees of the Trust Fund and the Portsmouth Housing Authority, those duties and responsibilities set forth in the legislation that established each board and/or outlines the duties and responsibilities of each board.
 - 3. In the case of the Chief of Police, the Superintendent of Schools, the Fire Chief, and all employees, those duties and responsibilities set forth in the respective job description for each party or employee.

Section 1.802: CONFLICTS OF INTEREST

- A. No Officer or employee shall engage in any business or transaction or shall have a financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his/or her official duties.

- B. **Representing Private Interests Before City Agencies:** No Officer or employee shall appear in behalf of private interests before any governing body or land use regulatory board of which the officer or employee is a member or membership on which is subject to approval by the officer or employee.
Officers and employees, however, may appear without compensation in behalf of constituents or in the performance of public or civic obligations. This section shall not prohibit appearances upon matters only incidentally requiring official action which do not develop into a substantial part of the employment, provided, that the retainer is not for the purpose of appearing before the governing body or land use regulatory board.
- C. **Representing Private Interests Before Courts:** No officer or employee shall represent private interests in any action or proceeding against the interests of the land use regulatory board or governing body of which the officer or employee is a member, or membership on which is subject to approval by the officer or employee in any litigation to which the City is a party.
- D. **Disclosures of Interest in Legislation:** A Councilor who has a direct or indirect financial or other private interest in any proposed legislation shall publicly disclose, on the official records of the Council, the nature and extent of such interest.
- E. **Disclosures by Officer or Employee of Interest in Legislation:** An officer or employee who has a direct or indirect financial interest or other private interest in any legislation and who participates in discussion before or gives official opinion to the Council, shall publicly disclose on the official record the nature and extent of such interest.
- F. **Gifts and Favors:** No officer or employee shall accept any gift, over \$100.00, whether in the form of service, loan, thing or promise, any other form from any person, firm or corporation which to his/or her knowledge is interested directly or indirectly in any manner whatsoever, in business dealings with the City. This provision shall not apply to campaign contributions of \$100.00 or less.
- G. **Disclosures of Confidential Information:** No officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her official duties shall publicly disclose on the official record the nature and extent of such interest.
- H. **Investments in Conflict with Official Duties:** Any officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her official duties shall publicly disclose on the official record the nature and extent of such interest.
- I. **Incompatible Employment:** No officer or employee shall engage in or accept private employment or render or seek services or goods for private interests when such employment or service creates a conflict with his/her official duties.

Section 1.803

Any violation of any provisions of this ordinance shall constitute cause for fine, suspension or removal from office or employment.

Section 1.804: BOARD OF ETHICS

- A. There is hereby created and established a method for appointing a Board of Ethics. This Board shall consist of five persons: one member each selected by lot from the City Council, School Board, Police Commission and Fire Commission and the City Attorney (ex officio) or such other legal counsel (ex officio) that the Board should decide. The Board member shall be drawn at the first meeting of the calendar year of each of the governing bodies.

The members of the Board shall elect a chairperson. They shall adopt such rules for the conduct of their business as they see fit and they shall have the power to draw upon the various City departments for reports and information and stenographic and clerical help. They shall have all subpoena powers as may be available to them under State law.

- B. **Advisory Opinions:** Upon the written request of the Officer or employee concerned, the Board shall render advisory opinions based upon the provisions of this Code. The Board shall file its advisory opinions with the City Clerk but may delete the name of the officer or employee involved.
- C. **Hearings and Determinations:** Any individual having information that an officer or employee as defined in Section 1:801, other than the City Manager or the City Attorney, is engaged in improper activities or has a conflict of interest may present his or her complaint to the City Attorney.
1. Said complaint shall be in writing, under oath, specific and to the point. The City Attorney shall review the written complaint with the Mayor and if either the Mayor or the City Attorney feels that the complaint is of substance, then the Mayor shall refer the matter to the Board.
 2. If both the Mayor and City Attorney believe that the complaint is without substance, the person making the complaint and the subject of the complaint shall be notified in writing of that fact.
 3. The Board shall hold a hearing which may be public or private at the discretion of the Board and at which the accused party shall be entitled to be represented by Counsel at his or her own expense to examine the party making the complaint, to summon witnesses and to present evidence on his or her behalf. If the Board finds that the individual is guilty as charged in the complaint, the whole matter shall be referred to the appropriate governing body for enforcement as set forth in Section 1:805.

4. Complaints against the City Manager and/or City Attorney for violations of this Ordinance shall be in writing, under oath, specific and to the point, and shall be referred directly to the Mayor or Assistant Mayor. If either the Mayor or Assistant Mayor believes that the complaint is of substance, then the complaint shall be referred to the Board for a hearing as set forth in paragraph C.3 above. If the City Attorney and the Assistant Mayor believe that the complaint is not of substance, then the person making the complaint and the Mayor shall be notified of that decision.
5. Complaints against the Mayor shall be filed with the City Attorney who shall review them with the Assistant Mayor. If either the City Attorney or the Assistant Mayor believes that the complaint is of substance, then the complaint shall be referred to the Board for a hearing as set forth in paragraph C.3 above. If the City Attorney and the Assistant Mayor believe that the complaint is not of substance then the person making the complaint and the Mayor shall be notified of that decision.
6. All members of the City Council (including the Mayor), School Board, Police Commission and Fire Commission are eligible to serve and must serve on the board when requested to do so except, however, that any person that has been charged in a complaint shall be barred from serving on that particular board.
7. All complaints shall be disposed of or forwarded to the Board by the City Attorney and/or the Mayor and/or the Assistant Mayor within thirty days after receipt.
8. The Board shall have thirty days to investigate and hold meetings and to report to the appropriate governing body as a whole if their findings warrant further action.
9. The statements of the findings of the Board shall be issued upon the request of any person charged.

Section 1.805: ENFORCEMENT

- A. Sanctions: In the event that the Board of Ethics determines that any officer or employee subject to its control, has engaged in any act prohibited by this ordinance or failed to make a mandated disclosure, the governing body shall take any one of the following steps:
 1. In the case of the Governing body members:
 - a. Vote for removal pursuant to the City Charter as amended
 - b. Vote to publicly censure the offending member
 - c. Vote to place the matter on file
 - d. Vote for innocence of any wrong doing

2. In the case of all officers and employees the governing body, consistent with the Merit System and any applicable bargaining agreements, shall:

- a. Vote for removal
- b. Vote for dismissal
- c. Vote for suspension for a definite period
- d. Vote for the censuring
- e. Vote to place the matter on file
- f. Vote for innocence of any wrongdoing.

B. Criminal Sanctions: In addition to the civil sanctions imposed by this ordinance, violation of any provision of this ordinance shall constitute a criminal offense and the City Council may authorize the City Attorney or any other attorney approved by it to prosecute such a violation in the Portsmouth District Court.

The penalty for violation of any provision of this Ordinance upon conviction in the Portsmouth District Court shall be \$1,000 for each offense.

(Adopted In Its Entirety 4/4/88)

2016 SCHEDULE OF CITY COUNCIL MEETINGS AND WORK SESSIONS

Regular Meetings - 7:00 p.m.

January 4*, 11 and 25

*(Inauguration Ceremony)

February 1 and 16* (Tuesday)

*Public Hearing on CIP

March 7* and 21

*(Adoption of CIP)

April 4 and April 18

May 2, 11* (6:30 p.m.) (Wednesday) and 16

*Public Hearing on FY17 Budget

June *6 and 20

*Adoption of Budget

July 11 (One meeting in July)

August 1 and 15

September 6 (Tuesday) and 19

October 3 and 17

November 21 (One meeting in November)

December 5 and 19

Work Sessions - 6:30 p.m.

February 8 (CIP Work Session)

March 12 (Saturday – 9am-3pm
Levenson Room at Library) Goal Setting

April 27
(Pease WWTF)

May 7 (Saturday – 8am-2:30pm
Levenson Room at Library)
(Gen. Gov., Police, Fire & School Presentations)

May 18 (Water & Sewer Proposed FY17
Budget)

May 23 (Budget Review on FY17 Budget)

June 1 (Budget Review on FY17 Budget)

October 1 (Saturday 9 am – 3 pm)
Levenson Room at Library
(Council Retreat)

Committee Assignments for 2016- 2017

Mayor Blalock

- Legislative Delegation - Subcommittee
- Joint Budget Committee

Assistant Mayor Splaine

- Citywide Neighborhood Steering Committee
- Legislative Delegation – Subcommittee
- Pease Development Authority – Port Subcommittee

Councilor Perkins

- Planning Board
- Rockingham Planning Commission

Councilor Dwyer

- Fees Schedule Study Committee
- Legislative Delegation – Subcommittee
- 400th Anniversary Committee
- Prescott Park Arts Festival Working Group

Councilor Lown

- Fees Schedule Study Committee
- Parking and Traffic Safety Committee
- Pease Development Authority Liaison
- Joint Budget Committee
- McIntyre Building Working Group

Councilor Pearson

- Chamber of Commerce
- Historic District Commission
- Peirce Island Committee
- Prescott Park Arts Festival Working Group

Councilor Spear

- Economic Development Commission
- Legislative Delegation – Subcommittee
- Public Access Financial Advisory Committee
- Joint Budget Committee
- McIntyre Building Working Group

Councilor Cyr

- Economic Development Commission
- Recreation Board
- Transportation Services Commission
- Recreation Board Subcommittee to Senior Services

Councilor Denton

- Rockingham Planning Commission
- Sustainable Practices Blue Ribbon Committee
- Veterans' Affairs Organization Liaison

Denton's Rules and Orders Agenda Motions

My goal is to create a subcommittee system similar to most the subcommittee system in most NH cities, where after an ordinance is introduced by a City Council (CC) Member and passed by the Committee of the Whole for First Reading, it would be referred to the appropriate 3 person subcommittee for review, public hearings, debate, and amendments resulting in a final version of the ordinance ready for Second Reading. All CC Members are welcome to attend and participate in the discussion, but only the committee members are allowed to vote. Once the subcommittee is finished, the ordinance would then go back to the Committee of the Whole for the Second and Third Reading without a public hearing, debate, or amendments. In practice, in Cities with such a system, other than clerical errors being fixed, once an ordinance clears committee, no amendments are successful at CC. The subcommittee system as described is more informal and will allow for much more public input.

Motions:

I move to substitute the following paragraph in place of Rule 30's current paragraph:

“Each Ordinance shall pass through the following stages, to wit: There shall be a first reading for information. If the first reading is passed, the Ordinance shall then be referred by the chair to the appropriate Council committee and consistent with public notice requirements of law, set a time and place for review, public hearing (if required), discussion, and amendments. All committees shall make a report for final action to the Council. After such report, the question shall be, "Shall they be read a second time?" If not, then the Ordinance is rejected. If so, the question shall be on the passage of the Ordinance for second reading. An Ordinance may be rejected at any stage in its progress. No Ordinance shall be amended except on second reading. Passage of the third reading shall constitute final passage.”

I move to insert the following at the end of Rule 25:

“The following Special Committees shall have the associated functions:

The Finance Committee's functions will include: Purchasing, Trust Funds, Operating Budget, Final Capital Budget, Taxes, City Reports, Legal Affairs, Insurance, Audits, Claims, Accounts, Bids, Review of Expenditures, Receipts, Contract Change Orders, Welfare and Grants.

The Codes and Ordinances Committee's functions will include: Municipal Elections and Returns, Charter and Ordinances, Council By-Laws, Enrolled Bills, Planning, Zoning, and such other matters as may be directed by the City Council.

The Public Works and Buildings Committee's functions will include: Roads, Sewer Systems, Water Systems, Engineering, Public Buildings, Recycling and SolidWaste, Pollution, Water Resources, Space Allocations.

The Public Safety Committee's functions will include: Police, Fire, Parking, Traffic, Street Signs, Street Lights, Animal Control, and Public Health Services.

The Community Development Committee's functions shall include: Economic Development, Industrial Development, Land Use Policy, Technology Issues, Chamber of Commerce, Arts and Cultural, Recreation, Parks, Adult & Youth Services, Promotional Activities and Festivals, Public Relations, COAST, Community Development Block Grants and Human Services Agencies.

The Appointments Review Committee's functions shall include: Interviewing of candidates for Council appointed positions on various boards of the City, including but not exclusive of Planning Board, Zoning Board of Adjustment, Historic District Commission, Trustees of the Trust Fund, Library Trustees, and Recreation. Incumbents of any Committee who have submitted Statements of Interest for reappointment and are running unopposed: the Appointments Committee reserves the right to waive the presence of the candidate.”

Current Rules:

RULE 25. SPECIAL COMMITTEES AND COMMITTEE RESPONSIBILITIES

All special committees of the Council shall consist of three members, unless a different number be ordered. It shall be the duty of every committee of the Council to whom a subject is specially referred to report thereon within the time limit set by the Council or to request an extension thereof. No report shall be received unless presented in writing, signed by a majority of the committee and agreed to in committee actually assembled.

RULE 30. ORDINANCE PROCEDURE

Each Ordinance shall pass through the following stages, to wit: There shall be a first reading for information. If the first reading is passed, the Council shall, consistent with public notice requirements of law, set a time and place for a public hearing and consideration of second and third readings. An ordinance may be rejected at any stage in its progress. No ordinance shall be amended except on second reading. Passage of the third reading shall constitute final passage.