

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 5, 2016 TIME: 6:00PM

AGENDA

- 6:00PM – FOOD VENDOR TRUCKS

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATIONS

- 1. Update Re: Pease Tradeport PFC's
- 2. Update from Deputy Public Works Director Brian Goetz Re: Haven Well
- 3. Presentation Re: Zagster – Bike Share for Portsmouth – Juliet Walker, Deputy Planning Director

- V. ACCEPTANCE OF MINUTES – OCTOBER 17, 2016 & NOVEMBER 21, 2016

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from Wilcox Industries, Corp - \$40,000.00 (*Sample motion – move to accept Wilcox's donation and ongoing sponsorship through July 4, 2027*)

- VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 2, 3, 11 and 15, to implement housekeeping changes relative to conformance with state law, nonconforming buildings and structures, setback requirements for parking areas, and the definition of “structure”
- B. First reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5 and 15, to revise and clarify provisions related to years (i.e., setbacks), exceptions to yard requirements, and projections into required yards; and to clarify the definition of “building coverage”
- C. First reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5, Section 10.521, to reduce the maximum building height from 35 feet to 30 feet in the Residential districts, and from 20 feet to 35 feet in the Mixed Residential districts
- D. First reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 4, 8 and 15, to allow accessory dwelling units and garden apartments by conditional use permit from the Planning Board, and to establish standards and procedures for such uses, in order to comply with a new state law

- E. First reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5A and 6, regarding the Historic District, to reference Design Guidelines adopted by the Historic District Commission, to revise and expand the list of activities that are exempted from HDC review and approval, and to clarify that exempted uses are subject to administrative review and approval
- F. First reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1010 – Wetlands Protection, to expand the jurisdictional wetlands to include a portion of the Piscataqua River shorefront north of the I-95 bridge, to clarify the existing allowance for expansion of a single or two-family dwelling, and to require restoration of a vegetated buffer strip to the extent feasible
- G. First reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 12 – Signs, to limit the type and manner of illumination of signs using “direct illumination”, such as LED or plasma signs
- H. First reading of proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Jennie Halstead, Celebrate Pink, requesting permission to hold the 9th Annual 5k Walk & Run on Sunday, September 17, 2017 at 9:00 a.m. at Portsmouth Middle School (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Lilia Potter-Schwartz requesting permission to hold a triathlon beginning at Portsmouth High School on Sunday, May 18, 2017 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Donald Allison, Eastern States 20 Mile, requesting permission to hold the Eastern States 20 Mile Road Race on Sunday, March 26, 2017 (***Anticipated action – move to refer to the City Manager with power***)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

(There are no items under this section of the agenda this evening)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager’s Items Which Require Action:

- 1. Approval of Agreement Re: 400th Anniversary Celebration
- 2. Renewal of New Hampshire Public Radio Lease for Rooftop Antenna

Informational items

1. Events Listing

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - Appointment of Robin Pickering to the Portsmouth Housing Authority – Resident Representative
 - Reappointment of Chris Mulligan to the Zoning Board of Adjustment
 - Reappointment of David Rheaume to the Zoning Board of Adjustment
2. *Appointments to be Voted:
 - Reappointment of Robert Marchewka to the Economic Development Commission
 - Appointment of Richard Shea as Regular member to the Historic District Commission
 - Appointment of Martin Ryan as an Alternate member to the Historic District Commission

C. ASSISTANT MAYOR SPLAINE

1. Portsmouth City Council Policy, Re: “Non-Meetings with Legal Counsel,” and request for Ethics and Conflicts of Interest Training Workshop

D. COUNCILOR DENTON

1. *Capital Improvement Plan – Anaerobic Digesters (***Sample motion – move to have City staff complete a Capital Improvement Plan form and be prepared to brief when necessary inclusion of an Anaerobic Digester at the Pease Wastewater Treatment Facility***)

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATION ITEMS

(There are no items on under this section of the agenda this evening)

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

Community Development Department
(603) 610-7232

Planning Department
(603) 610-7216

INTEROFFICE MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: NANCY COLBERT PUFF, DEPUTY CITY MANAGER
SUBJECT: FOOD TRUCK WORKSHOP – DECEMBER 5, 2016
DATE: NOVEMBER 30, 2016

In anticipation of the Council's workshop on Food Trucks, following is a summary of topics that can be used to guide discussion. This follows on the memo Council received on October 12th, which described our current regulations and procedures which allow trucks to operate within the City.

1. **Should** we take steps to entice food truck expansion in the City? If yes, then:
2. **Where** would we like to see additional food trucks? Consider proximity to restaurants, areas of high visibility but will not obstruct traffic, pedestrian accessible and/or with sufficient parking.
 - Food truck "court" – where multiple trucks congregate?
 - Two parking spaces designated on State and Hanover (see attached map). Additional spaces downtown? Elsewhere? Within a distance of "bricks and mortar" restaurants?
 - Special events? Currently at Red Hook festival. Parades?
 - Other public property? Parks?
 - Private property?
3. **How** should additional trucks be allowed? We currently issue an annual RFP for two spaces downtown, and for all other instances we permit through the City Clerk (Hawkers and Peddlers), the Health Department (Mobile Food Vendor permit) and Zoning.
 - Public health and safety is a priority (trucks should be safe (licensed manufacturer/NSF certification), and clean (hand sinks required, grease contained and disposed, access to water, and employees should have access to restroom facilities). We do not recommend any changes to Health Department permitting be considered at this time.
 - Trucks should not cause nuisances: noise levels (generators), litter prevention, lighting (after dark operation), signage, aesthetic impact, etc., should be considered.

- City's permit process for on-street parking: RFP or first-come first-served (aka sidewalk dining)? Can vendors sublet spaces?
- Are existing fees appropriate? (\$5,000 min. bid for marked parking spaces, \$250 for vendor's license, \$200 for Health permit fee)
- Hours of Operation: Current "season" for on street spaces is April 15th – November 15th, 7 am – 11 pm. Exclusion of certain days/events?
- Enforcement – City officials must be able to act quickly in responding to issues.

Attached for your use are: Chapter 6: Article XIII: Hawkers and Peddlers of the City's ordinances, and a map outlining the spaces currently designated for food trucks downtown.

ARTICLE XIII: HAWKERS AND PEDDLERS

Section 6.1301: LICENSE REQUIRED

A person shall not engage in the business of peddler, as defined in RSA 320:1, within the corporate limits of the City of Portsmouth without first obtaining a license therefore as provided herein.

Section 6.1302: DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

Motor Vehicle: Any vehicle used for the displaying, storing, or transporting of articles offered for sale by a vendor which is required to be licensed and registered by the Department of Motor Vehicles.

Peddler: As used herein shall be as defined in RSA 320:1 and shall include any person, whether a resident of the City of Portsmouth or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, stand, automotive vehicle, railroad car, or other vehicle or conveyance and includes one who solicits orders and as a separate transaction makes deliveries to purchasers. The word "peddler" shall include "hawker", "vendor" and "huckster". The definition of the term, "peddler" shall include each horse drawn carriage for hire which operates within the City limits. (Amended 9/18/95)

Public Assembly Buildings: As used herein shall be as defined in the BOCA Basic/National Building Code/1984, Article III, Sections 302.1 - 302.6.

Public Property: Any city owned or controlled property including but not limited to streets and sidewalks.

Sell: Shall include any offer to sell or attempt to sell.

Stand: Any push-cart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a vendor. (Amended 6/21/99).

Vendor: A peddler who on public property sells food, beverages or merchandise from a stand, motor vehicle or his person.

Section 6.1303: APPLICATION

The license required by this Article shall be issued in accordance with the General Licensing Ordinance, Article 6.107.

The application for a peddler's license shall include, in addition to the information required by the General Licensing Ordinance:

- A. The name, home and business address of the applicant, and the name and address of the owner, if other than the applicant, of the business and of any stand or motor vehicle to be used in the operation of the business.
- B. A description of the type of food, beverage or merchandise to be sold, and in the case of products of farm or orchard, whether produced or grown by the applicant.
- C. A description and photograph of any stand or motor vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business.
- D. A certificate of insurance or other proof acceptable to the Licensing Officer that the applicant has been issued an insurance policy by an insurance company licensed to do business in the State of New Hampshire, protecting the licensee and the City from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the license. The insurance policy shall provide that the policy shall not be terminated or cancelled prior to the expiration date except with thirty (30) days advance written notice to the City. The policy shall provide combined single limit coverage in the amount of \$1,000,000 for personal injury and property damage. The City of Portsmouth shall be named as additional insured thereunder. (Amended 6/21/99)

Section 6.1304: ISSUANCE

Not later than thirty (30) days after the filing of a completed application for a vendor's license, the applicant shall be notified by the Licensing Officer of the decision on the issuance or denial of the license. The Licensing Officer shall consider the standards set forth in this Article and the Ordinances of the City of Portsmouth in determining whether to grant a license.

If the issuance of the license is approved, the Licensing Officer shall issue the license. If the license is denied, the applicant shall be provided with a statement of the reasons for the denial. The reasons shall be entered in writing on the application. The applicant shall be entitled to a hearing pursuant to Section 6.1316. All licenses issued under the provisions of this chapter shall expire on June 30 annually.

All licenses issued hereunder shall be displayed by the vendor on the vending cart in a place visible to the public.

Section 6.1305: PROHIBITED CONDUCT - VENDOR

A vendor shall not:

- A. Vend within one thousand (1,000) feet of the grounds of any elementary or secondary school between one hour prior to the start of the school day and one hour after dismissal at the end of the school day;
- B. Vend within one thousand (1,000) feet of any hospital;
- C. Vend within fifty (50) feet on the same street of any public assembly building while such building is in use;
- D. Vend on any street or sidewalk where vending is otherwise prohibited;
- E. Leave any stand or motor vehicle unattended;
- F. Store, park, or leave any stand overnight on any street or sidewalk, park any motor vehicle other than in a lawful parking place, in conformance with City and state parking regulations;
- G. Sell food or beverages for immediate consumption unless he has available for public use his own litter receptacle which is available for his patrons' use;
- H. Leave any location without first picking up, removing and disposing all trash or refuse remaining from sales made by him;
- I. Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the stand or motor vehicle, except as expressly indicated in the application for a license;
- J. Set up, maintain or permit the use of any table, crate, carton, rack, sign, or any other device to increase the selling or display capacity of his stand or motor vehicle, where such items have not been described in his application;
- K. Solicit or conduct business with persons in motor vehicles;
- L. Sell anything other than that which he is licensed to vend;
- M. Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loud speaker, public address system, radio sound amplifier or similar device to attract the attention of the public;
- N. Vend without the insurance coverage specified in Section 6.1303(d);
- O. Vend without a fire extinguisher of a type approved by the Fire Chief or his designee if the vendor utilizes heat generation equipment.

Section 6.1306: PROHIBITED CONDUCT - SIDEWALK VENDORS

In addition to the conduct prohibited by Section 6.1305, a vendor selling from a stand on the sidewalk shall not:

- A. Vend at any location where the unobstructed sidewalk area after deducting the area occupied by the stand is less than three (3) feet in width;
- B. Vend within thirty (30) feet of any driveway entrance to a police or fire station, or within ten (10) feet of any other driveway;
- C. Allow the stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property, without the owner's written permission.

Section 6.1307: PROHIBITED CONDUCT - VENDOR FROM MOTOR VEHICLE

In addition to the conduct prohibited by Section 6.1305 a vendor selling from a motor vehicle shall not:

- A. Conduct his motorized business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police, or sanitation vehicles;
- B. Stop, stand, or park his vehicle upon any street, or permit it to remain there except on the roadway at the curb for the purpose of vending therefrom;
- C. Stop, stand, or park his vehicle upon any street for the purpose of selling or sell on any street under any circumstances during the hours when parking, or stopping or standing has been prohibited or is prohibited by statute by signs or curb markings or Ordinance;
- D. Vend from a municipal parking space except from those locations, not to exceed more than three (3) locations, identified for vending by the Parking Committee and ratified by the City Council through the acceptance of the Parking Committee's minutes and subject to the following limitations: (Amended 02/16/2010)

The vending spaces shall be available from April 15 – November 15 of each year.

In order to utilize such spaces, vendor must be the highest qualified bidder for use of such vending space, agreeing to all terms and conditions of the bid.

The Parking Committee shall be responsible for preparing annually a bid document in coordination with other municipal departments, including the purchasing and legal departments.

There shall be a minimum bid price of \$5,000.00 or such minimum bid price as may be established in accord with Chapter 1, Article XVI relative to the adoption of fees by City Council budget resolution.

Section 6.1308: PROHIBITED LOCATIONS

Vending or Peddling is specifically prohibited at the following locations:

- A. On the sidewalk area in front of the North Church bounded by Pleasant Street, Church Street, Congress Street and the front façade of the Church. (Adopted 12/02/02)

Section 6.1309: HEALTH AND SANITATION REQUIREMENTS FOR FOOD AND BEVERAGE VENDING

A vendor of food and beverages shall comply with the inspection provisions and standards for restaurants contained in the Ordinances of the City of Portsmouth.

- A. The equipment used in vending food and beverages shall not be used until the vendor receives a certificate of inspection indicating compliance with this section.
- B. Each food and beverage vending business shall be inspected at least quarterly by the Health Officer.

Section 6.1310: ADVERTISING

A peddler shall not permit advertising on any stand or motor vehicle, except to identify the name of the product or the name of the vendor and the posting of prices.

Section 6.1311: MOTORIZED FOOD VENDORS IDENTIFICATION

All motorized food vendors operating in the City of Portsmouth are required to have lettering on both sides and rear of their vehicle(s), identifying the name of the business. The letters shall be at least four inches (4") in height and of such color and design as to be clearly visible at a distance of at least fifty (50) feet. The letters shall be of a material and affixed in a manner approved by the Licensing Officer.

Section 6.1312: RENEWAL

An application to renew a license shall be made not later than thirty (30) days before the expiration of the current license in accordance with Section 6.1304.

Section 6.1313: TEMPORARY SUSPENSION FOR STREET CLOSINGS

An official temporary encumbrance or closure of a street or sidewalk by the City for purposes of maintenance or reconstruction shall cause the suspension of all licenses to operate thereon.

Section 6.1314: STREET FAIRS

Any person or persons wishing to use or occupy a portion of any street or sidewalk for the purposes of conducting thereon street fairs or other community events, including but not limited to the sale of merchandise by commercial retailers, or by community associations conducting street fairs or other promotions must, pursuant to the provisions of RSA 31:100, obtain a license from City Council.

Section 6.1315: PUBLIC CELEBRATIONS

The Licensing Officer may, under conditions deemed appropriate by him, grant a temporary vendor's license to operate during public celebrations.

Section 6:1316: LICENSE FEES

The license required by this Article shall be issued upon approval by the Licensing Officer. Fee to be determined in accordance Chapter 1, Article XVI or similar wording. The fee is for one (1) year or any part thereof. (Amended 6/21/99) (Amended 3/18/2002).

Section 6:1317: LICENSE SUSPENSION OR REVOCATION AND HEARING

Upon written notice to the licensee, the license issued hereunder may be suspended for the remainder of its term, or any portion thereof, by the City Manager upon a finding that any of the terms and conditions of this Article have been knowingly violated by the licensee.

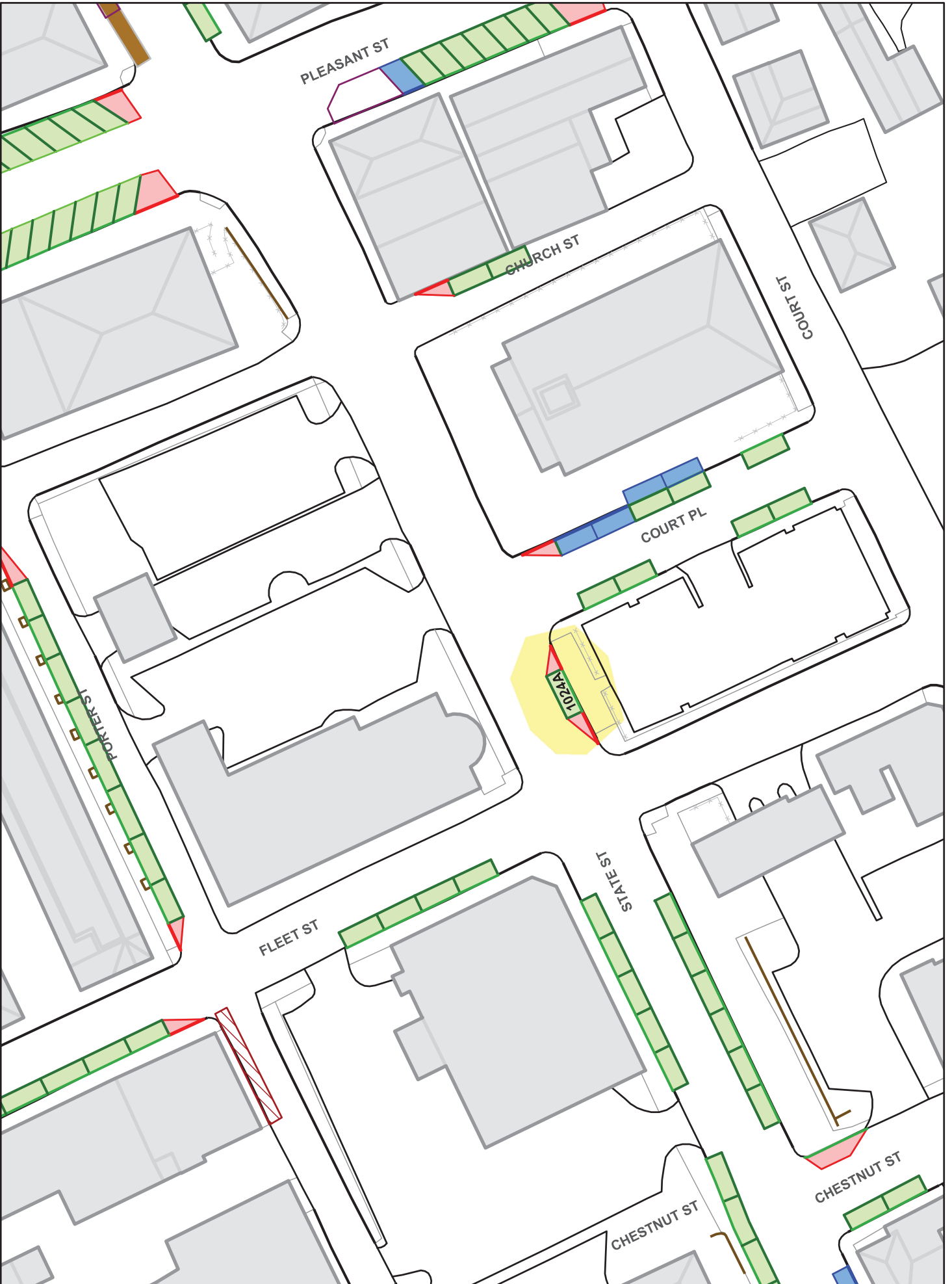
At the request of any licensee receiving notice of suspension or revocation pursuant to this section, the Chairperson of the Vendor's Committee shall arrange a hearing of the Vendor's Committee. Such hearing shall be scheduled during normal business hours of City Hall within seven (7) calendar days of the receipt by the Chairperson of the request for such hearing, Saturdays, Sundays and holidays excluded. The Chairperson of the Vendor's Committee shall conduct and preside over all hearings scheduled under this section. The hearings shall be informal and the rules of evidence shall not apply. At such hearings the licensee may present any defense of law or fact which is relevant to the issue of whether or not the license should be suspended or revoked. The decision of the Vendor's Committee shall be final, subject only to judicial review. No licensee whose license has been suspended or revoked shall be granted another license during the period of suspension or revocation. (Amended 12/02/02)

Section 6.1318: PENALTIES

Any person, firm, or corporation who violates any provision of this Article shall be subject upon conviction of a fine of up to Five Hundred (\$500.00) Dollars per violation.



Hanover Street - Vending Space #2004



CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 17, 2016

PORTSMOUTH, NH
TIME: 7:00 PM

I. CALL TO ORDER (7:00PM)

Mayor Blalock opened the meeting at 7:05 p.m.

II. ROLL CALL

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

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

Councilor Denton led the Pledge of Allegiance.

PRESENTATION

1. Update Re: Various Parking Programs – Parking Manager Joey Giordano

Parking Manager Joey Giordano gave a brief presentation updating the status of various parking programs recently put into place. He also announced the implementation of Passport Parking which is a smart-phone application going into effect on October 18th for the Bridge Street and Worth Parking Lots. He explained how the new parking application will eliminate issues that people have with the current system including having to go back to their car after purchasing a ticket.

Discussion ensued regarding parking fees and turnover and trying to find the right balance.

V. ACCEPTANCE OF MINUTES – *(There were no minutes on for acceptance)*

VI. PUBLIC COMMENT SESSION

Jonathan Wyckoff – spoke in favor of the proposed Demolition ordinance stating it doesn't stop demolition but allows a public hearing aspect which is very important. He would like to see a stipulation added that the committee be notified immediately when a demolition is proposed on a 50+ year structure.

Mark Brighton – stated that the idea brought forward by Councilor Pearson to take 100 spaces from the new parking garage for green space is laudable but shouldn't be done there. He then discussed the item regarding transparency on the agenda under Councilor Spear stating he doesn't understand wanting to have less transparency. Finally, regarding the appointment of Mr. Kiesel to the Planning Board, he feels his application was less than forthright and that there is a conflict if interest.

Joe Caldarola – apologized for a recent comment regarding Jeff Kiesel but feels that putting him on the Planning Board would not be a good idea as he has spoken on many applications and does not offer any changes, only blanket approval.

Councilor Spear stated for clarification that the rules of Public Comment is that they are supposed to speak on one subject.

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 3, ARTICLE II, SECTION 3.2 SOLID WASTE, YARD WASTE AND RECYCLING AND AN AMENDMENT TO CHAPTER 1, ARTICLE XIII, SECTION 1.13 – MUNICIPAL ENFORCEMENT PROCEDURES

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers. Seeing no one wishing to speak, Mayor Blalock closed the public hearing.

- B. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF THREE HUNDRED AND FORTY-FIVE THOUSAND (\$345,000.00) DOLLARS FROM THE SEWER FUND UNRESTRICTED NET POSITION FOR LAND ACQUISITION THROUGH EMINENT DOMAIN RE: 150 GREENLEAF AVENUE

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers.

James Boyle, owner of Toyota of Portsmouth – discussed the ongoing issue with the City of Portsmouth stating that this has demonized his business. He continued that the City Manager and staff have made mistakes dealing with this through the years and would like the City Council to think for themselves.

Atty. Kuzinevich – representing James Boyle – discussed the cost to his client and the city over the many years of negotiations and feels that this will only continue to cost the City more going forward with this process.

Paul Mannle – stated he doesn't believe that eminent domain is in the best interest of the city and feels that negotiations should continue.

Esther Kennedy – stated she would like to take personalities out of this issue and consider if we really need all of this property for that sewer line. She urged continued negotiations.

Mayor Blalock clarified that the public hearing is regarding the appropriation of funds and not a vote on the Eminent Domain issue which was voted at the September 6, 2016 City Council meeting.

Ruth Griffin – stated she is a life-long resident and remembers when urban renewal took away a lot of taxable properties and if the city takes this property, it will also take away taxable property.

Rodney Rodriguez – stated as an abutter, he is directly impacted by this issue and is completely opposed to this action. He urged continued negotiations.

Rick Becksted – stated that the City has used eminent domain 2 other times and wonders where the money came from at that time. He stated he has never heard of using sewer funds for this purpose especially when that money is needed for other sewer related items. He urged continued negotiations.

Joe Caldarola – stated the City has found a way to get the mules' attention as they have been negotiating all along to this point.

Seeing no one else wishing to speak, Mayor Blalock closed the Public Hearing.

Discussion ensued regarding reopening the public hearing for a second round. Mayor Blalock reopened the public hearing with clarification again that this was specific to the supplemental funding resolution.

Seeing no one wishing to speak, Mayor Blalock closed the second round of the Public Hearing.

Councilor Lown moved to suspend the rules to move up Item XI.A.3. of the agenda for consideration. Seconded by Assistant Mayor Splaine and voted.

3. Report Back Re: 400th Anniversary Celebration

Assistant Mayor Splaine moved to authorize the development of a trust for the 400th Anniversary Celebration, and further, authorize the City Manager to enter into a partnership agreement with the Portsmouth Historical Society/Discover Portsmouth Center to provide an annual contribution from the City of Portsmouth to the PHS/DPC which will provide a base level of support to create a varied, organized and informed set of activities in which the community can engage to develop a sense of pride for Portsmouth's past and future, seconded by Councilor Lown.

Councilor Dwyer stated she understands that the trust must be established first, but will there then be a recommended appropriation amount.

City Manager Bohenko stated that he would welcome the City Council to come up with a scope of work and will have a line item in the FY18 budget.

Councilor Spear suggested looking for sponsorships as well.

Assistant Mayor Splaine stated there are other cities that will also be celebrating their 400th anniversaries in the same time period such as Provincetown and urged outreach and participation with those communities.

Motion passed.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Ordinance amending Chapter 3, Article II, Section 3.2 Solid Waste, Yard Waste and Recycling and an amendment to Chapter 1, Article XIII, Section 1.13 – Municipal Enforcement Procedures

Councilor Lown moved to pass second reading and schedule a third and final reading of the proposed ordinance at the November 21, 2016 City Council meeting as presented, seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine stated he is glad that the terminology regarding “trailer park” was changed but is still confused with the terminology of “manufactured housing”, but is glad the conversation has been started.

Motion passed.

Councilor Denton moved to suspend the rules to hold the third and final reading of ordinance, seconded by Councilor Cyr.

Councilor Dwyer asked if passing this early will have any effect on notification to businesses etc. City Manager Bohenko stated it will not start immediately and there will be outreach first.

Motion passed.

Councilor Denton moved to pass third and final reading. Seconded by Councilor Spear and voted.

- B. Adoption of Resolution Authorizing a Supplemental Appropriation in the amount of Three Hundred and Forty-Five Thousand (\$345,000.00) Dollars from the Sewer Fund Unrestricted Net Position for Land Acquisition Through Eminent Domain Re: 150 Greenleaf Avenue

Councilor Spear moved to adopt the resolution to raise and appropriate \$345,000.00 from the Sewer fund net position for land acquisition through eminent domain regarding 150 Greenleaf Avenue, seconded by Councilor Denton.

Councilor Spear stated to clarify that this will be protecting the sewer line we are currently using. He continued that State Law provides we acquire it at fair market value and that negotiations are required by State law as part of the eminent domain process.

Councilor Denton stated we are here at this point because previous negotiations have failed. He stated the use of eminent domain for a sewer line is appropriate.

Councilor Dwyer stated that it was pointed out that with this action we have gotten their attention and there is a change in tone and if there is a realistic opportunity for agreement, then the Council would be open, but there already have been many attempts made. She asked for clarification regarding a discrepancy in Planning Director Taintors’ opinions.

Deputy City Attorney Suzanne Woodland – clarified the issues regarding the Planning Director opinions that were referred to previously stating that there were 2 different assumptions arrived because there were 2 different reports submitted for 2 different purposes.

Discussion ensued regarding the costs so far and potential costs.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock stated that again, this is a vote on the supplemental appropriation, but hopes that we can still reach an agreement as continued negotiations are a required part of the process anyway. He stated that the people in the neighborhood should be reassured that this will protect the sewer in their area.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Dwyer stated this is a complicated issue but we are required to maintain the sewer and if we didn't and something happened to the neighborhood then we would be derelict in duty.

Councilor Cyr stated he will support this resolution with the intent of continued negotiations.

Motion passed on a 7-2 roll call vote. Assistant Mayor Splaine and Councilor Lown voted opposed.

- C. Third and final reading of Ordinance amending Chapter 14, Article II – Demolition – The Preservation of Buildings and Places of Historic, Architectural and Community Value

Assistant Mayor Splaine moved to pass third and final reading of proposed ordinance as presented, seconded by Councilor Spear.

Assistant Mayor Splaine asked if the change suggested at public comment could be incorporated. City Manager Bohenko stated this could be done administratively.

Motion passed.

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

(There are no items under this section of the agenda)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

(There are no items under this section of the agenda)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Purchase & Sale Re: Elliott Property

City Manager Bohenko stated the City has been in discussions with George Elliott and his attorney, Richard Foley, with regard to settling a dispute related to drainage impacts to the property at 850 Banfield Road. He continued that the property owner has indicated that he prefers that the City purchase the entire parcel. Finally, he stated that in an effort to avoid potential litigation the City has negotiated an agreement with Mr. Elliott to purchase the entire parcel, approximately 7.1 acres, for \$550,000.

Public Works Director Peter Rice stated the property is located at a low point in a series of drainages originating along Route 1 through the Portsmouth Industrial Parks on Constitution Avenue and Heritage Avenue which outlet through a railroad culvert into the Great Bog. Due to changing development patterns and lack of maintenance by the railroad, the property at 850 Banfield Road has experienced a history of storm-water inundation impacting Mr Elliott's property. In addition to the storm-water inundation, Mr. Elliott believes his drinking water well was impacted by the change in ground water hydrology. He continued that the lengthy negotiations have included a number of potential solutions including securing a drainage easement, purchasing a portion of the property and purchasing all of the property.

Environmental Planner Peter Britz explained that 3.3 acres in wetlands will be used to help stormwater management. The remaining 3.8 acres are in uplands and can be subdivided to be sold as possibly two building lots whereby the City could recover a majority of the cost of purchasing this land. It is recommended that \$150,000 come from the Conservation Fund and the remaining \$400,000 come from Fund Balance. This property abuts conservation land the City already owns. The purchase of this property would provide better stormwater management options over the long term and supports conservation efforts.

Councilor Spear moved to:

- 1) Authorize the expenditure of \$150,000 Conservation fund contingent upon Conservation Commission approval;**
- 2) Establish a public hearing for November 21, 2016 appropriating \$400,000 from Unassigned Fund Balance for the purchase of land;**
- 3) Refer this matter to the Planning Board for a report back to the City Council; and**
- 4) Further, authorize the City Manager to enter into a Purchase and Sales Agreement subject to funding.**

Seconded by Councilor Pearson.

Councilor Lown stated he is concerned with item 4 regarding the purchase and Sales Agreement and what the legal basis would be for this action.

City Attorney Sullivan cautioned that further discussion should be held in a non-public session.

Councilor Lown stated he understands the environmental and financial issues but feels there is a key missing piece.

City Manager Bohenko stated that Lafayette Road has been developed over the years and many changes have occurred which have changed the water drainage and has become an issue and it is our responsibility to manage the stormwater.

Public Works Director Rice explained that stormwater management has changed and evolved over the years so the way it was handled previously has changed to current practices.

Councilor Dwyer asked if we now have practices in place during the Site Review process to mitigate this from happening in the future.

Public Works Director Rice stated we have learned a lot about the function of wetlands over the years.

Discussion ensued regarding the assessed value of the property being lower than the sale price. Councilor Spear asked if item 4 can be voted on November 21st after the public hearing.

City Manager Bohenko stated that Mr. Elliott has been patient to this point and related that this is a similar issue which occurred in the Brewster Street area.

Councilor Dwyer feels that it would make sense to have a report back from the Planning Board for the November 21st meeting as well.

Councilor Lown asked that the question be divided for voting, Items 1-3 and then 4.

Motion to approve items 1-3 passed on a 9-0 vote.

Councilor Spear moved to amend Item #4 as follows:

- 4) Further, authorize the City Manager to enter into a Purchase and Sales Agreement subject to funding and the report back from the Planning Board for the November 21, 2016 City Council meeting.**

Seconded by Councilor Cyr.

Motion passed on an 8-1 roll call vote.

Recess/Reconvened 9:10 – 9:20 p.m.

2. City Hall Building North Façade Replacement Design

Public Works Director Peter Rice explained that in 2014, the City addressed structural concerns on the North Wall of City Hall, in addition to having Lavallee Brensinger Architects conduct a Municipal Complex Programmatic Needs study to commence long-term planning for improvements to the entire City Hall facility. The North Wall of City Hall facing the South Mill Pond was inspected by structural engineers after showing stress cracks in the brick veneer. The result of that structural evaluation showed the brick façade was at risk of complete failure and immediate repairs were made to secure the façade. These repairs were a temporary fix intended to allow the City time to design a permanent facade replacement. He continued that following this work, Lavallee Brensinger Architects developed conceptual designs for a new North Wall Façade. Three conceptual plans were developed and presented to the City Council on August 15, 2016, and the Historic District Commission on September 7, 2016. In addition, the alternatives were a topic of discussion at the October 1, 2016 City Council retreat. The consensus of these discussions was the selection of Alternative B, Curtain Wall and Masonry façade. He concluded that although the façade has had temporary repairs, it is critical that the façade replacement move forward to avoid the potential consequence of a complete failure.

Councilor Lown moved to approve the section of Alternative B, curtain Wall and Masonry façade for the replacement of the Municipal Complex's 1962 Building façade. Seconded by Councilor Spear and voted.

Councilor Pearson asked when the public will be able to give input.

Public Work Director Rice stated that this work needs to be done as soon as possible so it would be challenging to extend the public input.

City Manager Bohenko stated that the public has had multiple opportunities to give input.

3. Report Back Re: 400th Anniversary Celebration – *previously addressed*
4. Request to Dispose of Surplus Vehicles and Equipment

Councilor Spear moved to authorize the City Manager to dispose of surplus vehicles and equipment by the sealed bid process. Seconded by Councilor Lown and voted.

5. Commerce Way

City Manager Bohenko stated that this is a housekeeping measure to close this project.

City Attorney Sullivan explained that the City Council voted on September 17, 2012 to proceed with a Conditional Road Layout and Betterment Assessment of Commerce Way. A bond resolution for \$1,600,000 was passed to pay for the reconstruction of the roadway. The bond resolution provided that no amount could be borrowed or expended unless all right, title and interest in Commerce Way was conveyed by its current owners to the City. He stated the City was conveyed the land for the roadway in three separate deeds and two Drainage Easements Deeds were also transferred to the City because they were necessary to meet City construction standards. The newly design roadway modifies a curve in the road and that modification leaves a small parcel conveyed to the City that is not part of the new roadway. The original proposal approved by the Council in 2012 indicated that this parcel was to be conveyed to the owner of 135 Commerce Way after construction was complete and the road was accepted by the City. He concluded the second condition imposed by the Council was that the City Attorney draft a letter to the City Manager confirming the layout process complied with State statute. This letter was completed and sent on May 26, 2016. The roadway has been built and has been inspected by the Department of Public Works and is built to City standards and specifications. Because the conditions of the layout approved by the Council in 2012 have been met, Commerce Way is now a public right of way. The City is ready to issue the betterment assessment to those abutters who are served by the road.

Councilor Spear moved to:

- 1) Accept transfer of land and drainage easements to the City necessary for the layout of construction of Commerce Way. This vote is subject to Planning Board issuing a report or waiver of referral. Said land and easements are recorded at the Rockingham County Registry of Deeds at Book 5631, Page 1041; Book 5631, Page 1051; and Book 5722, Page 0322; and are shown on the Plan D-38901 and drainage easements are recorded at Book 5631, Page 1057 and Book 5631, Page 1054;**
- 2) Convey .228 acres of land to 135 Commerce Way, LLC as contemplated in the original roadway design to reflect as built roadway conditions of Commerce Way. This vote is subject to Planning Board issuing a report or waiver of referral. Said conveyance is shown on Plan D-38901; and**
- 3) Refer this matter to the Planning Board for report or waiver.**

Seconded by Councilor Lown and voted.

6. Request to Extend Existing License at 64 Market Street

Councilor Spear moved to authorize the City Manager to extend the license with Cereno Construction to finalize reconstruction activities of the Gaslight Restaurant. Seconded by Councilor Cyr and voted.

Informational items

1. Events Listing
2. Report Back Re: Food Truck Vendors
3. Status Report Regarding Conversion of West Road (Service Road) into a City Street
4. Reminder Re: Household Hazardous Waste Day
<http://cityofportsmouth.com/publicworks/solidwaste-recycle-hhw.htm>.

B. MAYOR BLALOCK

1. Appointment to be Voted:
 - Appointment of Jody Record to the Planning Board as a Regular Member

Councilor Spear moved to approve the appointment of Jody Record to the Planning Board as a regular member until 12/31/2017 (filling unexpired term of William Gladhill). Seconded by Councilor Pearson and voted.

- Appointment of Jeffrey Kisiel to the Planning Board as an Alternate Member

Councilor Perkins moved to approve the appointment of Jeffrey Kisiel as an alternate member of the Planning Board to December 31, 2018, seconded by Councilor Pearson.

Mayor Blalock stated he has received emails concerning this appointment and he did not make this appointment lightly. He stated he interviewed Mr. Kisiel and discussed the issues of concern. He stated he feels it is important to have a cross section of people on land use boards and also encourage younger people to become involved.

Councilor Dwyer stated that there were comments made about a conflict of interest and feels that term is being misused as it is not a conflict to have a different opinion or any opinion at all, but is if you are pre-judging a project. She stated that Mr. Gladhill had previously stated that he would not vote in favor of any contemporary project in the Historic District.

Councilor Pearson stated that being an alternate is an incredible learning opportunity and a good way to become involved.

Councilor Denton stated he only received 2 emails regarding this appointment and feels that Mr. Kisiel is a good addition to the Planning Board.

Assistant Mayor Splaine stated he does not want to appear that the Council is critical of Mr. Gladhill or of any appointments to Boards. He stated he will vote against this appointment because he feels the Council should be more involved in the process and be able to review all applications before being brought forward.

Councilor Lown stated he received approximately 15 e-mails from well-informed people so he called Mr. Kisiel and asked the questions regarding being an advocate for Harborcorp and was told that he is in the construction business, is in favor of the Harborcorp project but is not associated in any way with the developer. He stated he found him to be an open-minded level-headed individual.

Motion passed on an 8-1 roll call vote. Assistant Mayor Splaine voted opposed.

- Reappointment of Bruce Boley to the Board of Library Trustees

Assistant Mayor Splaine moved to approve the reappointment of Bruce Boley to the Board of Library Trustees until October 1, 2019. Seconded by Councilor Spear and voted.

- Reappointment of Jack Jamison to the Board of Library Trustees

Assistant Mayor Splaine moved to approve the reappointment of Jack Jamison to the Board of Library Trustees until October 1, 2019. Seconded by Councilor Perkins and voted.

Mayor Blalock urged people to apply to be on Boards and Commissions. He further explained that it is the responsibility and duty of the Mayor to bring forward applications to the Council for appointment to the Boards and Commissions.

C. COUNCILOR DWYER

1. Prescott Park Master Plan Update

Councilor Dwyer gave an update on the conceptual design discussions held by the Prescott Park Master Plan Blue Ribbon committee (handout submitted). She stated that there were 2 more public input events held on October 13th and 15th. She concluded by summarizing the items that have received strong support including; continuing public docks, relocating the stage with Shaw acting as a place for back-of-house; creating one or more through-paths along/over the water; focus more on Liberty Pole area enhancement; better linkage to Four Tree Island; preserve larger open law space areas; rethink trial gardens; add integrated play structures; replace/rebuild formal garden area.

Councilor Pearson stated she has been pleased to see the public has been open to the different ideas which has allowed for creative discussions.

Mayor Blalock stated that this committee has been everything he had hoped it would be with a lot of public participation. He stated that the mission is to enhance the Park and not everything will happen at the same time.

D. COUNCILOR LOWN

1. Parking and Traffic Safety Committee Meeting Action Sheet and Minutes of October 6, 2016

Councilor Spear moved to approve and accept the Action Sheet and Minutes of the October 6, 2016 Parking & Traffic Safety Committee meeting. Seconded by Councilor Pearson and voted.

Councilor Cyr stated he would like to have the 15 minute parking spaces reviewed to ensure we are maximizing their efficiency.

Assistant Mayor Splaine complimented Councilor Lown on how well he runs the Parking and Traffic Safety Committee meetings.

E. COUNCILOR PEARSON

1. Feasibility of Creating a Public Park at the current Bridge Street Parking Lot Location

Councilor Pearson stated that there have been 400 comments submitted regarding the Prescott Park master plan and feels that the Prescott sisters should be thanked for preserving that area for the residents of Portsmouth. She stated that the downtown area however, has many little vacant lots and would like the staff to come back with the feasibility of adding green space and how it can fit into the CIP.

Councilor Perkins stated she supports this idea whole-heartedly as the West-end continues to be developed.

Assistant Mayor Splaine stated that during the Charette process of the West-end it became apparent that this will become the center of the city and feels that putting aside some green space would be the right thing to do.

Discussion ensued regarding the various areas that should be looked at with City Manager Bohenko stating that he will be reporting back on ways to maximize the areas of Bridge Street, Bridge Street Lot, Worth Lot, Vaughan Mall and Maplewood area.

Councilor Pearson stated the goal is to preserve open space.

F. COUNCILOR SPEAR

1. Discontinue Free Holiday Parking

Councilor Spear stated that meters exist in the downtown for the benefit of businesses so that there is turnover throughout the day. He stated that the loss of revenue that we incur due to the free holiday parking, when businesses still need the turnover, could be used in a different way; i.e. manning the kiosk, patrol officer, snow removal, etc. He stated he would like to see the policy reviewed.

Councilor Lown stated that this small amount of goodwill is hard to quantify and wondered if there was an alternative.

Assistant Mayor Splaine stated this is a serious issue and that dialogue should be held with the Chamber of Commerce.

Following discussion, it was requested that the City Council representative to the Chamber of Commerce, Councilor Pearson, bring the issue to the Chamber of Commerce and report back.

2. Article Entitled Against Transparency (*No Action Required*)

Councilor Spear asked the Councilors to read the information he provided.

G. COUNCILOR DENTON

1. Hodgson Brook Advisory Committee

Councilor Denton stated the last meeting of this committee will be on October 18th and if anyone has any questions or concerns, to let him know.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Cyr stated he appreciated the report back on Food Truck vendors under the City Manager informational items but would like a work session held as well.

City Manager Bohenko stated he will work with Mayor Blalock on a date for the work session.

XIII. ADJOURNMENT

Councilor Spear moved to adjourn at 10:30 p.m. Seconded by Councilor Pearson and passed unanimously.

Respectfully submitted,



Valerie A. French
Deputy City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, NOVEMBER 21, 2016

PORTSMOUTH, NH
TIME: 7:00PM

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 (8:05 p.m.), Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Councilor Perkins led in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Recognition of Peter Torrey

The City Council recognized Peter for his work with the Trustees of the Trust Funds with a chair for his years of service. Peter accepted the chair with great thanks and appreciation.

2. Update Re: Deer Street Parking Garage

David Allen, Project Manager provided an update on the Deer Street Parking Garage. He stated that the Committee has met 6 times and are currently working with the design team on the project. He addressed lots 1-6 and spoke to the roadway which will be put in place. He discussed the moving of a 48 inch sewer line as part of the project. Project Manager Allen said there will be 2 entrances to the garage and flex space for the 6 story structure. He spoke to the meeting held with the Islington Creek Neighborhood which is opposed to any structure higher than 6 stories. Project Manager Allen indicated that the date for the opening of the garage would be August 2018.

Councilor Denton asked if this would be a LEED certified parking garage. Project Manager Allen said we could look into what would be required for the structure to become LEED certified. Councilor Denton also suggested installing solar panels to the garage. Project Manager Allen said the Committee would need to look into this.

Councilor Perkins asked if the flex space would provide micro-units. Project Manager Allen said micro-units are not part of the design currently.

3. Status Re: Doble Property Acquisition

Assistant City Manager Moore provided a status update regarding the Doble Property Acquisition. He stated that we are close to a Memorandum of Agreement with the Army Reserve. He indicated the plan is to have the building in 2017. He said the vision for the building is a vibrant next generation senior center.

V. ACCEPTANCE OF MINUTES – SEPTEMBER 19, 2016 & OCTOBER 3, 2016

Councilor Lown moved to approve and accept the minutes of the September 19, 2016 and October 3, 2016 City Council meetings. Seconded by Councilor Perkins and voted.

VI. PUBLIC COMMENT SESSION

Kelly Shaw spoke regarding the Board of Adjustment, School Board and Neighborhood Committee all meeting on the same evening. She said there could have been more input and conversation at the Housing Committee presentation to the Neighborhood Committee if all of the three meetings were not held at the same time. She requested that another meeting be held with the Housing Committee and Neighborhood Committee so all who wished to participate could do so.

Raymond Will invited City Council, boards and commissions and all who wishes to volunteer for the day and ring the Kettle Bell during the Holiday Season.

Mark Brighton spoke regarding an email between City staff on the Echo Avenue development project. He said this kind of communication needs to stop.

Arthur Clough spoke regarding the eminent domain vote recently by the Council.

Susan Denenberg speaking as an Election Official, requested that the City Council consider giving the workers a pay increase for all the work that is put into the election and the number of hours worked. She stated that she worked 17 hours on Election Day for a total of \$145.00 which equates to \$5.25 per hour which is not even minimum wage. She said that any increase should be retroactive to the November 8th Election Day.

VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) FOR THE PURCHASE OF PROPERTY LOCATED AT 850 BANFIELD ROAD

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers.

Kelly Shaw speaking on behalf of Andrea Amico who would like to see the land subdivided to two single family lots. Kelly said that she agrees with Andrea's comments and feels it is what would be best for the neighborhood.

With no further speakers, Mayor Blalock closed the public hearing.

VIII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Hazard Mitigation Planning Grant

Councilor Spear moved to accept and approve the New Hampshire Homeland Security and Management Grant for the purposes of updating the City's Hazard Mitigation Plan, as presented, and further, authorize the City Manager to execute the Agreement. Seconded by Councilor Perkins and voted.

B. Portsmouth Police Department Grant and Donation:

- NH Department of Justice Violence Against Women Grant - \$60,000.00
- Donation from Friends of the South End in support of the Portsmouth Police Explorers - \$700.00

Councilor Lown moved to accept and approve the Grant and Donation to the Portsmouth Police Department, as listed. Seconded by Councilor Cyr and voted.

Councilor Spear moved to suspend the rules in order to take up Items XII. A.5. – Approval of Trust Re: 400th Anniversary Celebration, and authorize the City Manager to bring back a final agreement to be approved at the December 5th City Council meeting and XII 6 – Holiday Parking & XII. E.1. - Proposed Portsmouth Holiday Parking Plan. Seconded by Councilor Lown and voted.

City Manager Bohenko requested that Ed Mallon of the Portsmouth Historical Society speak a few moments regarding the 400th Anniversary Celebration.

Ed Mallon, Portsmouth Historical Society said it is important to have an organization bring continuity to the 400th Anniversary Celebration. He said groups will be brought together to work on this event. He said the Portsmouth Historical Society should be located in a City Building and it is planned to have them located at the Portsmouth Discover Center.

City Manager Bohenko said that he is asking for action on the Trust and the Agreement would be acted upon at the December 5th City Council meeting.

Councilor Dwyer said the Trust captured our discussion on the celebration. She indicated that she feels a Steering Committee with 11 people is too large. City Manager Bohenko said that we could discuss that matter.

Councilor Pearson said you could bring in other stake holders through working groups.

Assistant Mayor Splaine moved to approve the Trust for the 400th Anniversary Celebration, and authorize the City Manager to bring back a final agreement to be approved at the December 5th City Council meeting. Seconded by Councilor Pearson and voted.

XII. A.6. & XII. E.1. – Holiday Parking & Proposed Portsmouth Holiday Parking Plan

City Manager Bohenko said Holiday Parking for the Christmas Season will begin December 18th going through December 24th.

Councilor Spear said he would like to see the City transition to a more efficient plan whereby pay on-street parking is enforced and the revenues gained will be directed for the benefit of the downtown business through the Greater Portsmouth Chamber of Commerce. He stated in this way, our holiday parking plan will be in alignment with our guiding principles and established best practices in these two ways: 1) available parking is gained through pricing, and 2) parking revenue is returned to the immediate benefit of that enforcement zone. He said this year the City will grant \$20,000.00 to the Chamber and next year and future years there will be no free holiday parking and the City will grant \$80,000.00 to the Chamber. He outlined restrictions on the grant as follows:

- a) The purpose of the grant is to benefit the downtown hospitality community, with primary emphasis on downtown merchants
- b) Funds can be used for any appropriate purpose as determined by the Chamber with input from its retail membership. Some ideas include: an increased marketing and advertising plan, disbursement of shopping gift cards, support for regional travel shows that promote visitation and shopping in Portsmouth, etc
- c) Some ideas like a parking voucher program or snow removal might include coordination with the City
- d) There is no time restriction on the use of the funds
- e) The downtown is defined as the Central Business District in the zoning map
- f) The primary benefit is to all downtown merchants including those not in the Chamber

Reporting and Oversight:

- a) The Chamber will report back to the EDC with the “downtown merchant benefit plan” to obtain approval for disbursement of the funds before their expenditure. The purpose of the EDC is to provide fiduciary oversight. The chamber, working with the downtown merchants, develops and manages the plan
- b) The funds will be released upon EDC approval
- c) The Chamber will provide the EDC with updates as appropriate including a final year-end report describing the outcomes of the plan
- d) The Chamber will coordinate with the City Manager or his designee for any coordination regarding parking vouchers, cross-marketing, and fund disbursement
- e) The Council will be copied on all reports and EDC minutes

Valerie Rochon, Chamber of Commerce said that they have talked with the retail businesses and met with Joey Giordano and have a good understanding of parking and the rates. She said retailers feel it is a loss of good will to stop the free holiday parking. She requested that the spirit of the proposal be approved.

Councilor Dwyer voted to approve Holiday Free Parking commencing on Sunday, December 18, 2016 and end Saturday, December 24, 2016 and further that the City Manager be authorized to enter into an agreement with the Chamber of Commerce to spend up to \$20,000.00 from the Parking and Transportation Fund to allow for special programs that maybe beneficial to our downtown merchants. Seconded by Councilor Perkins.

Ms. Rochon said the Chamber is doing a good job with the UDAG grant funding and targeting them specifically. She said anything that was done with the funds would be discussed with the City and there are many opportunities to identify the things that will best benefit the funds.

Councilor Dwyer said she would encourage the Chamber of Commerce to think of the transportation relevance and retail valet or use of a shuttle keeping transportation in the mix.

Councilor Perkins thanked Councilor Spear for the idea and said we would be making more decisions based on data.

Councilor Denton spoke to the good will downtown from the Holiday parking and said not having it might send people to shop at the malls or on-line.

Councilor Cyr said it would be important to hear how the retailers feel about losing the Holiday free parking downtown.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said the funds would go to enhancing programs and the majority of the parking downtown is going to workers. He said we need to also enhance the downtown experience.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Pearson said that this is to support the local businesses downtown.

Assistant Mayor Splaine asked the City Manager if we are voting through the motion to allocate \$80,000.00. City Manager Bohenko said we would be \$20,000.00 this year from the parking fund to give it to the Chamber of Commerce through a grant.

Assistant Mayor Splaine would like the Chamber of Commerce to come forward with new events by receiving the grant to bring people to the City during the winter months.

Motion passed.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Resolution Authorizing a Supplemental Appropriation of Four Hundred Thousand Dollars (\$400,000.00) for the Purchase of Property Located at 850 Banfield Road *(An additional \$150,000.00 as approved by the Conservation Commission at the November 10, 2016 meeting and action by the City Council would be taken under the City Manager's Action Items. This is a total of \$550,000.00 for the purchase of the Elliott Property on Banfield Road)*

Assistant Mayor Splaine moved to adopt a Resolution to authorize a Supplemental Appropriation of Four Hundred Dollars (\$400,000.00) for the Purchase of Property located at 850 Banfield Road as recommended by the Conservation Commission. Seconded by Councilor Perkins.

Councilor Dwyer asked how the area is zoned. Planning Director Taintor said Single Residence A.

Councilor Denton thanked the Conservation Commission for the expenditure of funds.

Motion passed.

X. CONSENT AGENDA

- A. Letter from Emily Christian, National Multiple Sclerosis Society, requesting permission to hold the 2017 Walk MS Portsmouth on Saturday, April 8, 2017 from 10:00 a.m. to 2:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Raymond Will, The Salvation Army requesting that the City Council and each Board and Commission and City Committees consider volunteering to stand and ring the kettle bell for an enter single day ***(Anticipated action – move to accept the letter and place it on file)***
- C. Letter from Donna Hepp, Seacoast Century Granite State Wheelmen Bicycle Club, requesting permission to hold the 44th annual Seacoast Century on September 24 – 25, 2017 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Acceptance of Donations to the Coalition Legal Fund:
- Town of Carroll - \$1,000.00
 - Town of Rye - \$5,000.00
- (Anticipated action – move to approve and accept the donations, as listed, to be place in the Coalition Legal Fund)***

- E. Request for Licenses to Install Projecting Signs:
- Northern Tier Real Estate Acquisition & Development, LLC (c/o John Dussi), owner of La Carreta, for property located at 172 Hanover Street
 - Heather Dalton & Catherine Ianchulev, owner of Seaside Allure for property located at 24 Congress 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 licenses shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of the projecting signs, 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 signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- F. *Acceptance of Library Donation from Phyllis Eldridge - \$1,000.00 representing the balance of her pledge ***(Anticipated action – move to accept and approve the donation, as listed)***
- G. Letter from Chris Vlangas, Cystic Fibrosis Foundation, requesting to hold the CF Cycle for Life on Saturday, July 15, 2017 ***(Anticipated action – move to refer to the City Manager with power)***
- H. Letter from Matthew McFarland, Saint Patrick School, requesting permission to hold its 4th Annual 5k Road Race on Saturday, March 18, 2017 at 10:30 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- I. Petition and Underground Utility License for Comcast on Ledgewood Drive ***(Anticipated action – move to refer to the City Manager with power)***
- J. Eversource License Agreement for one replacement pole location at the intersection of Barberry Lane and Islington Street ***(Anticipated action – move to refer to the City Manager with power)***

- K. Eversource License Agreement to install 55 feet of electrical conduit on Porter Street for new underground service for The Music Hall (***Anticipated action – move to refer to the City Manager with power***)

Councilor Spear moved to adopt the Consent Agenda. Seconded by Councilor Perkins and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Paula Chalfin regarding Union & Middle Streets Streets Intersection

Councilor Lown moved to refer to the Parking and Traffic Safety Committee. Seconded by Councilor Cyr and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

1. Report Back Re: Acquisition of Property at 850 Banfield Road

Councilor Perkins moved to accept the Planning Board’s recommendation that the City Council approve the acquisition of the property at 850 Banfield Road. Seconded Councilor Cyr and voted.

2. Approval of \$150,000.00 Additional Appropriation from the Conservation Fund Re: Elliott Property at 850 Banfield Road

Councilor Lown moved to approve the additional appropriation of \$150,000.00 from the Conservation Fund as approved by the Conservation Commission for purchase of the Elliott property at 850 Banfield Road. Seconded by Councilor Perkins and voted.

3. Request for First Reading of Proposed Zoning Ordinance Amendments (“Zoning Omnibus, Part I”)

City Manager Bohenko said we would like to come back for first reading on December 5th with public hearing and second reading at December 19th.

Planning Director Taintor said that there are 7 separate amendments. He reviewed each amendment with the City Council. Discussion followed regarding the various amendments which will come back for first reading at the December 5th City Council meeting.

Councilor Lown moved to authorize the City Manager to bring back for first reading the proposed Ordinance amendments at the December 5, 2016 City Council meeting, as presented. Seconded by Councilor Dwyer.

Councilor Spear said if we want to adopt the Ordinance amendments sooner we could suspend the rules at second reading to take up third and final reading to adopt the Ordinances at that time.

City Manager Bohenko indicated that the Ordinance amendments will come back separately so that there will be 7 Ordinances and we would hold 7 different public hearings.

Motion passed.

4. Atlantic Heights Emergency Access

Assistant City Manager Moore said this is regarding the emergency access for Atlantic Heights. He said that the neighborhood has expressed concern that there is only one access way out of Atlantic Heights. He spoke to the license agreement from Eversource for the use of its access road at its Schiller Station and under the agreement the City has the ability to utilize the road, also known as the "boat road" in the event of an emergency blocking or otherwise preventing safe egress from the neighborhood via Kearsarge Way. He stated that the new proposed emergency access route will be shorter and provide an outlet onto Portsmouth Boulevard for use during emergencies only.

Councilor Spear moved to refer this matter to the Planning Board for report back. Seconded by Assistant Mayor Splaine and voted.

At 9:30 p.m., Mayor Blalock declared a recess. At 9:40 p.m., Mayor Blalock called the meeting back to order.

7. Planning Board Report Re: Request of Northern Utilities, Inc., d/b/a Unitil for Easement Across City Land at 1 Franklin Drive

Councilor Spear moved to accept the Planning Board's recommendation to grant easement to Northern Utilities, Inc., d/b/a/ Unitil across property owned by the City at 1 Franklin Drive, and further, authorize the City Manager to proceed with the execution of the necessary document. Seconded by Councilor Pearson and voted.

8. Request for First Reading Re: Taxi Ordinance

Deputy City Attorney Woodland said this is a draft Ordinance to maintain a regulatory process, a way of enforcement, and no interest in regulating rates was items taken from the work session on this matter. She said some concerns were from taxi owners said were taken into consideration. She stated we recommend that inspections be done by a dealership of the vehicle make and keeping the medallion system in place.

Assistant Mayor Splaine moved to authorize the City Manager to bring back for first reading on December 5, 2016 the proposed Taxi Ordinance. Assistant Mayor Splaine requested that the Legal Department review the State Law with our proposed Ordinance and provide an outline as to the additional burdens we are putting on local taxi cabs through this proposed Ordinance. Seconded by Councilor Cyr.

Councilor Cyr said the people are asking for more regulations and we are looking at more ways to regulate.

Councilor Dwyer feels it is penalizing requiring the taxi businesses to make repairs to vehicles within 24 hours.

Motion passed.

9. Approval of Petition and Utility License Re: Langdon Street

City Manager Bohenko said this would be to serve an underground conduit for a residential home.

Councilor Spear moved to approve the petition and underground utility license for 81 and 91 Langdon Street. Seconded by Councilor Dwyers and voted. Councilor Perkins abstained from voting.

10. Proposed Public Art Application Re: Cast Sculpture, Jay Smith Memorial Garden, State Street

Councilor Spear moved to approve the Cast Public Art Sculpture at the Jay Smith Memorial Garden on State Street. Seconded by Councilor Perkins and voted.

11. License Request for 2 Bow Street

Councilor Splaine moved to authorize the City Manager to negotiate and enter into license with Two Bow Street, LLC. Seconded by Councilor Perkins and voted.

City Manager's Informational Items

2. *Report Back Re: Composting*

Councilor Denton thanked the City Manager and Jacob Levenson for the work that went into this matter. He stated he favors Option #1 and the CIP for bins.

City Manager Bohenko spoke on the McIntyre Building and said the Navy Yard is going to express interest in the building.

4. *Off-Leash Dog Area at Route 33 Park and Ride Open to Residents*

Assistant Mayor Splaine thanked City Manager Bohenko and Councilor Denton for the off-leash area for dogs.

MAYOR BLALOCK

1. Appointment to Demolition Committee

Mayor Blalock announced he has made the following appointments: Jonathan Wyckoff of the Historic District Commission, Elizabeth Moreau of the Planning Board, TBD a member of the Portsmouth Historical Society, Chief Building Inspector Robert Marsilia or Designee, and Planning Director Designee Nick Cracknell.

2. Appointments to be Considered:

- Reappointment of Robert Machewka to the Economic Development Commission
- Appointment of Richard Shea as Regular member to the Historic District Commission
- Appointment of Martin Ryan as an Alternate member to the Historic District Commission

The City Council considered the above listed appointments to be voted on at the December 5th City Council meeting.

3. Mayor's Appointments to Blue Ribbon Committee

Mayor Blalock appointed Paul Dilorio, Jr. and Matthew Glynn to the Sustainable Practices Blue Ribbon Committee.

C. COUNCILOR LOWN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the November 3, 2016 meeting

Councilor Lown moved to approve and accept the action sheet and minutes of the November 3, 2016 Parking and Traffic Safety Committee meeting. Seconded by Councilor Spear.

Councilor Denton said many residents have reached out to him regarding the traffic from water country. Councilor Lown said we received a letter from the DOT and they did not vote to change the traffic pattern.

Councilor Dwyer said that there is a feeling that we do not communicate with the DOT or the RPC and we need to explain how the process works.

Motion passed.

D. COUNCILOR PEARSON

1. Request for Resources to Update and Refresh the City's Cultural Plan

Councilor Pearson spoke regarding the need for resources to update and refresh the City's Cultural Plan. She said the document has had items make their way into the Master Plan which are important. She stated there is no one that has the skill set on Art-Speak to make a new plan.

Councilor Dwyer said it is over due to look at the plan and that the last plan was done strictly through a volunteer group. She indicated that cultural planners are very conservative and create one size fits all plans which is not what is needed.

Councilor Spear echoed Councilor Dwyer's comments. He said we pay for Master Plans and other types of plans and supports the idea. He said he would like to see the City Manager work with Councilor Pearson and discuss the matter further.

Councilor Pearson announced that she has stepped down as a paid staff person for Art-Speak but still serves as a volunteer doing all the things she previously did.

The City Council agreed to have the City Manager work with Councilor Pearson, Nancy Carmer and planning staff on what is the best way to proceed forward with this matter and to provide a report back to the City Council at the December 19, 2016 meeting.

F. COUNCILOR DENTON

1. SOAK Up The Rain New Hampshire: <http://soaknh.org/>

Councilor Denton requested that this link be placed on our website for the public to access.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Hodgdon Brook (not on agenda)

Councilor Denton would like to set up a walk to make a green way by creating a green walk from the bypass to Bartlett Street where the Brook enters the pond. This is in coordination with our restoration project of Hodgdon Brook.

Plastic Bag (not on agenda)

Councilor Denton reported to the City Council that State Senator Martha Fuller Clark will be reintroducing the legislation regarding plastic bags.

Legislative Committee meeting (not on agenda)

Assistant Mayor Splaine requested that Mayor Blalock work with the City Manager in setting a date for a Legislative Committee meeting in early to mid-December.

XIV. ADJOURNMENT

At 10:25 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Pearson and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

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



CITY OF PORTSMOUTH

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

John P. Bohenko
City Manager

Dear Mr. Teetzal,

The City of Portsmouth has accepted your proposal for Wilcox to be a leading contributor in memorializing Independence Day for the next ten years. In this capacity, Wilcox will be the main sponsor of the City's Fourth of July celebration by contributing \$40,000 annually plus anticipated inflation over this time period.

To begin this partnership, you will collaborate with City staff to build a broader Independence Day celebration that will offer additional entertainment and philanthropic initiatives to benefit local veteran groups. This will include higher-profile performances as well as expanded publicity and branding to encourage larger community participation.

Together we will reassess this event each year to continue expanding this program, such as including other partnerships and local business involvement, and tying in other Portsmouth milestones overtime such as the City's 400th anniversary in 2023.

We are appreciative of your contribution and look forward to enhancing this celebration. With this letter, I acknowledge the acceptance of your donation and our agreement to work together on this event for the next decade.

Sincerely,

John Bohenko

Dated this 4th day of November 2016

City of Portsmouth

By: [Signature]
John P. Bohenko, City Manager

Dated this 5th day of NOVEMBER, 2016

Wilcox Industries Corp

By: [Signature]
James W. Teetzal, CEO

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: November 8, 2016
RE: Proposed Zoning Ordinance Amendments (“Zoning Omnibus, Part 1”)

The Planning Department has been working on a number of proposed amendments to the Zoning Ordinance to address identified issues with the existing Ordinance as well as new priorities emerging in the City. Although it has been our intention to present a comprehensive “omnibus” including all items in progress, there is a need to move forward with a phased approach, in part because of the urgency of responding to a new state law regarding accessory dwelling units, and also because some of the zoning revisions in progress will require more lengthy review and would unnecessarily hold up implementation of the easier revisions. The first phase of the zoning omnibus is presented in this memorandum and the attached document, and an overview of the next phase is provided at the end of the memo.

At its meeting on October 20, 2016, the Planning Board voted unanimously to recommend that the City Council enact the series of amendments to the Zoning Ordinance set forth in the attached document. These amendments address a variety of issues throughout the Ordinance, ranging from simple housekeeping matters to implementation of the new State mandate regarding accessory dwelling units.

The proposed amendments are presented as seven separate ordinances, as follows:

1. Housekeeping Amendments (pages 1-3)
 - Article 2 – Administration and Enforcement: Extend the life of variances and special exceptions from 1 year to 2 years, to conform to a change in state law.
 - Article 3 – Nonconforming Lots, Buildings, Structures and Uses: Revise one provision relating to changes to nonconforming buildings and structures, and delete three other provisions, in order to eliminate inconsistencies and clarify the intent.
 - Article 11 – Site Development Standards: Off-Street Parking: Add the Gateway district to two tables of setback requirements for off-street parking areas. (These tables were not updated when the Gateway district was established.)
 - Article 15 – Definitions: Amend the definition of “structure” to exclude fences up to 4 feet in height.
2. Yards (Setbacks) (pages 4-9)
 - Article 5 – Dimensional and Intensity Standards: Revise and clarify several provisions relating to yards, exceptions to yard requirements, and projections into required yards.

- Article 15 – Definitions: Amend the definition of “building coverage” to clarify items that are exempted from the definition.
3. Article 5 – Maximum Building Height in Residential Districts (page 10)
- Reduce maximum allowed building heights in residential districts from 35 feet to 30 feet, and in mixed residential zoning districts from 40 feet to 35 feet, as an initial step in addressing concerns about infill development that is out of scale and character with the surrounding neighborhood. (The Board also considered a proposal to create a new “bulk control plane” standard to regulate bulk, but determined that more work was needed before presenting this to the Council.)
4. Accessory Dwelling Units (pages 11-17)
- Additions to Articles 4 (Table of Uses), 8 (Supplemental Use Standards) and 15 (Definitions) to implement the state law enacted in 2016 (SB 146, codified at RSA 674:71-73), which will take effect on June 1, 2017.

In accordance with the new law, the proposed ordinance allows attached accessory dwelling units (AADUs) in every zoning district where single-family dwellings are permitted. The statute defines “accessory dwelling unit” as a unit that is “within or attached to a single-family dwelling.” The proposed ordinance further states that “attached to” means “sharing a common wall for at least 25 percent of the length of the side of the single-family dwelling.”

The Planning Board recognizes the need for affordable housing in the City, but is also cognizant of the potential impacts of increased density on already congested neighborhoods. Under the state law, communities must permit accessory dwelling units – either by right or by special exception or conditional use permit – without requiring any increase in lot area for the second unit. This mandate does not create a significant issue where the accessory unit is created within the existing dwelling, but could significantly impact neighborhood character and perceived density where the accessory unit is created by building an addition to the existing dwelling.

In addition to attached accessory dwelling units, under the state law communities may, but are not required to, allow detached accessory dwelling units, i.e., units in a separate structure from the primary dwelling unit. If detached units are permitted, they are subject to all local regulations that apply to a single-family dwelling. Among other things, this means that an existing garage or carriage house that is in violation of a zoning provision, such as a setback requirement, could not be converted to a detached accessory dwelling unit.

The Planning Board felt that in many cases converting an existing accessory structure into a small dwelling unit would be more appropriate for a neighborhood than building an addition onto the primary dwelling. In addition, a unit converted from a garage or carriage house might be more likely to be affordable than a unit created by an addition or new construction. Therefore, the staff looked for a way to allow such conversions as an alternative to the detached ADU that would be allowed under the statute.

The approach to this issue included in the proposed ordinance is a separate category of dwelling unit called “garden cottage” (this term is used by many communities in the western U.S. and in Canada and seems more colloquial than other planning-jargon alternatives in use). As set forth in the second part of the

ordinance (beginning on page 14), a garden cottage is a smaller unit created by conversion of an existing accessory unit. By creating a second unit on the lot, the garden cottage makes the lot no longer eligible for an attached or detached ADU.

Under the proposed ordinance, both an accessory dwelling unit and a garden cottage require a conditional use permit from the Planning Board and an annual certificate of use from the Planning Department demonstrating continued compliance with all standards.

If an ordinance implementing the state law is not enacted by June 1, 2017, attached accessory dwelling units will automatically be allowed as of right (i.e., without requiring any approval by a land use board) in all zoning districts throughout the City. Therefore, it is important that the Council adopt the proposed ordinance or an alternative by that date.

5. Article 6 – Historic District Design Guidelines and Exemptions from Review (pages 18-21)
(proposed by the Historic District Commission)
 - Insert two provisions referencing the Design Guidelines recently developed by the Historic District Commission (and in Article 5A – Character Districts, delete Section 10.5A45 – Interim Architectural Design Guidelines).
 - Revise 15 provisions regarding exemptions from HDC review, and add 3 additional exemptions, to reduce burdens on property owners proposing minor changes.
 - Clarify that exempted activities, while not requiring a public hearing, are subject to administrative review and approval.

6. Article 10 – Environmental Protection Standards (pages 22-23)
(proposed by the Conservation Commission)
 - Expand the jurisdictional areas to include a portion of the Piscataqua River shorefront north of the I-95 bridge.
 - Clarify the existing allowance for a 25 percent expansion of a single- or two-family dwelling.
 - Add a sixth criterion for approval of a conditional use permit, requiring restoration of the vegetated buffer strip to a natural state to the extent feasible.

7. Article 12 – Signs (page 24)
 - Add a provision strictly limiting the type and manner of illumination of signs using “direct illumination”, such as LED or plasma signs.

The Planning Board voted unanimously to recommend the amendments as presented in the attached document.

Future Zoning Ordinance Amendments

As noted at the beginning of this memorandum, the Planning Department continues to work on additional zoning amendments which will be presented to the Planning Board and City Council in 2017. These amendments will include:

- Implementation of a bulk control plane (or similar provision) to better manage infill development, especially in densely developed neighborhoods.
- Revisions to the off-street parking standards (Article 11) to promote shared parking, to calibrate requirements to the needs of specific uses and neighborhoods, and to establish standards for bicycle parking facilities.
- Revisions to the sign regulations (Article 12) to respond to the U.S. Supreme Court decision in *Reed v. Gilbert* (2015), which requires that sign ordinances be content-neutral.
- Revisions to the Table of Uses (Article 4) relating to places of assembly (including churches, theaters, clubs, etc.), in order to comply with the Religious Land Use and Institutionalized Persons Act (RLIUPA) which prohibits regulations from treating religious land use differently from secular uses.
- Revisions to the Table of Uses (Article 4) relating to substance abuse treatment centers, in order to respond responsibly to the growing crisis in opioid and other addictions.
- Revisions to the Table of Uses (Article 4) and Flexible Zoning provisions (Article 7) to add flexibility to the standards for planned unit developments, both to conserve open space (Open Space PUDs) and to promote affordable housing (Residential Density Incentive PUDs).
- Revisions to the Table of Uses (Article 4) regarding assisted living facilities and other residential care facilities, to better accommodate the need for such facilities.
- Revisions to the Table of Uses for the Gateway District (Article 4) and the Gateway Planned Development provisions (Article 7), to strengthen the site design standards and to encourage multifamily residential development.
- Reconsideration of a previous proposal to allow Neighborhood Commercial Uses in specific locations. The Planning Board voted in February 2013 to recommend a Neighborhood Commercial Uses ordinance which the City Council discussed in a work session in April 2013. However, no further action was taken on the proposed ordinance at that time.
- Revisions to the Zoning Map to extend the Gateway District to outer Woodbury Avenue.

In addition, a long-term project is to review established development patterns in the older residential neighborhoods in the City and to adjust the dimensional and intensity standards of the Zoning Ordinance to better reflect these patterns, thereby reducing nonconformities and accommodating natural expansion and infill consistent with neighborhood character. This project was initiated in 2009-2010 and a draft report was presented to the Planning Board in October 2010. However, the Department was unable to complete the work due to other priorities.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

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

- A. Amend Article 2 – Administration and Enforcement, Section 10.236 – Expiration of Approvals, as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Variances and special exceptions shall expire unless a building permit is obtained within a period of ~~one year~~ **two years** from the date granted.

- B. Amend Article 3 – Nonconforming Lots, Buildings, Structures and Uses, Section 10.320 – Nonconforming Buildings and Structures, as follows:

- (1) Amend Section 10.321 as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A lawful nonconforming building or structure may continue **and may be maintained or repaired**, but may not be extended, reconstructed, or enlarged ~~or structurally altered except in conformity with this Ordinance~~ **unless such extension, reconstruction or enlargement conforms to all the regulations of the district in which it is located.**

- (2) Delete Sections 10.322, 10.324 and 10.327.
- (3) Renumber Sections 10.323, 10.325 and 10.326 as Sections 10.322, 10.323 and 10.324.
-

- C. Amend Article 11 – Site Development Standards, Section 10.1113 – Location of Vehicular Use Facilities, by inserting the letters “GW” in two tables, as follows (additions to existing language **bolded**; remaining language unchanged from existing):

10.1113.31 Off-street parking areas, accessways, maneuvering areas and traffic aisles serving uses in a Business or Industrial district shall be set back from all Residential and Mixed Residential districts as follows:

District	Minimum Distance from Residential or Mixed Residential District
B	50 feet
GB, GW	100 feet
I, OR, WI	100 feet

[...]

10.1113.41 Off-street parking areas, accessways, maneuvering areas and traffic aisles serving uses in a Business or Industrial district shall be set back from front lot lines as follows:

District	Minimum Setback from Front Lot Line
B	20 feet
GB, GW	40 feet
I, OR, WI	50 feet

D. Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, as follows (additions to existing language **bolded**; remaining language unchanged from existing):

Structure (including roof structure)

Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner. Structures include, but are not limited to, buildings, fences **over 4 feet in height**, signs, and swimming pools. (See also: temporary structure.)

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:

A. Amend Article 5 – Dimensional and Intensity Standards, as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

(1) In Section 10.515 – Measurement Rules, amend Section 10.515.10 as follows:

10.515.10 ~~Building Coverage and Yards~~

10.515.11 For a corner lot or through lot, all requirements related to the front yard shall apply to the principal front yard and all secondary front yards.

10.515.12 ~~Calculations of building coverage and e~~**Determinations of yards shall not include:**

(a) gutters, cornices or eaves projecting not more than 30 inches from a vertical wall;

(b) balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, and cumulatively not exceeding 50% of the width of the building face;

~~(b)~~ **(c) structures (such as decks and patios) less than 18 inches above ground level;**

10.515.13 Fences not over 4 feet in height shall be exempt from front yard requirements, and fences not over 6 feet in height shall be exempt from side and rear yard requirements.

10.515.14 ~~(e) MA~~ **mechanical systems (i.e. HVAC, power generators, etc.) that are is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet; are shall be exempt from yard requirements, but shall be set back at least 10 feet from a property line; and are shall not be located closer to the street than the front of the principal structure.**

- (2) In Section 10.516 – Exceptions to Yard Requirements, amend Section 10.516.10 as follows:

10.516.10 Front Yard Exception for Existing Alignments

If existing principal buildings on the same side of the same street, in the same zoning district, and within 200 feet of a lot are located closer to the street than the minimum required front yard specified in this Article, the required front yard for **the principal building on** such lot shall be the average of the existing alignments of all such principal buildings, rounded to the nearest foot. **For the purpose of this provision, buildings on the subject lot shall not be included in the average of existing alignments.**

- (3) In Section 10.516 – Exceptions to Yard Requirements, amend Section 10.516.30 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.**

- (4) In Section 10.516 – Exceptions to Yard Requirements, amend Section 10.516.40 as follows:

10.516.40 Projections Into Required Yards

The following building elements may project into required yards as indicated:

Projecting Element	Maximum Projection Into Yard
Balconies or bay windows, not exceeding 50% of the building face in total	2 feet
Open and uncovered terraces, decks, steps or stoops less than 4 feet in height	Up to one-half the required yard

Projecting Element	Maximum Projection Into Yard
Unenclosed porches, steps or stoops more than 4 feet in height	6 feet
Porticos (either enclosed or unenclosed) less than 20 square feet in area	5 feet
Roof eaves or overhangs	2 feet
Fire escapes, fire towers, storm enclosures, awnings, or similar architectural features	4 feet

In the Single Residence, General Residence and Mixed Residential districts, building elements may project into required yards by the amounts indicated in the following table:

	SRA, SRB		GRA		GRB, GRC, MRO, MRB	
	Front Yard	Side or Rear Yard	Front Yard	Side or Rear Yard	Front Yard	Side or Rear Yard
Building Elements	Maximum Projection Into Required Yard					
Terraces, decks, steps and stoops that are uncovered and unenclosed and are less than 3 feet in height and less than 100 square feet in area	5'	5'	0'	5'	10'	0'
Porches, porticos, steps or stoops that are covered and unenclosed and are less than 12 feet in height (to top of roof) and less than 50 square feet in area	5'	5'	0'	5'	5'	0'
Porches and porticos that are covered and enclosed and are less than 12 feet in height (to top of roof) and less than 20 square feet in area	5'	5'	0'	5'	5'	0'

0' = No projection allowed into required yard

- (5) In Section 10.570 – Accessory Buildings, Structures and Uses, amend Sections 10.571 through 10.573 as follows:

10.571 No accessory building, structure or use shall be located in any required front yard, **or closer to a street than the principal building.**

~~10.572 Where the required side yard or rear yard is 10 feet or less, an accessory building or structure shall conform to the yard requirement.~~

~~10.573 Where the required side yard or rear yard is more than 10 feet, an accessory building or structure may be located within the required side yard or rear yard subject to the following standards:~~

~~10.573.10 An accessory building or structure not greater than 10 feet in height and 100 square feet in area shall be set back at least 5 feet from a side or rear lot line.~~

~~10.573.20 An accessory building or structure greater than 10 feet in height or 100 square feet in area shall be set back from the lot line at least 10 feet or 75% of the height of the structure, whichever is greater.~~

10.572 In a Character, Business or Industrial district, all accessory buildings and structures shall conform to the side yard and rear yard requirements of the applicable zoning district.

10.573 In a Residential or Mixed Residential district, an accessory building or structure may be located in a required side yard or rear yard subject to the following:

10.573.10 An accessory building or structure not more than 10 feet in height and not more than 100 square feet in area shall be set back at least 5 feet from any lot line.

10.572.20 An accessory building or structure more than 10 feet in height or more than 100 square feet in area shall be set back from any lot line at least the height of the building or the applicable yard requirement, whichever is less.

- B. Amend Article 15 – Definitions, as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Building coverage

The aggregate horizontal area or percentage (depending on context) of a lot covered by all buildings and structures on the lot, excluding:

- (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall;
- (b) structures less than 18 inches above ground level (such as decks and patios);
- (c) balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, and cumulatively not exceeding 50% of the width of the building face;**
- (d) fences; and**
- (e) mechanical systems (i.e. HVAC, power generators, etc.) that are less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet.**

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, Article 5 – Dimensional and Intensity Standards, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

In Section 10.521 – Table of Dimensional Standards – Residential and Mixed Residential Districts, amend the maximum structure height standards as follows:

	SRA	SRB	GRA	GRB	GRC	MRO	MRB
Maximum Structure Dimensions							
Structure height	35' 30'	35' 30'	35' 30'	35' 30'	35' ³ 30'	40' 35'	40' 35'

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):

- 1 A. In Article 4 – Zoning Districts and Use Regulations, Section 10.440 – Table of Uses
 2 – Residential, Mixed Residential, Business and Industrial Districts, insert new uses
 3 #1.20 and #1.30 as follows:

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4
1.20 Accessory dwelling unit									
1.21 Attached	CU	CU	CU	CU	N	CU	CU	CU	CU
1.22 Detached	CU	CU	CU	N	N	N	N	N	N
1.30 Garden Cottage	CU	CU	CU	CU	N	CU	CU	CU	CU

Use	GB	GW	B	WB	OR	I	WI	Supplemental Regulations
1.20 Accessory dwelling unit								10.814 (Accessory Dwelling Units)
1.21 Attached	N	N	N	N	N	N	N	
1.22 Detached	N	N	N	N	N	N	N	
1.30 Garden Cottage	N	N	N	N	N	N	N	10.815 (Garden Cottages)

- 4 and renumber existing uses #1.20 through 1.80 accordingly.
 5

6 B. In Article 8 – Supplemental Use Standards, insert the following new Sections 10.814
7 and 10.815:
8

9 **10.814 Accessory Dwelling Units**

10
11 **10.814.10 One, and only one, accessory dwelling unit shall be allowed on**
12 **any lot containing a single-family dwelling. An accessory**
13 **dwelling unit shall not be allowed under this Section 10.814 on a**
14 **lot that contains more than one dwelling unit.**

15
16 **10.814.20 Except as provided in elsewhere in this Section 10.814, all land**
17 **use regulations applicable to a single-family dwelling shall also**
18 **apply to the combination of a principal dwelling unit and an**
19 **accessory dwelling unit.**

20
21 **10.814.30 All accessory dwelling units shall comply with the following**
22 **standards:**

23
24 **10.814.31 The principal dwelling unit and the accessory**
25 **dwelling unit shall not be separated in ownership**
26 **(including by condominium ownership).**

27
28 **10.814.32 Either the principal dwelling unit or the accessory**
29 **dwelling unit shall be occupied by the owner of the**
30 **dwelling. The owner shall provide documentation**
31 **demonstrating to the satisfaction of the City that one**
32 **of the units is his or her principal place of residence.**

33
34 **10.814.33 Neither the principal dwelling nor the accessory**
35 **dwelling unit shall be used for any business, except**
36 **that the property owner may have a home occupation**
37 **use in the unit that he or she occupies as allowed or**
38 **permitted elsewhere in this Ordinance.**

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40 **10.814.34 In addition to the two off-street parking spaces**
41 **required for the single-family dwelling, one parking**
42 **space shall be provided for an ADU up to 400 sq. ft.**
43 **gross floor area, and two parking spaces shall be**
44 **provided for an ADU larger than 400 sq. ft.**

45
46 **10.814.40 An attached accessory dwelling unit (AADU) shall comply with**
47 **the following additional standards:**

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49 **10.814.41 An interior door shall be provided between the princi-**
50 **pal dwelling unit and the accessory dwelling unit.**
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- 10.814.42** The accessory dwelling unit shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area.
- 10.814.43** Any exterior changes to the single-family dwelling shall maintain the appearance of a single-family dwelling. If there are two or more doors in the front of the dwelling, one door shall clearly be the principal entrance and the others shall be designed to appear to be secondary.
- 10.814.50** A detached accessory dwelling unit (DADU) shall comply with the following additional standards:
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- 10.814.51** In a General Residence district, the combination of the principal dwelling and the DADU shall comply with the minimum lot area per dwelling unit specified for the district.
- 10.814.52** The DADU shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area; except that the maximum gross floor area shall be 1,000 sq. ft. if the lot area is 2 acres or more.
- 10.814.54** The DADU shall be separated from the single-family dwelling by at least 20 feet.
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- 10.814.60** Before granting a conditional use permit for an attached or detached ADU, the Planning Board shall make the following findings:
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- 10.814.61** Exterior design of the ADU is compatible with the existing residence on the lot through architectural use of building forms, scale and construction materials.
- 10.814.62** The site plan provides adequate open space and landscaping that is useful for both the ADU and the primary dwelling.
- 10.814.63** The ADU will maintain a compatible relationship to adjacent properties in terms of location and design, and will not significantly reduce the privacy of adjacent properties.
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10.814.64 The ADU will not result in excessive noise, traffic or parking congestion.

10.814.70 A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner-occupancy requirement. Said certificate shall be renewed annually.

10.815 Garden Cottages

An accessory building existing on the effective date of this ordinance may be converted to a garden cottage through a conditional use permit granted by the Planning Board, subject to the following provisions and limitations.

10.815.10 One garden cottage, and only one, shall be allowed on any lot containing a single-family dwelling.

10.815.20 Relationship to other provisions of this Ordinance:

10.815.21 No garden cottage shall be allowed on the same lot as an accessory dwelling unit authorized under this Ordinance.

10.815.22 The establishment of a garden cottage results in two dwelling units on the property and thus makes the property ineligible to establish an accessory dwelling unit under RSA 674:72-73 and this Ordinance. As a condition of receiving a conditional use permit for a garden cottage, the property owner shall waive all rights under RSA 674:72 and RSA 674:73.

10.815.23 A garden cottage that complies with the standards of this section is exempt from the residential density standards of the Zoning Ordinance. A second dwelling unit on a lot that does not comply with the standards of this section shall be considered to be either a second primary dwelling or an accessory dwelling unit and shall comply with the applicable standards and provisions of the Ordinance.

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- 10.815.30 Garden cottages shall comply with the following standards:**
- 10.815.31 The existing accessory building shall not be expanded either vertically or horizontally, other than through the addition of a front entry not to exceed 50 sq. ft., or a side or rear deck not to exceed 300 sq. ft.**
- 10.815.32 A garden cottage shall not be larger than 500 sq. ft. gross floor area.**
- 10.815.33 A garden cottage that is within a required yard for the zoning district shall not have any windows or doors higher than eight feet above grade facing the adjacent property.**
- 10.815.34 One parking space shall be provided for a garden cottage in addition to the two off-street parking spaces required for the single-family dwelling.**
- 10.815.35 The principal dwelling unit and the garden cottage shall not be separated in ownership (including by condominium ownership); and either the principal dwelling unit or the garden cottage shall be occupied by the owner of the property. The owner shall provide documentation demonstrating to the satisfaction of the City that one of the units is his or her principal place of residence.**
- 10.815.40 Before granting a conditional use permit for a garden cottage, the Planning Board shall make the following findings:**
 - 10.815.41 Exterior design of the garden cottage is compatible with the existing residence on the lot through architectural use of building forms, scale and construction materials.**
 - 10.815.42 The site plan provides adequate open space and landscaping that is useful for both the garden cottage and the primary dwelling.**
 - 10.815.43 The garden cottage will maintain a compatible relationship to adjacent properties in terms of location and design, and will not significantly reduce the privacy of adjacent properties.**

183 **10.815.44 The garden cottage will not result in excessive noise,**
184 **traffic or parking congestion.**

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186 **10.815.50 A certificate of use issued by the Planning Department is**
187 **required to verify compliance with the standards of this Section,**
188 **including the owner-occupancy requirement. Said certificate**
189 **shall be renewed annually.**

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192 C. In Article 15 – Definitions, insert the following new definitions:

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194 **Accessory dwelling unit (ADU)**
195 **A dwelling unit that is constructed on the same lot as a single-family**
196 **dwelling and complies with the standards for accessory dwelling**
197 **units set forth in this Ordinance.**

198
199 **Attached accessory dwelling unit (AADU)**
200 **An accessory dwelling unit that is constructed within or attached**
201 **to a single-family dwelling. For the purpose of this definition,**
202 **“attached” means sharing a common wall for at least 25 percent**
203 **of the length of the side of the single-family dwelling.**

204
205 **Detached accessory dwelling unit (DADU)**
206 **An accessory dwelling unit that is constructed within an**
207 **accessory building on a lot containing one single-family dwelling.**

208
209 **Dwelling unit, accessory**
210 **See accessory dwelling unit.**

211
212 **Garden cottage**
213 **A dwelling unit that is constructed through conversion of an**
214 **accessory building on the same lot as a single-family dwelling and**
215 **complies with the standards for garden cottages set forth in the**
216 **Ordinance.**

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, Article 5A – Character Districts, and Article 6 – Overlay Districts, Section 10.630 – Historic District, be amended as follows:

A. In Article 5A, delete Section 10.5A45 – Architectural Design Guidelines.

B. In Article 6, insert a new Section 10.632.30 as follows:

10.632.30 The Design Guidelines adopted by the Commission and approved by the City Council are intended as a tool to help manage change and protect the City’s architectural and historical resources. They are used in the review process to encourage the retention and repair of the existing historic fabric and to provide a framework for the review of new construction within the historic context of the surrounding neighborhood.

C. In Section 10.635.70 – Review Criteria, revise subparagraph (3) as follows (additions to existing **bolded**; remaining language unchanged from existing):

(3) The extent to which a proposed project’s exterior design, scale, arrangement, texture, detailing and materials complement or enhance the existing structure and are compatible with surrounding properties **and the Commission’s adopted Design Guidelines**.

D. In Article 6, Section 10.633.20 – Exemptions from Certificate of Approval, make the following changes (deleted from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

10.633.20 Exemptions from Certificate of Approval

The following activities shall not require a Certificate from the Commission **but require review and certification by the Code Official**:

[...]

(3) Maintenance and repair of ~~fire~~ **exterior** walls, chimney repairs, entryway repairs, **or** deck repairs provided these are of the same design and material **(including the use of lime-based mortar for repointing historic brick)**;

[...]

- (5) ~~Roofing or re-roofing of~~ **Replacement roofing on** existing structures provided that **(1)** the roof plane ~~and~~ remains the same **and the material remains the same** regardless of color, **or (2) asphalt roofing is replaced with slate, composite-slate, or wood singles;**

[...]

- (7) **Placement or replacement of** ~~R~~roof-mounted mechanical or electrical equipment and ventilation terminators ~~on a single-family or two-family dwelling~~ where the equipment (1) is not located on a roof surface that faces or is visible from a public way, (2) does not exceed 27 cubic feet, and (3) does not extend more than 3 feet above the roof plane;

- (8) **Placement or replacement of** ~~W~~wall-mounted mechanical or electrical equipment and ventilation terminators ~~for a single-family or two-family dwelling~~ where the equipment (1) is painted a similar color to match or blend with the wall color, (2) does not extend more than six inches out from the wall plane, and (3) does not vent directly into a public way; and where (4) all duct work or equipment feeds enter the building's interior at ground level so as not to be visible;

- (9) **Placement or replacement of** ~~G~~ground-mounted mechanical or electrical equipment **(including a generator)** ~~for a single-family or two-family dwelling~~ where (1) the equipment is located behind the structure and is not in public view, and (2) all duct work or equipment feeds are located in the building's interior or immediately adjacent to the equipment;

- (10) **Placement or replacement of** ~~S~~storm windows, storm doors, screen windows and screen doors, provided they are constructed with wood frames, with any metal or vinyl tracks concealed by the wood frames. Window guards provided they are constructed with bars or rods of wrought iron, or metal formed and painted to resemble wrought iron. Mesh guards are not exempt;

- (11) Placement or replacement of ~~C~~chimney caps or bishop pots that are constructed of masonry or bluestone, or of other material with a black, dark brown or copper finish;

- (12) **Placement or replacement of** ~~G~~gas and electric meters ~~on a single-family or two-family dwelling~~ if mounted on an **exterior** wall, not facing **or visible from** a public way. **Landscaping or fencing may be as a visual screen;**

(13) Construction, alteration or demolition of any structure or element of a structure that the Code Official documents as being necessary to avoid an immediate health or safety emergency prior to the Commission convening a meeting to consider the matter. In such instance, the Code Official shall immediately ~~notify~~ **provide written notification to** the Commission of his **such** action.

[...]

(16) **Placement of a Temporary toilet, trailer, tent or tensile structures;**

[...]

(18) The **placement, removal or** replacement of wood or metal fencing (except for chain-link **which may only be removed**) ~~on a property with a contributing structure~~ provided the replacement fence is in **substantially** the same location with **substantially** the same height, material, and design;

(19) The replacement of exterior lighting ~~on a contributing structure~~ provided the replacement lighting is **substantially** in the same location with **substantially** the same height, material, and design;

[...]

(21) **Placement or replacement of Terraces, walks, driveways, and sidewalks and in-ground swimming pools** provided that any such element is substantially at the existing grade plane of the property;

(22) **Placement or replacement of B**building accessories and décor, such as: window-mounted portable air conditioning units, play equipment, **residential trash enclosures, snow guards, benches, trellises, non-commercial boat rack storage structures,** window boxes, **raised planters,** mailboxes less than 18" in all dimensions, flags, hose reels, door bells and knockers, weathervanes, bells, wind chimes, birdfeeders, artwork, sculpture, and other similar exterior décor.;

(23) New or replacement piers, floats, docks or gangways for single-family and two-family dwellings provided any vertical handrail support systems are constructed with metal, wire, rope or wood.;

(24) **Placement or replacement of wood, brick or granite steps or landings;**

(25) **Placement or replacement of a commercial solid waste enclosure provided the enclosure: (1) is fully enclosed with the use of gates;**

(2) is constructed of wood or stone material; and (3) is no greater than 60” in height or 100 sq. ft. in area; or

(26) Placement or replacement of wood or copper gutters and downspouts.

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, Article 10 – Environmental Protection Standards, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. Amend Section 10.1013 – Jurisdictional Areas, as follows:

10.1013.40 The tidal wetlands of Sagamore Creek, Little Harbour, North Mill Pond, and South Mill Pond **and part of the Piscataqua River**, defined as follows:

[...]

- (e) **Piscataqua River: Extending along the shoreline of the Piscataqua River from the northwest side of the I-95 bridge up to and including the waterfront parcel fronting on Porpoise Way.**

B. Amend Section 10.1016 – Permitted Uses, as follows:

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

[...]

- (4) The construction of an addition or extension to a one-family or two-family dwelling that lawfully existed prior to the effective date of this Ordinance or was constructed subject to a validly issued conditional use permit, provided that:
 - (a) The footprint area of the addition or extension, **together with the area of all prior such additions and extensions**, shall not exceed 25 percent of the area of the principal heated structure existing prior to the effective date of this Ordinance or constructed pursuant to a validly issued conditional use permit (this 25 percent limit shall not be based on pre-existing attached or detached garages, sheds, decks, porches, breezeways, or similar buildings or structures);

[...]

C. Amend Section 10.1017 – Conditional Uses, as follows:

10.1017.50 Criteria for Approval

Any proposed development, other than installation of utilities within a right-of-way, shall comply with all of the following criteria:

- (6) Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.**

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, Article 12 – Signs, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. In Section 10.1263 – Illumination Standards, insert the following new subsection:

10.1263.60 A sign using direct illumination shall consist only of letters, numbers and other common typographical characters, all of which shall be in no more than three colors against a dark background, and the total illuminated area shall not exceed 30 percent of the total area of the sign.

B. In Section 10.1290 – Sign Definitions, amend the definition of “changeable sign” as follows:

Changeable sign

A sign or portion thereof with characters, letters or ~~illustrations~~ **symbols** that can be changed, whether electronically or manually without altering the face or surface of the sign. A sign on which the message changes more than once per day shall be regulated as an animated sign. A sign on which the only changes are mechanical or electronic indication of time or temperature is not considered a changeable or animated sign.

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

The City Council will have to evaluate the extent to which it seeks to provide parity between a taxi owner and its drivers and a transportation network company (TNC) and its drivers. From the joint work session between the City Council and Transportation Services Commission it appeared that there was interest in maintaining a more robust regulatory structure for taxis. As will be evident from the summary below, the robustness of the proposed City taxi ordinance is premised on the separate regulation and municipal oversight of both taxi owners (vehicles) and their drivers. The new state law governing transportation network service companies is “less burdensome” in that the companies are effectively responsible for ensuring that its drivers and vehicles are compliant with state requirements. The ordinance can be redrafted if the City Council prefers a different structure of regulation.

VEHICLE SAFETY:

TNC	Taxis	Comment
TNC ensures vehicle safety compliance condition is met.	City ensures vehicle safety condition is met.	
State inspection.	State inspection by manufacturer dealer.	Slightly more burdensome.

BACKGROUND CHECKS:

TNC	Taxis	Comment
TNC responsible for local and criminal multi-state/multijurisdictional background check.	City is responsible for reviewing background information prior to issuing individual driver permits.	
No individual is to be a driver if: <ul style="list-style-type: none"> - more than 3 moving violations in a prior three year period or one major violation in the prior 3 year period - convicted in the last 7 years of driving under the influence, fraud, sexual offenses, use of a motor vehicle to commit a felony, crime involving property damage/theft, acts of violence, acts of terror. 	No individual is to be a driver if: <ul style="list-style-type: none"> - 3 or more convictions for moving violations directly related to operation of vehicle in past 3 years. - lost privilege to operate vehicle in past 3 years. - convicted of a felony or misdemeanor in past 7 years. - convicted of a felony involving a controlled substance or violence in past 15 years. 	Could make taxi ordinance identical.

INSURANCE:

TNC	Taxis	Comment
TNC ensures condition is met.	City ensures condition is met.	
\$300,000 for personal injury and property Damage while carrying a passenger for hire	\$300,000/\$500,000 per person/accident for personal injury. \$50,000 property damage.	The State law requires different levels of insurance depending on whether there is a passenger in the vehicle. When there is no passenger in the vehicle it is less.

FEES:

TNC	Taxis	Comment
\$500.00 annual permit fee to be paid by TNC.	Taxicab owners pay \$125.00 for a medallion for the first year with renewal fee \$100.00. Fees to be adjusted annually as part of regular budget process.	Because the requirements of meeting the state statute are left with the private company, the only fee collected by the State annually is from the registered TNC. The State does not directly regulate the drivers and therefore does not collect a fee from them. I have not investigated what types of fees the TNCs may charge those who wish to drive for them.
No State fee for TNC drivers.	Taxi drivers pay \$65.00 per year with renewal fee \$50.00. Fees to be set annually as part of regular budget process.	

REPORTING/OVERSIGHT:

TNC	Taxis	Comment
Little oversight.	Mandatory reporting obligations relative to driver conduct.	I have not investigated what type of internal reporting obligations TNCs may impose on their drivers.
	City has significant enforcement tools.	

TAXI STANDS AND HAILS:

TNC	Taxis	Comment
No street hails.	Street hails permitted.	
	May use taxi stands.	

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article II, - S - of the Ordinances of the City of Portsmouth be stricken in its entirety and replaced as follows:

ARTICLE II: TAXIS

Section 7.201: PURPOSE

It is the intention of this ordinance to provide a structure for the regulation of motor vehicle operators who seek to hold themselves out as operators of a taxi, accepting the special benefits and burdens of that particular designation.

Section 7.202: TAXI DEFINED

The term "Taxi" shall mean any motor vehicle used for the transportation of passengers for hire, the destination and route of which are under the direction and control of the passenger; except that this Ordinance shall not apply to the following:

- A. Limousine services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions;**
- B. Limousine services whose operator is limited to the transport of passengers by prior appointment from locations within the City of Portsmouth to destinations located outside of the City or the reverse;**
- C. Transportation services that carry seven (7) or more passengers;**
- D. Transportation services operated by the municipality or other entity free-of-charge; and**
- E. Transportation network companies and their operators who are regulated under the laws of the State of New Hampshire.**

Section 7.203: OPERATOR AND OWNER DEFINED

- A. The term "Operator" as used in this Ordinance shall mean the person driving or having control or possession of a motor vehicle while it is being used as a Taxi.**
- B. The term "Owner" as used in this Ordinance shall mean the person or business entity having the ownership or leasehold of any vehicle used or licensed to be used as a Taxi.**

Section 7.204: MEDALLION REQUIRED

No vehicle shall be operated as a Taxi unless that vehicle has been issued a Medallion and such Medallion has not be suspended or revoked. The word “Medallion” shall mean the permission granted by the City of Portsmouth for a vehicle to be used as a Taxi.

Section 7.205: TAXI LICENSE REQUIRED

No person shall operate a motor vehicle as a Taxi within the City of Portsmouth unless such person holds a valid Taxi License issued by the City Clerk and is operating a vehicle with a valid Medallion.

Section 7.206: TAXI LICENSE REQUIREMENTS

- A. Any person seeking a Taxi License shall submit an application to City Clerk. Such application shall require the applicant to provide a residential history for the preceding ten (10) years and submit the results of a criminal background check and motor vehicle record history covering each jurisdiction in which the applicant has resided and the 10 year time period. In addition, the applicant shall provide a passport photograph and such other information as the City Clerk reasonably deems necessary to determine if the applicant meets all minimal requirements for the issuance of a Taxi License. The City Clerk has the authority to require the submission of results of criminal background checks and motor vehicle history records from multiple jurisdictions depending on the residency and residential history of the individual applicant.
- B. The City Clerk shall have the authority to issue a Taxi License upon the submission of documentation satisfactory to the City Clerk and Taxi Coordinator that the applicant meets the following criteria:
 - 1. Possesses a valid motor vehicle operator’s license;
 - 2. Maintains a satisfactory motor vehicle record as defined in Section 7.206 (C);
 - 3. Has no disqualifying criminal conduct as defined in Section 7.206 (D); and
 - 4. Has received no more than three (3) violations of this ordinance in the year preceding the application and no more than six (6) total in all preceding years; and
 - 5. Payment of Taxi License fee.

The City Clerk reserves the right to deny a Taxi License to an unsuitable person.

- C. A motor vehicle record shall be deemed not satisfactory if:**
- 1. The applicant has three or more convictions for moving violations directly related to operation of a vehicle such as but not limited to speed, failure to stop and/or lane violations, in this or any other state, in the three years prior to the date of the application.**
 - 2. The applicant has lost his/her privilege to operate a motor vehicle (license revoked and/or suspended) at any time, in this or any other state, in the three years prior to the date of the application, for any reason related to the operation of a motor vehicle.**
- D. Disqualifying criminal conduct is defined as:**
- 1. The applicant has been convicted of a felony or misdemeanor, in this or any other state, in the seven years prior to the date of the application.**
 - 2. The applicant has been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen years prior to the date of the application.**
- E. By submitting an application, applicant authorizes the City to undertake such investigation as it deems reasonably necessary to verify the applicant's statements and eligibility to hold a Taxi License.**
- F. Administrative appeal of any decision of the City Clerk relative to issuance or denial of a Taxi License shall be made in writing and delivered to the City Attorney within thirty (30) days of the decision. Appeals shall be to the Taxi Coordinator, with notice of the opportunity to be heard and to respond; such opportunity to occur within thirty (30) days of receipt of the appeal.**

Section 7.207: MEDALLION REQUIREMENTS

- A. Any Owner seeking a Medallion for a vehicle shall submit an application to the City Clerk. Such application shall require the Owner to provide the vehicle identification number, proof of insurance and such other information as the City Clerk reasonably deems necessary to determine if the applicant meets all minimal requirements for the issuance of a Medallion.**
- B. The City Clerk shall have the authority to issue a Medallion upon the submission of documentation satisfactory to the City Clerk and Taxi Inspector that the following criteria have been met:**
- 1. Vehicle registration;**
 - 2. Vehicle has the required markings as set forth in Section 7.211 (A) and (B);**

3. **Proof that the vehicle passed a state inspection such inspection must have occurred at a manufacturer's dealership for the make of the vehicle to be used as a Taxi (maintenance and repair work can be done at any facility);**
 4. **Proof of adequate personal injury and property damage liability insurance coverage for the term of the Medallion; and**
 5. **Payment of Medallion Application Fee.**
- C. Adequate insurance shall be personal injury coverage of not be less than three hundred thousand dollars (\$300,000) for injury to one person with a total coverage of not less than five hundred thousand dollars (\$500,000) for each accident. The property damage coverage shall be not less than fifty thousand dollars (\$50,000) per occurrence.**
- D. Administrative appeal of any decision of the City Clerk relative to issuance or denial of a Medallion shall be made in writing and delivered to the City Attorney within thirty (30) days of the decision. Appeals shall be to the Taxi Coordinator, with notice of the opportunity to be heard and to respond; such opportunity to occur within thirty (30) days of receipt of the appeal.**

Section 7.208: TAXI COORDINATOR

There shall be a Taxi Coordinator who shall be an officer of the Portsmouth Police Department assigned by the Chief of Police. That officer, in addition to his or her regular duties, shall assist the City Clerk with the implementation of this Ordinance, conduct background investigations and have the enforcement powers set forth in this ordinance.

Section 7.209: FEES AND TERMS FOR LICENSES AND MEDALLIONS

- A. **All Medallions and licenses granted under this chapter shall continue and remain in full force and effect for a period from the first day of April each year until midnight on the 31st day of March of the following year.**
- B. **All applications for renewals of Medallions or licenses must be filed with the City Clerk no earlier than February 1 and no later than March 1.**
- C. **Fees shall be set by the City Council as part of its annual budget adoption process as set forth in Chapter 1, Article XVI.**
- D. **Until such time as the fees are set by the City Council under paragraph 7.209 (C), the fees are as follows:**
 1. **The first time fee for a Medallion shall be one hundred twenty-five dollars (\$125.00) each year or any part of a year commencing on April 1st for each Taxi**

payable in advance on application for the Medallion. The renewal fee shall be one hundred dollars (\$100.00).

2. The fee for a Taxi License shall be sixty-five dollars (\$65.00) per year or any part of a year commencing on April 1st. The renewal fee shall be \$50.00.
 3. The fee for restoration of any Medallion that has been revoked shall be one hundred dollars (\$100.00), except that when the revocation is due to failure to meet vehicle inspection requirements, no fee shall be due if the vehicle is repaired to the satisfaction of the Taxi Coordinator within 1 business day of the revocation.
- E. If required insurance coverage terminates, expires or is suspended, Owner shall immediately suspend service until insurance coverage is in place. All required insurance policies shall contain a provision, which will provide for the automatic notification by the insurer to the City of the cancellation or expiration of the policy. Notice shall be mailed to the City Clerk.

Section 7.210: TAXI OPERATOR CONDUCT

A Taxi Operator shall:

- A. Use only a vehicle that has been issued and displays a Medallion;
- B. Display a copy of his/her Taxi License in a conspicuous place within the Taxi where it may be seen by any passenger;
- C. Not laminate, deface or alter the Taxi License;
- D. Not stand or park on any street except at designated Taxi stands or bus stops, except while actually engaging in taking on or discharging passengers;
- E. Not engage in any conduct that endangers the health, welfare or safety of passengers or the public; and
- F. Report in writing to the City Clerk any and all of the following:
 1. Any change of address within thirty (30) days of such change;
 2. Any motor vehicle motor vehicle moving violation within seven (7) days;
 3. Any motor vehicle license suspension or revocation within seven (7) days; and
 4. Any misdemeanor or felony arrest within seven (7) days.

Any failure to report will result in the imposition of a late fee of \$50.00 and may result in the revocation of the Taxi License and/or the finding of a violation

Section 7.211: MEDALLION OWNER REQUIREMENTS

- A. Each Taxi shall have a roof light attached to the roof of the Taxi with the firm name or the word "Taxi" inscribed thereon and operating during evening hours when the Taxi is on duty. There shall be no other lights on a Taxi, except those required by law.**
- B. Each Taxi shall have the Medallion holder's name displayed on the sides thereof in letters not less than three (3) inches in height.**
- C. Each Taxi shall display two license plates furnished by the City of Portsmouth with the word "TAXI" on the plates; such plates shall be attached in a conspicuous place on the front and rear of the motor vehicle operated.**
- D. Provide proof of vehicle inspection renewal to the City Clerk within ten (10) days of the end of the month for which inspection is due. Failure to provide such notice will result in a \$50.00 late fee for the untimely compliance and may result in the revocation of the Medallion and/or the finding of a violation.**
- E. Return to the City any Medallion which has not been renewed within five (5) business days after the expiration of the term set forth in Section 7.209.**

Section 7.212: TAXI STANDS AND HAILS

- A. The term "Taxi stand" as used in this Ordinance shall be construed to mean such portion or portions of the public street or highway as shall be designated by the City Council of the City of Portsmouth as a place in which Taxis may stand or park.**
 - 1. No Owner or Operator of any Taxi shall allow or permit a Taxi to remain standing or parked unattended for longer than five (5) minutes at any Taxi stand.**
 - 2. No Operator shall park a Taxi in a double line at a public stand nor shall any Operator park a Taxi in such a manner as to interfere with traffic, either vehicular or pedestrian, at any location.**
 - 3. No more than two (2) Taxis owned by the same person or business entity shall occupy any one Taxi stand at any one time.**
- B. Taxis may accept street hails.**

Section 7.213: ADDITIONAL OPERATOR AND OWNER REQUIREMENTS

All Operators and Owners shall:

- A. Ensure that fares are posted, published or otherwise available to the passenger before engagement of the fare;**
- B. Provide a written receipt if requested;**
- C. Decline multiple fares unless each passenger consents;**
- D. Prohibit the use of smoking materials of any kind within the Taxi at any time; the Owner of each Taxi shall post a notice in each Taxi, plainly visible to all occupants of the Taxi, reading, “No Smoking”; and**
- E. Maintain the Taxi in a safe, clean and sanitary condition at all times.**

Section 7.214: ENFORCEMENT

- A. If the Taxi Coordinator reasonably believes that a Taxi may no longer be safe during the term of the Medallion period, the Taxi Coordinator may order the Owner to have the Taxi re-inspected, at Owner’s cost, at a manufacturer’s dealership as required under section 7.207(B)(3).**
- B. Any Portsmouth Police Department officer may:
 - 1. Issue a written notice of violation of this Ordinance.**
 - 2. Issue a Defective Equipment notice to the Owner and/or Operator of the Taxi requiring correction of the defect within five (5) business days with proof of correction provided to the Police Department to avoid automatic suspension of the Medallion. The Medallion will be immediately surrendered to the City Clerk after five (5) business days if proof of correction is not provided to the Police Department.**
 - 3. Suspend immediately an Operator’s Taxi License or an Owner’s Medallion upon a reasonable belief that there is an imminent danger to the health, safety or welfare of passengers or the public.****
- C. Administrative appeals of any notice of violation, defective equipment notice, suspension or revocation shall be made in writing by the Operator or Owner and delivered to the City Attorney within fourteen (14) days of the suspension, revocation or notice of violation. Appeals shall be to the Taxi Coordinator, with notice to the Operator or Owner of the opportunity to be heard and to respond.**
- D. If the Taxi Coordinator determines after notice and response that any violation of state law or this Taxi ordinance has occurred, the Taxi Coordinator may, in addition**

to the actions set forth in Section 7.214 (A), take one (1) or more of the following actions.

1. Remove the Medallion from the Taxi in violation until the violation is corrected and proof of correction is provided to the Taxi Coordinator;
 2. Suspend or revoke any Medallion or License;
 3. Refer for prosecution any violation of this Ordinance.
- E. Any person or entity in violation may be subject to a fine of no more than \$300 upon conviction by the Portsmouth District Court.

Section 7.215 APPEALS

Written final decisions of the City Clerk and the Taxi Coordinator relative to the issuance, suspension and revocation of licenses, medallions and other actions of enforcement made pursuant to this Ordinance are final. Persons aggrieved of the decisions of the City Clerk and/or Taxi Coordinator shall have all rights and remedies available to them in the courts of the State of New Hampshire.

Section 7.216: RECIPROCITY WITH OTHER MUNICIPALITIES

Taxis which are licensed in other municipalities may deliver passengers from outside the City to destinations within the City or pick up passengers by prior arrangement in the City for delivery to destinations outside the City.

Section 7.217 TRANSITION PERIOD

Owners and Operators operating a Taxi upon the effective date of this Ordinance may continue to operate while Taxi License and Medallion applications are pending under this Ordinance and a final decision has been made to approve or deny the Taxi License or Medallion application.

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

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

This ordinance shall become effective as of February 1, 2017.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



November 30, 2016

Portsmouth NH City Council
C/o City Manager's Office
1 Junkins Ave
Portsmouth NH 03801

Dear Mr. Bohenko


My name is Jennie Halstead. I am the Executive Director of My Breast Cancer Support and the Race Director of the Celebrate Pink 5k Walk & Run.

I am writing this letter to ask the City Council consider approval of our 9th Annual race which we propose take place on Sunday September 17th 2017 or as an alternate request date Sunday September 10th 2017. Registration for the race begins at 7.30 am and the race will commence at 9 AM at Portsmouth Middle School.

Thank you for your consideration, as well as the support you have provided for this event over the last 8 years.

Best Regards,

Jennie Halstead

Jennie Halstead
Executive Director, Survivor 

To Portsmouth City Council:

I am hoping to get permission to hold a triathlon that begins at Portsmouth High School on Sunday, May 28, 2017. All proceeds from the triathlon will go directly to the organization, Education to All Children. Last year, I held the first Race To Educate and it was a huge success. With Race To Educate, bake sales, and many generous donations, I raised \$8,000.

My goal is to have about 150 participants at the triathlon. It will be a 'fun' triathlon for children and families. I have gotten permission from the Portsmouth Pool to use the pool and from Mr. Wilson to hold the run in the trails behind Portsmouth High School. Ideally, for the bike ride, I would like to hold a 7.5-mile bike ride through Portsmouth, New Castle, and Rye. This will be the same route as last year.

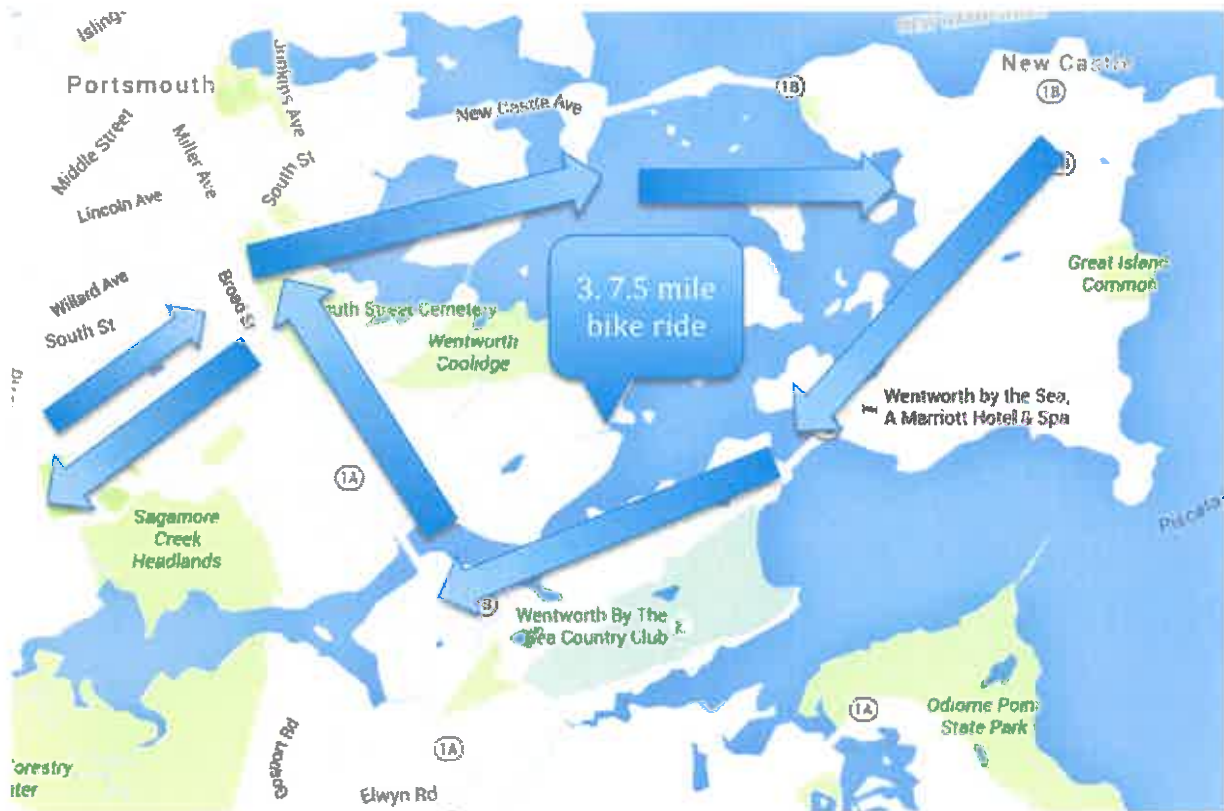
I understand I need permission from the City Council and if granted the permission I will work with all of the other towns (Portsmouth, New Castle and Rye) to ensure it's a safe event.

Please call me with question. Lilia Potter-Schwartz, (603) 548-8898.

About EFAC

EFAC sponsors children in Kenya so they are able to go to secondary school. Rye, New Hampshire residents, Nancy and Rod Van Sciver, founded this organization. EFAC is currently helping 355 Kenyan students by sponsoring them through secondary school and university. Did you know that only 40% of children in Kenya are able to attend secondary school (high school)? One hundred percent of EFAC graduates have scored at the qualifying level for a post-secondary degree compared to 28 percent nationally. The proceeds I raise will go directly to the sponsorship of a Kenyan student. For more information about Education For All Children, please visit their website, <http://www.educationforallchildren.org>.

Lilia Potter-Schwartz
Lilia Potter-Schwartz



November 21, 2016

**Portsmouth City Council
1 Junkins Ave
Portsmouth, NH 03801**

Dear Sirs,

Please accept this letter as a request to once again hold the Eastern States 20 Mile Road Race, scheduled for Sunday, March 26, 2017. I have successfully held this race the past 20 years and look forward to doing do again this year. I hope you will grant a permit, as you have done in each of the last 21 years. This will be our 22nd anniversary!

I have worked in concert with the City of Portsmouth Police Department and will contact them again about securing police detail for all intersections that the runners pass through. The race is expected to have a few hundred runners, and since The Traip Academy School is the start, all runners will move through Portsmouth very quickly.

Thank you very much for your cooperation in this matter. I hope to hear from you soon.

Sincerely,




**Donald Allison
Eastern States 20 Mile
4332 Avalon Dr
Sharon, MA 02067
617-835-2378**

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: December 1, 2016

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on December 5, 2016 City Council Agenda

Work Session:

6:00 p.m.

1. **Food Vendor Trucks.** Attached is a memorandum from Nancy Colbert Puff, Deputy City Manager regarding a summary of topics that can be used to guide a discussion on Food Vendor Trucks.

Presentation:

1. **Update Re: Pease Tradeport PFC's.** Councilor Pearson requested that an update be given to the City Council regarding Pease Tradeport PFC's. On Monday evening, the Testing for Pease Advocacy Group, Andrea Amico, Alayna Davis and Michelle Dalton will make a presentation to the City Council.
2. **Update from Deputy Public Works Director Brian Goetz Re: Haven Well.** Brian Goetz, Deputy Public Works Director, will give an update to the City Council regarding Pease Tradeport Water System: PFC Monitoring, Treatment Demonstration Project and Haven Well Update.
3. **Presentation Re: Zagster – Bike Share for Portsmouth.** Juliet Walker, Deputy Planning Director, will make a presentation to the City Council regarding Zagster and bike share for the City of Portsmouth.

Acceptance of Grants and Donations:

1. **Acceptance of Donation from Wilcox Industries, Corp.** Wilcox Industries Corp. has offered to be a leading contributor in memorializing Independence Day for the next ten years. In this capacity, Wilcox would be the main sponsor of the City's Fourth of July celebration by contributing \$40,000 annually plus anticipated inflation over this time period. [See attached Letter of Agreement.](#)

Wilcox will collaborate with City staff to build a broader Independence Day celebration that will include additional fireworks, entertainment and philanthropic initiatives to benefit local veteran groups. This will include higher-profile performances as well as expanded publicity and branding to encourage larger community participation.

Together, Wilcox and City staff will reassess this event each year to continue to grow this program, such as including other partnerships and local business involvement, and tying in other Portsmouth milestones overtime such as the City's 400th anniversary in 2023. With this added support we will continue to enhance this celebration for the next decade.

I recommend the City Council move to accept Wilcox's donation and ongoing sponsorship through July 4, 2027. 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 Ordinance Amendments.**
 - 1.1 **Request for First Reading of Proposed Zoning Ordinance Amendments ("Zoning Omnibus, Part 1").** As a result of the November 21st City Council meeting, under Section VIII of the Agenda, I am bringing back for first reading the proposed Zoning Ordinance Amendments ("Zoning Omnibus, Part 1").

As outlined in [Planning Director Rick Taintor's attached memorandum](#), the Planning Department has been working on a number of proposed amendments to the Zoning Ordinance to address identified issues with the existing Ordinance as well as new priorities emerging in the City.

Although it has been our intention to present a comprehensive "omnibus" including all items in progress, there is a need to move forward with a phased approach, in part because of the urgency of responding to a new state law regarding accessory dwelling units, and also because some of the zoning revisions in progress will require more lengthy review and would unnecessarily hold up implementation of the easier revisions. The first phase of the zoning omnibus is presented in this memorandum and the [attached document](#), and an overview of the next phase is provided at the end of the memo.

At its meeting on October 20, 2016, the Planning Board voted unanimously to recommend that the City Council enact the series of amendments to the Zoning Ordinance set forth in [the attached document](#). These amendments address a variety of issues throughout the Ordinance, ranging from simple housekeeping matters to implementation of the new State mandate regarding accessory dwelling units.

The City Council will be acting on the following proposed Ordinances separately:

- A. **First reading of ordinance amending Chapter 10 – Zoning Ordinance, Articles 2, 3, 11 and 15, relative to expiration of variances and special exceptions, provisions for nonconforming buildings and structures, setbacks in Gateway districts, and definition of “structure” (housekeeping items).**

Move to pass first reading and schedule a public hearing and second reading at the December 19, 2016 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

- B. **First reading of ordinance amending Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, relative to measurement rules, front yard exception for existing alignments, corner lot vision obstruction, projections into required yards, and setbacks for accessory buildings, structures and uses; and Article 15 – Definitions, relative to the definition of “building coverage.”**

Move to pass first reading and schedule a public hearing and second reading at the December 19, 2016 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

- C. **First reading of ordinance amending Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, revising the maximum permitted structure heights in the Residential and Mixed Residential Districts.**

Move to pass first reading and schedule a public hearing and second reading at the December 19, 2016 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

- D. **First reading of ordinance amending Chapter 10 – Zoning Ordinance, Articles 4, 8 and 15, regulating and defining Accessory Dwelling Units and Garden Cottages, in order to implement a new state law requiring accessory dwelling units to be permitted in all zoning districts where single-family dwellings are permitted.**

Move to pass first reading and schedule a public hearing and second reading at the December 19, 2016 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

- E. **First reading of ordinance amending Chapter 10 – Zoning Ordinance, Articles 5A and 6, relative to design guidelines in the Historic District and exemptions from the requirement for Historic District Commission approval of specified activities.**

Move to pass first reading and schedule a public hearing and second reading at the December 19, 2016 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

- F. **First reading of ordinance amending Chapter 10 – Zoning Ordinance, Article 10 – Environmental Protection Standards, extending jurisdiction to the Piscataqua River shoreline at Atlantic Heights, clarifying the one- and two-family exemption from a requirement for a conditional use permit, and adding a requirement for restoration of the vegetated buffer strip.**

Move to pass first reading and schedule a public hearing and second reading at the December 19, 2016 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

- G. **First reading of ordinance amending Chapter 10 – Zoning Ordinance, Article 12 – Signs, adding standards for signs using “direct illumination” (e.g., LED or plasma lighting); and Article 15 – Definitions, modifying the definition of “changeable sign.”**

Move to pass first reading and schedule a public hearing and second reading at the December 19, 2016 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

- 1.2 **First Reading of Proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217.** As a result of the November 21, 2016 City Council meeting, under Section VIII of the Agenda, I am bringing back for first reading the [attached proposed Ordinance](#) amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217. This ordinance is identical to the draft provided to the City Council on November 21, 2016 with the exception that Section 7.214 was changed in response to Councilor Dwyer’s comment. It now provides taxi owners with five (5) business days to correct a defect. Councilor Splaine asked for a comparison of the draft ordinance with the new State law that governs transportation network companies such as Uber and Lyft. The Deputy City Attorney provides a short [summary attached](#) and can provide more detail as may be requested.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the December 19, 2016 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

City Manager's Items Which Require Action:

1. **Approval of Agreement Re: 400th Anniversary Celebration.** As a result of the November 21st City Council meeting, the Council approved the Trust for the 400th Anniversary Celebration. At the October 17th City Council meeting, the Council authorized the City Manager to draft a partnership agreement with the Portsmouth Historical Society/Discover Portsmouth Center to provide an annual contribution from the City of Portsmouth to the PHS/DPC which will provide a base level of support to create a varied, organized and informed set of activities in which the community can engage to develop a sense of pride for Portsmouth's past and future. I am requesting that City Council approve the [Agreement at this evening's Council meeting](#).

As you will recall, on Saturday, October 1, 2016 the Portsmouth Historical Society/Discover Portsmouth Center (PHS/DPC) made a presentation to the City Council outlining key goals in creating an ongoing celebration for Portsmouth's 400th anniversary.

As Portsmouth approaches its 400th anniversary in 2023, PHS/DPC will be the conveners of this celebration, one that will not only encompass a momentous event in 2023 but serve as a layered program throughout each year up to and beyond this milestone.

The development of a trust endorses the formation of this program and partnership between the City and PHS/DPC. With an established trust, a formal connection will be clarified and PHS/DPC can begin their planning in earnest and develop a steering committee to oversee all anniversary activities. Annual funding will provide needed support in creating a varied, organized and informed curriculum in which the community can engage in and have a sense of pride for both our past and our future.

I recommend the City Council move to approve the Agreement for the 400th Anniversary Celebration, and further, I request the use of \$50,000 from Urban Development Action Grant (UDAG) and \$50,000 from the Contingency Account to fund the Agreement.

2. **Renewal of New Hampshire Public Radio Lease for Rooftop Antenna.** For City Council approval is a Lease between the City of Portsmouth and New Hampshire Public Radio (NHPR) to allow NHPR to continue to maintain its antenna and associated equipment on the roof of City Hall. In 2004, NHPR requested permission of the City to install an antenna and other equipment. That permission was granted by the City Council and the City entered into a lease. That lease has expired and NHPR now requests a new lease.

The proposed new lease is [attached](#) and is substantially the same as the prior lease. Its key terms include the following:

- a term of 10 years
- right of either party to terminate with 180-day written notice

- rent in the amount of \$306 per month adjusted annually
(covers electricity provided by the City and administrative costs)
- coordination if there are technical issues

I recommend the City Council move to authorize the City Manager to enter into a Lease with New Hampshire Public Radio for a rooftop antenna and other equipment.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on November 21, 2016. In addition, this can be found on the City's website.

Portsmouth400 Agreement

The City of Portsmouth (City), a municipal corporation with a principal place of business at One Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire, and Portsmouth Historical Society (PHS), a charitable nonprofit with a principal place of business at 10 Middle Street, Portsmouth, County of Rockingham and State of New Hampshire, enter into this agreement for the purposes contained herein:

Whereas The year 2023 will mark the 400th Anniversary of the settlement of Portsmouth, New Hampshire and surrounding area;

Whereas PHS, founded in 1917, is a tax-exempt 501(c)3 charitable nonprofit devoted to introducing, interpreting and stimulating the study of Portsmouth history;

Whereas The City is a municipal corporation, which through the Portsmouth City Council has formally approved a working relationship with PHS to be the convener for the 400th Anniversary (Portsmouth400);

Whereas PHS seeks financial support from the City and initiation of an annual grant to manage the ongoing Portsmouth400 program from 2017 through 2023;

Whereas a Director of Portsmouth400 will be recruited and a Steering Committee of seven members in addition to a chair and co-chair shall be convened to oversee the program.

Now therefore, the City and PHS agree as follows:

A. City Responsibilities: The City Shall:

- 1. Recognize** and support PHS as the convener of the Portsmouth400 Program.
- 2. Provide** PHS with an initial \$100,000 grant to support the development, management, and execution of the Portsmouth400 Program consistent with PHS's responsibilities listed herein. Going forward, an annual grant may be paid by the City to PHS in FY19 through FY24 as approved in the City's annual budget by the City Council.
- 3. Meet**, through the City Manager or designee, with PHS on a quarterly basis to discuss Portsmouth400.

B. PHS Responsibilities: PHS Shall:

- 1. Create** Portsmouth400, an inclusive celebration of 400 years on the New Hampshire Seacoast 1623-2023, of both the diverse and living history of Portsmouth before the first European settlers arrived, and our future; layering in programs each year up to and beyond 2023.
- 2. Foster** a shared sense of ownership/stewardship - The 400th belongs to everyone in Portsmouth. Encourage everyone to join the dialogue, contribute ideas: "what I want for the 400th."

3. **Identify** key themes to spotlight: art, community, history, sustainability, diversity, economic vitality, civic life and volunteerism, accessibility.
4. **Engage** our community about the importance of civic life and our history.
5. **Ensure** we pass the torch to the next generation so they become the stewards of Portsmouth and its history.
6. **Focus** first on Portsmouth while regional and state partnerships and celebrations can be an aspect but are not the focus.
7. **Establish** goals - a city where residents enjoy living, feel involved, have a sense of pride and confidence in the future; deep, vibrant celebration of the culture and heritage of Portsmouth; Portsmouth becomes bold model for sustainable growth and for seamless interplay of arts, humanities, preservation and maritime culture.
8. **Employ** the 400th as a deadline to accomplish/highlight many City goals: Master Plan; Prescott Park; City Gateways; Wayfinding & Parking; Bicycle & Walking Paths.
9. **Act** as convener/clearinghouse for all who want to produce activities, demonstrations, lectures, tours, events.
10. **Create** a structure to manage the project using a multi-member representative Steering Committee for oversight, planning, organization, implementation of vision; a PHS staff position – day to day execution; and involvement of City Committees, experts, advisory council of elders, individuals, nonprofits and corporations.
11. **Craft** a funding/marketing plan for alliance of all participants.
12. **Recruit** and employ a Director of Portsmouth400 who shall be:
 - deeply involved in fundraising, accounting, volunteer management, event planning, operations, and marketing in the ongoing Portsmouth400 program (carrying from now through 2023);
 - developing communications strategies and conducting National and International outreach efforts;
 - developing new initiatives to support the strategic direction of the program while managing available budgets;
 - writing website content, social media posts and articles;
 - tracking statistics and making presentations to the Portsmouth City Council, who will be providing PHS the annual grant set forth herein;
 - the point of contact for Portsmouth400, responding to both media and community members pitching ideas to include in the program and want to participate;
 - coordinating activities with City of Portsmouth staff; and
 - acting as liaison to the Portsmouth400 Steering Committee, offering logistical and creative input on the organization of ongoing and developing programs.
13. **Designate** both the Executive Director of PHS, or her designee, and the City Manager, or his designee, as ex officio members of the Portsmouth400 Steering

Committee, of which the Mayor and another Mayor-appointed City Councilor will be a member of.

14. **Meet** regularly with City Manager or designee to keep City apprised of progress and provide the City a financial statement on an annual basis including a summary of revenues raised and expenditures.
15. **Provide** City Council with quarterly updates on the program's development, with more frequent presentations as 2023 approaches.

C. Miscellaneous:

1. This Agreement may be amended, waived, or discharged only by an instrument in writing signed by the parties hereto.
2. This Agreement shall be deemed to have been entered into in the State of New Hampshire and shall be construed in accordance with the laws of the State of New Hampshire.
3. Either party may terminate this Agreement without cause upon six (6) months written notice to the other party.
4. This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire Agreement and understanding between the parties and supersedes all prior agreements and understandings relating hereto.
5. Any notice by a party hereto to the other party to this Agreement shall be provided as follows:

To City of Portsmouth
Attn: City Manager
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

To PHS
Attn: Executive Director
Portsmouth Historical Society
10 Middle St.
Portsmouth, NH 03801

Executed this _____ day of _____, 2016.

The City of Portsmouth, New Hampshire

The Portsmouth Historical Society

John Bohenko, City Manager

Kathleen Soldati, Executive Director

LEASE

This Lease entered into as of the ___ day of ____, 2016 by and between the CITY OF PORTSMOUTH, a municipal corporation with a place of business at 1 Junkins Avenue, Portsmouth, County of Rockingham, State of New Hampshire (the "Lessor"), and NEW HAMPSHIRE PUBLIC RADIO, INC., a New Hampshire non-profit corporation of 2 Pillsbury St, 6th Floor, Concord, County of Merrimack, State of New Hampshire (the "Lessee").

1. LEASE: For and in consideration of the covenants and agreements to be performed by the parties, the Lessor leases to the Lessee, and the Lessee leases from the Lessor, an area on the roof of Lessor's building at 1 Junkins Avenue, Portsmouth, New Hampshire (the "Building") for the purpose of installing, operating, and maintaining an FM radio station repeater or translator, receiving antennae and related equipment. Lessor expressly grants to Lessee the right to install up to a thirty (30) foot tall tower base with a 20 foot whip near the center of the north face of the so-called "penthouse" of the Building. The tower will be attached to the roof at the base of the pole, and will have a side bracket attached to or through the "penthouse". The installation of the tower shall be mutually agreeable to the parties. In addition, a small transmitter and related equipment will be located in a 24"x24"x4' equipment rack, provided by the Lessee, and shall be situated in the radio equipment room of the Building at a location mutually agreeable to the parties. (The leased space on the roof and in the radio equipment room shall together be referred to as the 'Premises'). Lessee shall have the reasonable right to install such wiring or cabling as is

necessary to connect and operate the installed equipment, such wiring and cabling being installed at mutually agreeable locations.

Attached as Exhibit A is Lessee's antenna proposal. The installation as described therein is mutually agreeable to the parties. Attached as Exhibit B is a computer-generated picture showing the mutually agreeable location and look of the tower.

2. TERM: The term of this Lease shall begin on _____, 2016, and continue for ten (10) years subject to either party's right to terminate this agreement prior to the expiration of the 10-year term with 180-day written notice.

3. RENT: During the first year of this Lease, the Lessee shall pay the Lessor monthly rent of \$306 on or before the first day of each month. Thereafter the rent shall be increased annually by 3%. The rental figure shall be rounded up to the nearest whole dollar.

4. ACCESS/ELECTRIC POWER: The Lessee shall have reasonable access, as required, to repair, maintain, replace or otherwise operate the tower/pole, FM repeater/translator, receiving antennae and related equipment in a manner consistent with the requirements of the Federal Communications Commission. In addition, Lessor shall provide Lessee with at least one functioning 120-volt, 15 amp outlet in the radio equipment room sufficient for Lessee's purposes.

5. INSURANCE/INDEMNITY: The Lessee shall procure liability and causality insurance with respect to the Premises in amounts set forth in Exhibit C. Lessee shall save the Lessor harmless from any and all claims of injury to

any person or persons or property resulting from the use of the Premises by Lessee, other than those claims resulting from the gross negligence or willful misconduct of Lessor or its representatives or agents.

6. REPAIR: The Lessee shall keep the Premises in good repair and shall not cause the same to suffer any unreasonable or unnecessary harm, waste and damage to the Premises, other than normal wear and tear.

7. SURRENDER: The Lessee agrees to return the Premises at the expiration of the term in good order and condition, reasonable wear and tear and damage by fire or other unavoidable casualty excepted. Lessee shall remove all of its equipment at the termination of this Lease and repair any damages caused to the Premises by such removal.

8. CASUALTY LOSS: In the event a fire or other casualty destroys or substantially damages the Premises or any portion of it so as to make it unfit for the use intended by Lessee, this Lease shall terminate.

9. LESSOR ACCESS: The Lessor shall have the right to enter upon and view the Premises at reasonable times.

10. LESSEE ACCESS: Lessee shall coordinate access to the Premises with Lessor's Director of Public Works. The Premises will generally be available during business hours and Lessee shall provide 24 hours notice in non-emergency situations. Lessor shall provide contact numbers to Lessee for after hours access in the event of an emergency. Lessee shall ensure that all its employees or contractors have picture identification sufficient to establish their authority to be given access to the Premises.

11. NO SUBLEASE: The Lessee shall not sublet or assign the Premises under any circumstances without the prior written consent of the Lessor. Such consent shall not be unreasonably withheld.

12. NO INTERFERENCE: Lessee's use of the Premises shall not in any way interfere with Lessor's current communications systems located on top of the Building. In the event that the Lessee's use does interfere with the current or future city communications systems, the Lessee will be permitted to relocate the FM Repeater and related equipment to a new location on the Building such that it no longer interferes with the Lessor's communications systems.

13. BINDING EFFECT: This Lease shall run to and be binding upon the heirs, executors, administrators, successors, and assigns of the parties.

14. NOTICE: All notices required or provided for under this Agreement shall be deemed to have been delivered if (a) hand delivered, (b) mailed, Certified or Registered United States Mail, return receipt requested, so long as the notice is actually received within three (3) days following the deadline date, or (c) sent and received by facsimile transmission or receipted or otherwise traceable overnight delivery service. Notices to the Lessor shall be sent to the attention of the City Manager with a copy to the City Attorney at the address provided at the beginning of this Agreement. Notice to the Lessee shall be sent to the address provided at the beginning of this Agreement.

15. PERMITS: Lessee shall be responsible to obtain all permits and approvals necessary to operate its equipment at the Premises. Lessor shall cooperate with Lessee, but shall not be required to pay any funds to obtain such

applications.

16. NO PUBLIC FORUM: Lessor does not intend to create a public forum by the execution of this Lease. This Agreement has been negotiated for a limited purpose to maximize use of the Building to the financial benefit of the City and in a manner which is not inconsistent with the City's own telecommunications requirements.

Executed by the parties as of the ___ day of ____, 2016.

**LESSOR:
CITY OF PORTSMOUTH**

By: _____
John P. Bohenko
Its: _____ City Manager
As authorized by vote of the City Council
dated _____.

**LESSEE:
NEW HAMPSHIRE PUBLIC RADIO
INCORPORATED**

By: Betsy Gardella
Betsy Gardella
Its: President & Chief Executive Officer

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by **John P. Bohenko**, the **City Manager** of the City of Portsmouth, a New Hampshire municipality, on behalf of the municipality.

Justice of the Peace/Notary Public
My Commission Expires: _____

STATE OF NEW HAMPSHIRE
COUNTY OF Merriamack

The foregoing instrument was acknowledged before me this 14th day of September, 2016, by **Betsy Gardella**, the **President & Chief Executive Officer of New Hampshire Public Radio Incorporated**, a New Hampshire non-profit corporation, on behalf of the corporation.

Elaine P. Loft
Justice of the Peace/Notary Public
My Commission Expires: 1/29/16



EXHIBIT A

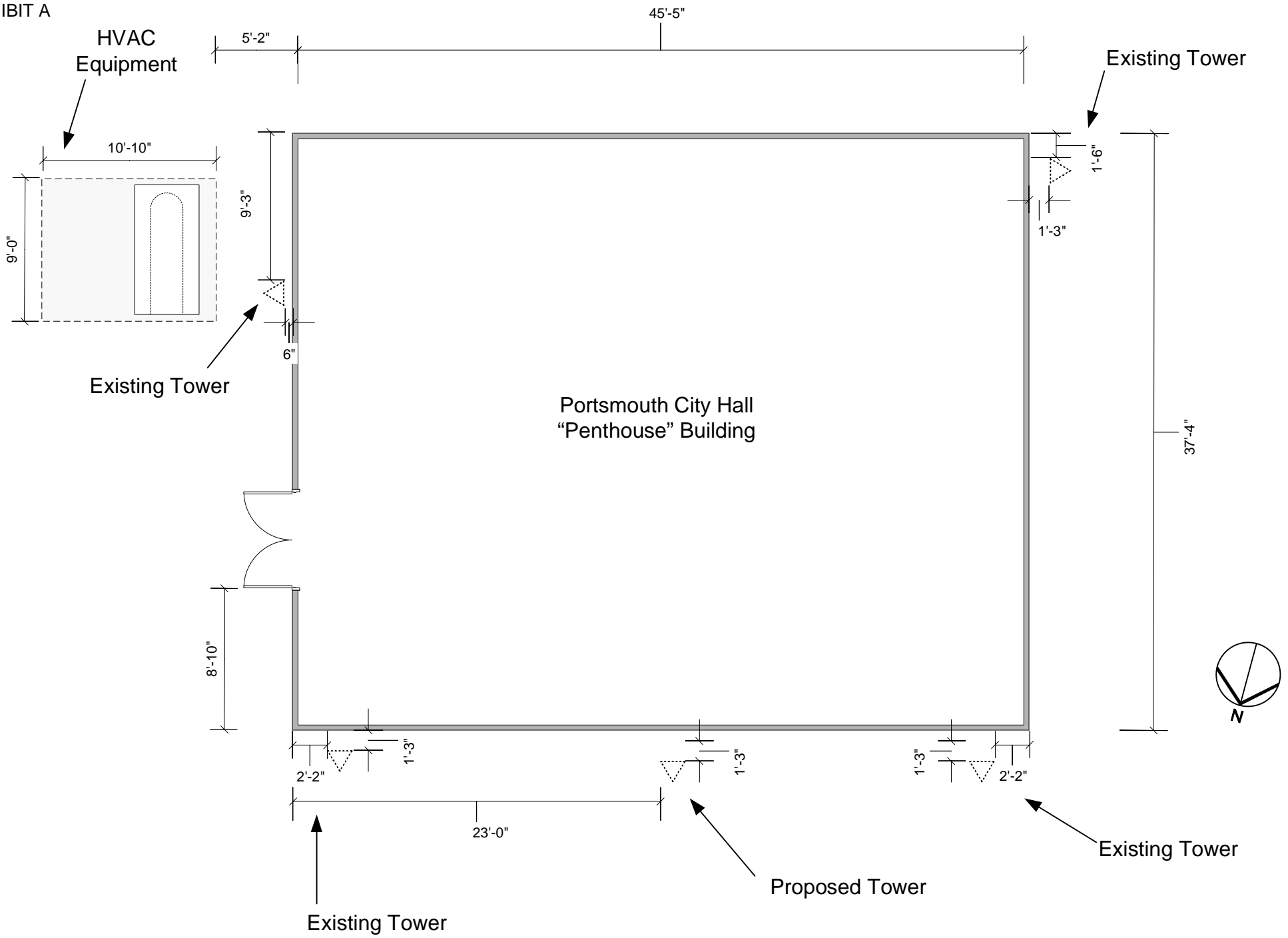


EXHIBIT B





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/29/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER CENTURION CORPORATION Centurion Place, PO Drawer 959 Hanover, NH 03755-0959 Philip Latvis	CONTACT NAME: Tara Weatherell CLCS CISR CIC PHONE (A/C, No, Ext): 603-643-2000 FAX (A/C, No): 603-643-2740 E-MAIL ADDRESS: tara@centurionusa.com
INSURER(S) AFFORDING COVERAGE	
INSURED	INSURER A : Massachusetts Bay Insurance Co NAIC # 10212
New Hampshire Public Radio Inc Scott McPherson, VP Ops & Fin 2 Pillsbury Street, Suite 600 Concord, NH 03301	INSURER B : MEMIC Indemnity Company
	INSURER C : Hanover Insurance Co. 10212
	INSURER D : Allmerica Financial Benefit 10212
	INSURER E :
	INSURER F :

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:			ZHV 9195247 05	07/01/2016	07/01/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ Included Emp Ben. \$ 1,000,000
D	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			AWV 8835538 06	07/01/2016	07/01/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 0			UHV 9194929 05	07/01/2016	07/01/2017	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N <input checked="" type="checkbox"/> N	N / A	RNWL OF 310-2801863	07/01/2016	07/01/2017	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

City of Portsmouth 1 Junkins Avenue Portsmouth, NH 03801	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	---

Event Listing by Date

Starting Date: 11/21/2016

Ending Date: 10/ 1/2017

Start End	Type Description	Location	Requestor	Vote Date
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 Strawberry Banke. Registration begins at 7:00 a.m. Race commences at 8:30 a.m.	Peirce Island is the start - Strawberry Banke is th	Seacoast Rotary Turkey Trot 5K	11/16/2015
12/11/2016 12/11/2016	ROAD RACE Thomas M. Bringle is the contact for this event. Tel. 603-724-6080 tbringle@arthriti.org. Registration begins at 9:00 a.m. Race start time: 10:00 a.m.	Little Harbour School	Arthritis Foundation - Jingle	1/25/2016
12/31/2016 12/31/2016	FESTIVAL Barbara Massar is the contact for this event. This event begins at 4:00 p.m. to Midnight	Downtown - Various Locations throughout Market Squ	First Night - Pro Portsmouth	9/ 6/2016
1/ 1/2017 1/ 1/2017	RACE Michael Rennebu is the contact for this event. Cell #603-969-9783 Race Start: 11:00 a.m. Registration: 9:00 a.m.	Portsmouth Middle School	Great Bay Services	12/ 7/2015
3/18/2017 3/18/2017	ROAD RACE TBD	TBD	St. Patrick School - Clover R	11/21/2016
4/ 8/2017 4/ 8/2017	WALK This event begins and ends at Little Harbour School. Begins at 10:00 a.m.	Little Harbour School	National Multiple Sclerosis So	11/21/2016
5/ 6/2017 5/ 6/2017	WALK Jenelle Dolan, Development Specialist is the contact for this event. Tel. 978-729-5849	Little Harbour Elementary School	March of Dimes	7/11/2016
5/ 7/2017 5/ 7/2017	EVENTS Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m.	Pleasant Street - State Street - Market Square	Children's Day - Pro Portsmout	9/ 6/2016
5/ 7/2017 5/ 7/2017	RIDE Melissa Walden, Associate of Development is the contact. This event begins at 7:00 a.m. at Redhook Brewery.	Start at Redhook Brewery	American Lung Association	10/ 3/2016
5/13/2017 5/13/2017	RACE Contact: Carolyn Ostrom, NH Community Relations, Specialist - 617-501-2728 costrom@vtnhkomen.org Ed Harvey, Race Director 603-862-1246 Edmund.Harvey@unh.edu	Strawbery Banke	Susan G. Komen Foundation	8/15/2016
6/10/2017 6/10/2017	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square	Market Square Day - Pro Portsm	9/ 6/2016

Event Listing by Date

Starting Date: 11/21/2016

Ending Date: 10/ 1/2017

Start End	Type Description	Location	Requestor	Vote Date
6/10/2017 6/10/2017	ROAD RACE Barbara Massar is the contact for this event. The road race starts at 9:00 a.m. in Market Square	Starts in Market Square	Market Square Road Race - Pro	9/ 6/2016
6/17/2017 6/17/2017	RACE Rain Date of June 18, 2017	Pleasant Street	Big Brothers Big Sisters of Ne	9/19/2016
6/24/2017 6/24/2017	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/ 6/2016
7/ 1/2017 7/ 1/2017	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016
7/ 8/2017 7/ 8/2017	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in Street Series. It begins at 5:00 to 9:30 p.m.	Downtown - Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016
7/15/2017 7/15/2017	BIKE TOUR Contact: Chris Vlangas 1-800-757-0203 Event begins at 7:30 a.m. from Shapleigh Middle School in Kittery.	From Kittery, ME to Route 1B to Rye back to Kitter	Cystic Fibrosis Foundation	11/21/2016
7/15/2017 7/15/2017	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Streets begins at 5:00 p.m. to 9:30 p.m.	Downtown - Pleasant Street - between State Street	Pro Portsmouth - Summer in the	9/ 6/2016
7/22/2017 7/22/2017	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2017
7/29/2017 7/29/2017	MUSIC Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016
9/24/2017 9/25/2017	RIDE	Along Route 1A	Granite State Wheelmen, Inc.	11/21/2016



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

*Instructions: Please print or type and complete all information.
Please submit resume' along with this application.*

Committee: Portsmouth Housing Authority Initial applicant
(RESIDENT REPRESENTATIVE)

Name: ROBIN PICKERING Telephone: 603-436-9191

Could you be contacted at work? YES/NO If so, telephone # 603-570-0106

Street address: 27 B. HOLIDAY DR.

Mailing address (if different): _____

Email address (for clerk's office communication): rpickering27@Comcast.net

How long have you been a resident of Portsmouth? 61 years

Occupational background:

Sales Coordinator - Staples Portsmouth NH

Please list experience you have in respect to this Board/Commission:

NONE



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to serve: I would like to better understand how the PHA works to provide housing to Portsmouth residents. As a resident myself, I want to see that others are able to enjoy the benefits of having safe housing at affordable rents.

Please list any organizations, groups, or other committees you are involved in:

N/A

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Dianna Shouse 56 Suzanne Dr. Ports, NH 603-969-6040
Name, address, telephone number

2) Deb Roderick 29C Holiday Dr. Ports, NH 603-812-3984
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Robin Pickering Date: 11/7/16

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

6/27/2012



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume' along with this application

Committee: Board of Adjustment

NOV 13 2016

Renewing applicant

Name: Chris Mulligan Telephone: 969 0537

Could you be contacted at work? YES/NO - If so, telephone# 427-5500

Street address: 74 Austin St.

Mailing address (if different): _____

Email address (for clerk's office communication): cmulligan@bosenaandassociates.com

How long have you been a resident of Portsmouth? 2010 - present

Occupational background:

Attorney

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to continue serving: _____

I have a good understanding of land use laws & their application to Portsmouth & have demonstrated that repeatedly since I've served on the BOA

OVER
➔

Please list any organizations, groups, or other committees you are involved in:

N/A

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

- 1) Tim S. Stone, 600 State St, 498-0591
Name, address, telephone number
- 2) John Bosen, 266 Middle St, 727-5500
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

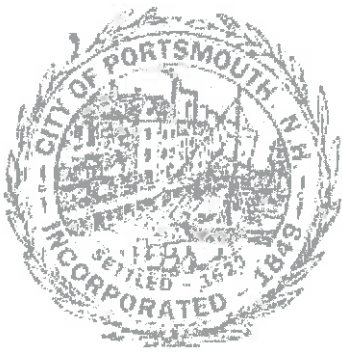
- 1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
- 2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
- 3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
- 4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
- 5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 11/12/16

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/1/2021
 Annual Number of Meetings: 16 (2015) Number of Meetings Absent: 3
 Date of Original Appointment: 3/9/2012

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

*Instructions: Please print or type and complete all information
Please submit resume' along with this application*

Committee: ZONING BOARD OF ADJUSTMENT Renewing applicant

Name: DAVID RHEAUME Telephone: 603-498-6654

Could you be contacted at work? YES NO - If so, telephone# SAME

Street address: 18 Mc DONOUGH ST

Mailing address (if different): _____

Email address (for clerk's office communication): dave.rheaume@comcast.net

How long have you been a resident of Portsmouth? 21 YEARS

Occupational background:

SEE ATTACHED RESUME

Would you be able to commit to attending all meetings? YES NO

Reasons for wishing to continue serving: I BELIEVE I HAVE BEEN ABLE
TO MAKE A POSITIVE CONTRIBUTION TO ENSURING FAIR, REASON-
ABLE AND POSITIVE PROPERTY DEVELOPMENT IN THIS CITY THAT
I LOVE.



Please list any organizations, groups, or other committees you are involved in:

SEE ATTACHED RESUME

Please list two character references not related to you or city staff members:

(Portsmouth references preferred)

1) SEAN MURPHY, 24 KENT ST PORTSMOUTH 781-640-4823
Name, address, telephone number

2) KARINA QUINTANS 51 McDONOUGH ST PORTSMOUTH 603-502-3574
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 11/30/16

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12-1-2021

Annual Number of Meetings: 16 (2015) Number of Meetings Absent: 1

Date of Original Appointment: 4-2-2012

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

David M. Rheume, P. E.

Cell 603-498-6654
18 McDonough Street
Portsmouth NH 03801
dave.rheume@comcast.net

Professional Registration

Registered Professional Engineer, State of New Hampshire, 1993 to present; License No. 8632

Education

2010 | **Master of Science in Organizational Leadership**

Southern New Hampshire University, Manchester NH
Cumulative GPA: 4.0 on 4.0 scale

1988 | **Bachelor of Science in Mechanical Engineering**

University of New Hampshire, Durham NH

Characteristics of an Admired and Effective Leader

I possess the four characteristics of an admired leader (as determined by J. Kouzes and B. Posner) allowing me to effectively lead personnel at all levels of a large and diverse department:

- *Honest*: I have modeled my life on always being honest with myself and others
- *Forward-looking*: I possess the ability to plan and create a vision for progress and improvement, best demonstrated through my work in the Shipyard's Infrastructure Strategic Planning Group
- *Inspiring*: I lead from the front, using my positive attitude, clear communication and interpersonal skills to create enthusiasm to carry out my vision
- *Competent*: I possess extensive technical and historical knowledge which, combined with my long record of success, leads to a belief in my credibility, even in areas where I have limited experience

Excellent Written and Oral Communication

- I am recognized as the "go-to" person by superiors, subordinates and peers for ensuring that complex matters are succinctly captured into understandable written communication
- I am a clear and articulate public speaker in both my professional duties and personal life

Work Experience

5/2015 to Present and 6/2008 - 9/2010 | **Deputy Director for Lifting and Handling**

- Second in command of department of 250 (later 295) personnel
- Primarily responsible for day-to-day operation of the department, ensuring that work is being safely completed with the requisite quality to prescribed schedules and at or within budget
- Primary Certifying Official for 100+ category 2 and category 3 cranes

7/2014 - 5/2015 | **Deputy Information Technology and Cybersecurity Officer**

- Second in command of a department of 85+ information technology professionals
- Led recovery actions to begin transformation from poor performing organization to the premier information technology and cybersecurity department in NAVSEA

3/2014 – 6/2014 | Project Manager, Portal Crane 31 Emergency Repair

- Project lead for critical emergency repair of crane that supports nuclear reactor servicing
- Crane returned to service faster than projected while minimizing cost

7/2013 – 3/2014 | Nuclear Facilities Projects Superintendent

- Project leader for three critical, time-sensitive projects on facilities supporting nuclear work
- Created and led a project team to oversee design and execution plan for one of the projects

9/2010 – 7/2013 | Production Engineering and Facilities Superintendent

- Leader of a group of four branch managers and 30+ engineers and technicians
- Responsible for facilities and capital equipment that supports submarine overhaul mission
- Managed over \$100 M in building and equipment procurement/modernization annually

1/2003 – 6/2008 | Chief Engineer for Lifting and Handling Technical Div.

- Leader of a group of two branch managers and 25+ engineers and technicians
- Technically responsible for all aspects of lifting and handling using cranes and rigging, including lifts of radioactive materials

7/1998 – 1/2003 | Branch Manager for Lifting and Handling Technical Div.

1/1989 – 7/1998 | Engineer/Senior Engineer for Crane Maintenance

Relevant Coursework

- Project Management Fundamentals, April 2013
- University of Southern Maine, ITP 340 “Fundamentals of Quality”, March 2013
- University of Southern Maine, ITS 320 “Occupational Safety and Health”, June 2011

Professional Affiliations and Volunteer Work

- Member and 2014/2015/2016 Treasurer, National Association of Superintendents of Naval Shore Establishments, since 2013
- Chairman, Zoning Board of Adjustment, Portsmouth NH, since 2016 (member since 2012)
- Member, American Society of Mechanical Engineers, since 1988
- Volunteer and supporter, Sexual Assault Support Services (now Haven), Portsmouth NH, since 2007

**Portsmouth City Council Policy,
re: "Non-Meetings with Legal Counsel,"
Request for Ethics & Conflicts of Interest
Training Workshop**

Wednesday, November 30, 2016

To: The Portsmouth City Council
From: Jim Splaine, City Councilor

The public's right-to-know about the operations and practices of their government -- the "what," the "why," the "how," the "who," and the "when" -- is an important element of good government. However, I think we all appreciate that confidentiality in certain matters is important at times. Our challenge is to do what must be done confidentially or behind closed-doors in the correct way -- and by following and adhering to the New Hampshire Right-To-Know Law in the right and legal way.

My objective and my continuing commitment is to stop the misuse and abuse of "Non-Meetings," which by the way is a term that doesn't even exist in state statute except as an exclusion under the Right-To-Know Law. Portsmouth government has popularized the term "Non-Meetings," which is a practice allowed under our state's Right-To-Know Law, provided such meetings follow specific criteria set forth by the N.H. Attorney General. With that objective in mind, I am asking that the Portsmouth City Council agree to a standard policy stating the following:

**City Council Policy, re:
"Non-Meetings With Legal Counsel"**

"The City Council shall not hold a "Non-Meeting" as provided for under the New Hampshire Right-To-Know Law, "91-A-2(b) Consultation with Legal Counsel" unless it is conducted in full compliance with the N.H. Attorney General Right-To-Know Law Guidelines Memorandum dated March 20, 2015, which states:

"Everyone except members of the public body should be excluded from the room when any consultation with legal counsel occurs. Minutes are not required or appropriate for consultation with legal counsel. Consultation with legal counsel should be limited to discussion of legal issues. Deliberation about the matter on which advice is sought may not occur during consultation with legal counsel. The public body must reconvene and, unless a statutory exemption allowing deliberation in non-public session exists, conduct deliberation in a public session."

We should also ask other Boards and Commissions of Portsmouth City Government to follow the same procedures, and to limit their use of "91-A-2(b), consultation with Legal Counsel," in the same manner as described above.

Improperly using the "consultation with Legal Counsel" provision of the N.H. Right-To-Know Law is an unfortunate habit that the Portsmouth City Council has fallen into for quite some years. During the past 5 years of Council meetings from 2012 to 2016 (through September 6, 2016), there have been 66 "Non-Meetings." Of those, 46 were referenced as "91-A-2(b)" which is referred to under the N.H. Right-To-Know Law as "consultation with Legal Counsel."

Those "Non-Meetings" break down as:

2012: 12
2013: 8
2014: 7
2015: 11
2016: 8

Of the meetings I attended in 2014, 2015, and 2016, every one has included people other than just the elected City Councilors, in violation of the N.H. Attorney General's Right-To-Know Law Guidelines Memorandum dated March 20, 2015. Deliberation among City Councilors has always occurred, again in violation of the N.H. Attorney General's Memorandum.

And many of those meetings -- I believe anyone attending will so formally testify if and when asked -- our Legal Counsel was asked no questions, offered no legal advice, and often did not speak at all. But the Councilors deliberated among themselves -- often in "Non-Meetings" that lasted for an hour and more, with no minutes taken. Many of those meetings have resulted in general agreement and virtual decision-making through consensus or head-nods.

I believe we need to make a renewed commitment for open government to be done in as transparent a way as possible, while yet allowing for confidentiality, when needed -- provided we do it legally, in properly-run meetings. I ask for a simple but clear statement of policy that would become our standard operating approach in future years so that the Portsmouth City Council will not continue to abuse or misuse the N.H. Right-To-Know Law.

There are specific reasons why the Portsmouth City Council can meet privately and confidentially, as and when necessary, under other provisions of state statute rather than meeting improperly as it has been doing far too frequently, for far too long. Under "91-A:3 Nonpublic Sessions" of the N.H. Right-To-Know Law, the Portsmouth City Council has

ample legal justification for conducting non-public, or executive, sessions, and need not resort to "Non-Meetings" except for true consultation with the Council's attorney.

Much of the City Council's consultation with our Legal Counsel is now done at open public meetings -- many examples abound. Under the N.H. Right-To-Know Law, minutes of non-public sessions may be properly "sealed" with a vote of two-thirds of the City Council, allowing for discussion on that action. The real difference between "Non-Meetings" and "Non-Public Sessions" is keeping the minutes of what goes on. As a public body, Portsmouth City Councilors have a duty to follow the law and that is all I am asking.

Please consider this matter very seriously. Transparency and openness in our government is at the heart and core of our democracy, and we should assure we have as much of it as possible.

I have served on 8 City Councils since my first term in 1970. Each year, we have discussed housing, taxes, schools, building heights, development, speeding, noise, potholes, environmental concerns, wastewater treatment, water quality, personnel matters, parks, ball fields, specific neighborhood concerns, and yes -- parking. Issues come and go, and often come back and remain the same.

But the PRACTICES of our government are the most permanent, and determine how we discuss and respond to all of those issues, and the decisions we make. That is why I suggest that way we practice our government and the procedure we follow in our discussion and decision-making is the most important thing we do. We need to always keep our government open, as much as is possible.

It is interesting to note that as of the date of this letter, there have been 85 days since our most recent "Non-Meeting" -- September 6th. That happens to be the longest period of time during the 5 years that I have researched since January of 2012. It shows that we can usually find other ways to do our business, but I assume there will be some "Non-Meetings" in our future. When they are held, let's do them right.

I will add that if the Portsmouth City Council does continue to hold "Non-Meetings with Legal Counsel" without following the guidelines of the N.H. Attorney General as stated in his March 20, 2015 memorandum, I and my Legal Counsel, Attorney Paul McEachern, will seek declaratory and injunctive relief.

Thank You,
Jim Splaine
Portsmouth Resident

=====

Request for Ethics & Conflicts of Interest Training Workshop

I watched part of the Board of Adjustment meeting of Tuesday, November 15th that included a presentation and workshop discussion with the good City Attorney Bob Sullivan about ethics and conflicts of interest matters. It can be viewed here: <https://www.youtube.com/watch?v=raltDPkOCgE>

I felt that it was an excellent chance for Board members to exchange questions and solicit advice on the intricacies of ethics and conflicts of interest in connection with community service. While I know we have had some discussions with our City Attorney on these matters, we can always use a refresher course so I request that a workshop be set up in the next several weeks.

Perhaps we can provide the good City Attorney with specific questions in advance. I think it could also be useful for us to receive advice about how our City Council Committees and "Working Groups," which are becoming more used, are affected by the N.H. Right-To-Know Law -- including whether they can meet without notice or without being open to the public.

Thank You,
Jim Splaine
City Councilor