

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JULY 15, 2019 TIME: 6:15PM

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- 5:45PM – AN ANTICIPATED NON-PUBLIC SESSION RE: COLLECTIVE BARGAINING AGREEMENTS IN ACCORDANCE WITH RSA 91-A:II (a)
 - 6:15PM – PUBLIC DIALOGUE SESSION
- I. WORK SESSION (*There is no Work Session this evening*)
 - II. CALL TO ORDER [7:00 p.m. or thereafter]
 - III. ROLL CALL
 - IV. INVOCATION
 - V. PLEDGE OF ALLEGIANCE
 - VI. ACCEPTANCE OF MINUTES – JUNE 17, 2019
 - VII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
 - VIII. PUBLIC DIALOGUE SUMMARY
 - IX. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

Public Hearings

A. Public Hearing on City Street, Sidewalk, Bridges and Facility Improvements

RESOLUTION AUTHORIZING A BOND ISSUES AND/OR NOTES OF UP TO TEN MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$10,550,000.00) FOR COSTS RELATED TO CITY STREET, SIDEWALK, BRIDGES AND FACILITY IMPROVEMENTS

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

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

B. Public Hearing on Annual Sewer Line Replacements, Consent Decree Mitigation, Pleasant Street Sewers, and Maplewood Avenue Area Reconstruction

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO SEVEN MILLION ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$7,145,000.00) FOR COSTS RELATED TO ANNUAL SEWER LINE REPLACEMENTS, CONSENT DECREE MITIGATION, PLEASANT STREET SEWERS, AND MAPLEWOOD AVENUE AREA RECONSTRUCTION

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

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

C. Public Hearing on Water Line Replacements, Reservoir Management, Madbury Wells, Water Transmission Main Replacement, Pleasant Street Water Mains, and Maplewood Avenue Area Construction

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATIONS IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO FOUR MILLION SIX HUNDRED TWENTY-THREE THOUSAND DOLLARS (\$4,623,000.00) RELATED TO WATER LINE REPLACEMENTS, RESERVOIR MANAGEMENT, MADBURY WELLS, WATER TRANSMISSION MAIN REPLACEMENTS, PLEASANT STREET WATER MAINS, AND MAPLEWOOD AVENUE AREA CONSTRUCTION

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

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

D. Public Hearing on Proposed Parking & Traffic Safety Omnibus

PROPOSED PARKING & TRAFFIC SAFETY OMNIBUS ORDINANCE

ORDINANCE AMENDING CHAPTER 7, ARTICLE III, TRAFFIC ORDINANCE, SECTION 7.330: NO PARKING

ORDINANCE AMENDING CHAPTER 7, ARTICLE III, TRAFFIC ORDINANCE, SECTION 7.336: ONE-WAY STREETS

ORDINANCE AMENDING CHAPTER 7, ARTICLE V – BICYCLE REGULATIONS, SECTION 7.510: UNATTENDED BICYCLES

ORDINANCE AMENDING CHAPTER 7, ARTICLE VI – TRUCK LOADING/UNLOADING ZONES ESTABLISHED, SECTION 7.601: LIMITED HOURS

ORDINANCE AMENDING CHAPTER 7, ARTICLE VI – TRUCK LOADING/UNLOADING ZONES ESTABLISHED, SECTION 7.602: 24-HOUR

ORDINANCE AMENDING CHAPTER 7, ARTICLE VI – TRUCK LOADING/UNLOADING ZONES ESTABLISHED, SECTION 7.603: LOADING AND UNLOADING OF LIVE PARKED VEHICLES

ORDINANCE AMENDING CHAPTER 7, ARTICLE VI – TRUCK LOADING/UNLOADING ZONES ESTABLISHED, SECTION 7.604: LOADING ZONE PERMITS

ORDINANCE AMENDING CHAPTER 7, ARTICLE XI – SPEED LIMITS, SECTION 7.1100: SPEED LIMITS - 25 MPH – DODGE AVENUE

ORDINANCE AMENDING CHAPTER 7, ARTICLE XVII – MOPED REGULATIONS, SECTION 7.1702: PARKING

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

(Sample motion – move to pass second reading and hold third and final reading at the August 12, 2019 City Council meeting)

D. First Reading – Limited Parking – Three Hours

First Reading of Ordinance Amending Chapter 7, Article III, Section 7.328 – Limited Parking – Three Hours sub-section A – Raynes Avenue: entire street, both sides and Vaughan Street: entire street, both sides ***(Sample motion – move to pass first reading and schedule a public hearing and second reading at the August 12, 2019 City Council meeting)***

X. MAYOR BLALOCK

1. *Appointment to be Voted:
 - Appointment of Stephen Pesci as a regular member to the Parking & Traffic Safety Committee
 - Appointment of Jonathan Sandberg as an Alternate to the Parking & Traffic Safety Committee
2. Acceptance of Resignation of Joan Walker from the Trees and Greenery Committee
3. Placement of Bench downtown in memory of Charles Howard
4. Resolution Re: Energy Innovation and Carbon Dividend Act of 2019
5. City Manager Search Subcommittee (Mayor Blalock, Assistant Mayor Lazenby, Councilor Pearson and Councilor Dwyer)
 - Approval of City Manager Recruitment Materials

XI. CITY COUNCIL MEMBERS

A. COUNCILOR ROBERTS

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the June 6, 2019 meeting

MCINTYRE SUBCOMMITTEE

B. COUNCILOR ROBERTS & COUNCILOR DWYER & COUNCILOR PERKINS

1. Resolution/Certificate of Authority to Apply to Acquire the Thomas J. McIntyre property for Historic Monument Purposes (*see attached for inclusion in the packet*)
2. Vote to Authorize the City Manager to Enter into a Development Agreement with SoBow Square, LLC

C. COUNCILOR PEARSON & COUNCILOR RAYNOLDS

1. Downtown Streets Proposal – Share the Square

D. COUNCILOR DENTON

1. Request that Bridge Street Lot be made available on Sunday, September 15th, for this year's Drive Electric Week's Second Annual Portsmouth Electric Vehicle Show AND that one of the Electric Vehicle chargers at the Foundry Place Garage be reserved for several hours in the late afternoon of Monday, September 16th, for the Drive Electric NH's Electric Vehicle Charge Forward Relay finale

XII. APPROVAL OF GRANTS/DONATIONS

(There are no Grants or Donations this evening)

XIII. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Request for Approval of Employment Agreement for Fire Chief, Todd Germain
2. Request for Approval of Agreement between the Portsmouth School Board and the Portsmouth Association of Clericals in Education
3. Request for Approval of Agreement between the Portsmouth School Board and the American Federation of State, County and Municipal (AFSCME) Council 93, AFL-CIO School Custodial Supervisors
4. Request for Approval of Portsmouth Supervisory Management Alliance
5. Proposed Funding from Contingency FY20 for Indoor Pool
6. Cate Street Land Swap

7. Request for License for Bluestone Properties of Rye, LLC for Property Located at 135 Congress Street
8. Neighborhood Parking Program Request for Waiver to Proceed with Pilot Program
9. Request for Public Hearing Re: McIntyre Petition

XIV. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Request for License to Install Projecting Sign for owner Matthew Parker of Danforth Pewter for property located at 65 Congress Street Unit 107 ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- B. Request for License to Install Projecting Sign for Partners Bank owner of Partners Bank for property located at 501 Islington Street ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

XV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. *Presentation – CALEA Team Leader Re: Critical On-Site Review of Portsmouth Police Department Accreditation Process – Chief Sam Farina, Fairport, New York*
- C. Report on Pontine Theatre (***Sample motion – move to accept report and place on file***)
- D. Letter from Eleanor Bird regarding the McIntyre Site
- E. Letter from Peter Somssich and Kathleen Pohlman-Somssich regarding the McIntyre Project
- F. Letter from Jim Splaine regarding Revisit McIntyre

XVI. CITY MANAGER’S INFORMATIONAL ITEMS

- 1. Report Back Re: Planters & Flower Boxes on City Property
- 2. Report Back Re: Distribution of Single-Use Disposables Ordinance
- 3. Letter from NH Department of Transportation Re: Type II Noise Abatement Program

XVII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING


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

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

** Indicates verbal report*

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: July 11, 2019
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on July 15, 2019 City Council Agenda

Non-Public Session

1. **Collective Bargaining Agreement Negotiation Status Re: Professional Management Association**
2. **Collective Bargaining Agreement Negotiation Status Re: Teachers' Union**
3. **Collective Bargaining Agreement Negotiation Status Re: School Administrators**

Public Hearings & Votes on Ordinances &/or Resolutions

1. **Public Hearing Re: Various Bonding Resolutions for Projects Identified in the FY 20-25 Capital Improvement Plan** At the June 17th City Council meeting, Council established a public hearing on each of the proposed Resolutions for projects identified in the FY 20-25 Capital Improvement Plan.

GENERAL FUND – Resolution (see attached)

Citywide Streets, Sidewalks, Bridges and Facilities - \$10,550,000

- a. Citywide Facilities Capital Improvements - \$1,000,000
- b. Citywide Sidewalk Reconstruction Program - \$800,000
- c. Citywide Bridge Improvements - \$2,000,000
- d. Maplewood Avenue Bridge Replacement - \$500,000
- e. Cate Street Connector - \$1,500,000
- f. Street Paving Management and Rehabilitation - \$4,000,000
- g. Pease Tradeport Street Rehabilitation - \$750,000

SEWER FUND – Resolution (see attached)

FY 20 Sewer Projects - \$7,145,000

- a. Annual Sewerline Replacement - \$1,000,000
- b. Consent Mitigation - \$4,400,000
- c. Pleasant Street Sewers - \$770,000
- d. Maplewood Avenue Area Reconstruction - \$975,000

WATER FUND – Resolution (see attached)

FY 20 Water Projects - \$4,623,000

- a. Annual Waterline Replacement - \$1,000,000
- b. Reservoir Management - \$600,000
- c. Madbury Wells - \$750,000
- d. Water Transmission Main Replacement - \$250,000
- e. Pleasant Street Water Mains - \$823,000
- f. Maplewood Avenue Area Construction - \$1,200,000

I recommend the City Council move to adopt the various proposed CIP project resolutions to be bonded, as presented.

2. **Second Reading and Public Hearing Re: Annual Omnibus Ordinance Changes Recommended by the Parking and Traffic Safety Committee** Attached are the annual omnibus ordinances recommended by the Parking and Traffic Safety Committee. This year's omnibus addresses changes to parking in loading zones, prohibitions against mopeds and bicycles parking against monuments, no parking spaces, speed limits and one-way streets.

By way of background, on March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Vehicles, Traffic and Parking Ordinance. This ordinance was adopted in order to be more responsive to the changing parking needs of the downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute restriction. This process would often take 4 – 6 months to complete.

The current ordinance authorizes the Parking and Traffic Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year, the Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance. These temporary regulations are presented at one time to the Council for its consideration.

The attached amendments to Chapter 7, Vehicles, Traffic and Parking for the Council's consideration summarize the temporary parking regulations implemented by the Parking and Traffic Safety Committee last year.

I recommend the City Council move to pass second reading of the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee, and schedule third and final reading for the August 12, 2019 City Council meeting.

3. **First Reading Re: Ordinance Amendment to Chapter 7, Article III, Section 7.328 Limited Parking – Three Hours – Raynes Avenue and Vaughan Street** The Parking and Traffic Safety Committee voted to place parking meters with a three (3) hour limit on Raynes Avenue and Vaughan Street at their June 6, 2019 meeting. Attached is a map with the proposed meter locations and the amendment to Chapter 7, Article III, Section 7.328, which reflects the vote of the Committee.

I recommend the City Council move to pass first reading and schedule second reading and public hearing for the August 12, 2019 City Council meeting to amend Chapter 7, Article III, Section 7.328 Limited Parking – Three Hours – Raynes Avenue and Vaughan Street.

City Manager's Items Which Require Action

1. **Request Approval of Employment Agreement for Fire Chief Todd Germain** The Fire Commission has reached an Employment Agreement with Fire Chief Todd Germain on a three (3) year employment contract to expire on June 30, 2022. Attached is the Employment Agreement for City Council vote of final approval, as required by Amendment B of the City Charter.

In addition to the term, the major items in this agreement are:

- Initial Salary: Grade 27, Step D of the City of Portsmouth Non-Union Salary Schedule (\$126,027 per annum).
- COLA Adjustments: Consistent with those negotiated in the PMA Collective Bargaining Agreement.
- Automobile: Provision of an automobile suitable for the duties of Fire Chief, which, because the Fire Chief is on-call at all times, may also be used for personal business.
- Tuition Reimbursement: Subject to budgetary restraints and prior approval by the Fire Commission, payment for the cost of tuition and textbooks for courses and/or other classes that would provide for improved job performance.

I recommend the City Council vote to approve the three (3) year Fire Chief Employment Agreement, to expire on June 30, 2022, between the City and Todd Germain.

2. **Request Approval of Agreement between the Portsmouth School Board and the Portsmouth Association of Clericals in Education** The City's negotiation team has reached an Agreement between the Portsmouth School Board and the Portsmouth Association of Clericals in Education on a new three (3) year Collective Bargaining Agreement to expire June 30, 2022. (See attached cost charts and agreement.)

I recommend the City Council vote to approve the three (3) year Collective Bargaining Agreement between the Portsmouth School Board and the Portsmouth Association of Clericals in Education (to expire on June 30, 2022).

3. **Request Approval of Agreement between the Portsmouth School Board and the American Federation of State, County and Municipal (AFSCME) Council 93, AFL-CIO School Custodial Supervisors** The City's negotiating team has reached an Agreement between the Portsmouth School Board and the American Federation of State, County and Municipal (AFSCME) Council 93, AFL-CIO School Custodial Supervisors on a new three (3) year Collective Bargaining Agreement to expire June 30, 2022. (See attached cost charts and agreement.)

I recommend the City Council vote to approve the three (3) year Collective Bargaining Agreement between the Portsmouth School Board and the American Federation of State, County and Municipal (AFSCME) Council 93, AFL-CIO School Custodial Supervisors (to expire on June 30, 2022).

4. **Request Approval of Agreement for Portsmouth Supervisory Management Alliance** The City's negotiating team has reached an Agreement with the Portsmouth City Employees – Portsmouth Supervisory Management Alliance on a new three (3) year Collective Bargaining Agreement to expire June 30, 2022. (See attached cost charts and agreement.)

I recommend the City Council vote to approve the three (3) year Collective Bargaining Agreement with the Portsmouth Supervisory Management Alliance (to expire on June 30, 2022).

5. **Proposed Funding from Contingency FY20 for Indoor Pool** As you will recall, during the budget process, Councilor Raynolds requested that \$15,000 be placed in the indoor pool line item for FY20. Presently, there is \$150,000 budgeted in FY20 for the operation of the indoor pool. In following up on Councilor Raynolds request, I am requesting that \$15,000 come from the contingency account to augment the existing budget of \$150,000, which would bring the total for FY20 to \$165,000.

I request a motion to authorize the City Manager to extend an additional \$15,000 from contingency for the FY20 indoor pool budget.

6. Proposed Cate Street Land Swap and Cate Street Connector Road Development Agreement Two items (Development Agreement and area maps) are included in the

Council’s packet this week related to the future construction of what has been referenced as the “Cate Street Connector Road”. The connector road, as described in the City’s Capital Improvement Plan, would provide direct access between Bartlett Street to the Borthwick Avenue traffic signal on Route 1 Bypass. At the Bartlett Street end, the proposed road would follow the existing Cate Street right-of-way for approximately 250’ and then travel across what is currently private property to connect to the Bypass. The proposed land swap would convey to the City the portion of private property required to complete the new road in return for a portion of what is currently City land to be used by a private developer for the construction of the proposed West End Yards mixed-use development project. In addition, the proposed development agreement to be entered into between the City and the project developer outlines the specifics of the conveyance of land as well as the allocation of responsibility for construction and funding of the new public road.

These two items are being provided for information purposes at this time with an anticipated vote on each item planned for the August 12, 2019 Council meeting.

Proposed Land Swap

On February 14, 2019, Attorney Bosen submitted a letter to the City Manager on behalf of his client, Cate Street Development LLC, requesting a land swap that would convey 136,919 square feet of private land to the City in exchange for 47,470 square feet of City land.

On February 19, 2019, the City Council voted to refer the request to the Planning Board for a recommendation. Per Chapter 11, Article VI of the City Ordinances any municipal actions relating to land acquisition or disposition shall be referred to the Planning Board for a recommendation. Approval of this land swap would provide the right-of-way for the creation of a new City road extending between Bartlett Street and US Route 1 Bypass to be built either now, or in the future. In addition, the developer would be conveyed a portion of the existing Cate Street right-of-way as well as an existing City-owned parcel that would be incorporated into a proposed mixed use development currently known as West End Yards. *At the March 21, 2019 Planning Board meeting, the Board voted to recommend approval of the land swap to the City Council.*

As with any proposed disposition or acquisition of land by the City, City staff have also completed a review of public records and documentation to identify any applicable regulations as well as the location of easements, utilities, or other potential encumbrances on the land. Staff undertakes this review to determine if there are any issues or information that requires further research or clarification prior to final conveyance. As a result of this review, the City has contracted with Ransom Consulting to complete a Phase 1 Environmental Services Assessment of the property to be acquired by the City. The City has also contracted with outside legal counsel – the law firm of Bernstein Shur – to complete any legal due diligence related to the land swap. Costs for both of these services are being carried by the developer.

If the Council approves the land swap, actual design, construction, and acceptance of the road will still require final approval by the City Council and a recommendation from the Planning Board per Chapter 11, Article VI, of the City Ordinances. The Planning Board is currently reviewing roadway plans in conjunction with the site review and subdivision applications for the proposed mixed use project.

Development Agreement

A development agreement is intended to be a contract between a local jurisdiction (the City) and a person or entity who owns or controls property within the jurisdiction, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property. In this case, the purpose of the proposed development agreement is to lay out the specific responsibilities of the City and the developer regarding the transfer of ownership of land as well as funding and construction for the new public road, off-site public infrastructure improvements, and additional on-site public improvements to benefit the public. A brief summary of the key provisions of the agreement is provided below:

A. Costs proposed to be the sole responsibility of the developer:

- Planning, design, permitting and construction documents prepared related to the public road prior to the approval of the development agreement.
- Relocation of public sewer and water lines currently located on private property with the exception of a portion of a public sewer line that currently extends from the Route 1 Bypass to the rear of the existing U-Haul property for which the City has no documented easement.
- Public realm improvements within land to be transferred to the City including a multi-use path, landscaping and amenities, and stormwater treatment along the northern side of the proposed road paralleling Hodgson Brook.
- Design, permitting, engineering, and construction of all utilities and upgrades required to service the new mixed used development.
- City's legal fees and costs associated with the land swap.

B. Costs proposed to be shared equally by the City and the developer:

- Engineering, permitting, and construction of the proposed public road. Note that the public road includes only the roadway, street lighting, and the proposed sidewalk along the southern side.
- Engineering, permitting, and construction of the improvements to the intersection with Route 1 Bypass.

C. Transfer of land for new road:

- The transfer of land for a public road shall be transferred to the City regardless of whether the City Council approves construction of the new road at this time. This will enable the City to move forward with construction of the road, at its sole cost, at a future date if desired.
- If the Council does not approve funding for construction at this time, the Developer will have the right to construct (at their sole cost) a driveway across the City's property for the purposes of accessing the new development.

I recommend the City Council schedule to vote on the Proposed Cate Street Land Swap and Cate Street Connector Road Development Agreement at the August 12, 2019 City Council meeting.

7. **Request for License for Bluestone Properties of Rye, LLC for Property Located at 135 Congress Street** The City Council has approved two (2) temporary construction licenses for Bluestone Properties of Rye, LLC to encumber a portion of the City's sidewalk at 135 Congress Street. The work requiring both sidewalk licenses has been completed. The applicant has indicated that the construction of the three story building now requires a temporary construction license to use four (4) parking spaces in the Worth Lot. The temporary construction license area includes one (1) ADA parking space and three (3) metered parking spaces. The Department of Public Works will create a temporary ADA parking space in the Worth Lot to replace the ADA space encumbered by this license. The applicant was approved for a 30-day temporary encumbrance permit, but was advised that a new license would be required along with applicable fees. The proposed license would start on July 29, 2019 and end on November 1, 2019.

The license area is shown on the attached plan as Exhibit A, along with a separate Exhibit B that shows the plan to create the temporary ADA parking space in the Worth Lot. Per the City's policy for "License Fee for Encumbrance of City Property", the Owner will be charged the daily fee for each encumbered parking space (\$35 per day x 4 spaces = \$140 per day) for 96 days (the term of the license) for a total license fee of \$13,440. The attached proposed license provides that if the license area is returned to the City prior to the end of the license term, the City will refund to the applicant the portion of the license fee already paid to the City. The proposed license also gives the City Manager the ability to extend the term of the license up to six (6) months.

The Planning and Legal Departments have reviewed and approved the proposed temporary construction license.

I recommend the City Council authorize the City Manager to negotiate and enter into a temporary construction license with Bluestone Properties of Rye, LLC, as submitted to facilitate construction activities at 135 Congress Street.

8. Request for Waiver Re: Islington Creek Neighborhood Parking Pilot Program

Attached is a letter that I sent to Larry Cataldo from the Islington Creek NPP Steering Committee. As you can see from the attached letter, City staff determined that the Steering Committee did not achieve the necessary 75% of signatures from single family households within the Islington Creek NPP neighborhood. It appears that they received a total of 51% in favor of the program. Further, if the City Council provides a waiver and allows the pilot program to go forward, the Steering Committee requests that the pilot program start in April, 2020 and conclude in September, 2020.

I recommend the City Council move to authorize a waiver for the Islington Creek NPP to conduct a pilot program starting April, 2020 through September, 2020.

9. Request for Public Hearing Re: Revisit McIntyre Initiative Petition In response to the Initiative Petition received from Revisit McIntyre on June 27, 2019, relating to the McIntyre property, a request is made for a Public Hearing no earlier than July 29, 2019 and no later than August 7, 2019 (30 days from certification of the City Clerk). In general, the petition seeks to have the City Council rescind every vote taken on the McIntyre property.

In accordance with Article VIII of the City Charter for Portsmouth, New Hampshire Initiative Petitions shall be verified by the City Clerk and signed by not less than 10 percent (10%) of the number of voters who voted at the Municipal Election held on November 7, 2017.

Attached is a copy of the Certificate of Verification which certifies that 601 signatures have been verified and approved with 54 signatures being rejected accounting for 655 signatures that were presented on the Initiative Petition.

The process following the verification is that within seven (7) days, “the City Clerk shall transmit the petition and certificate to the City Council and shall send a copy of the certificate to the first signer of the petition,” which was completed on July 8, 2019.

Article VIII continues, “The petition shall be considered valid following the certification unless written objection regarding the number of signatures certified is made by a voter no more than seven (7) days after the certificate has been issued. The validity of any such objection shall be determined by the City Council. Any decision of the City Council in this regard shall be considered final.

The City Council shall hold a public hearing within thirty (30) days of any measure proposed in any petition signed by the requisite number of registered voters, unless a question of the lawful authority of Council to pass the measure is raised by some member of the Council. If such a question is raised by any Councilor, the measure shall be referred to the City Attorney for review. If the measure proposed is within the lawful

authority of the City Council to pass, the public hearing shall be scheduled within thirty (30) days of the date of the City Attorney's opinion to that effect. If the measure may not be lawfully passed by the Council, it shall be returned to the petitioners with a copy of the City Attorney's opinion affixed to the petition.

The City Clerk shall mail notice of the hearing to ten (10) petitioners whose names appear first on each petition. Such notice is to be mailed at least seven (7) days prior to the hearing. Notice by publication of a summary of the contents shall also be made and shall be at the City's expense."

City Attorney Sullivan has reviewed the measure proposed and has ruled the petition to be within the lawful authority of the City Council to pass. Therefore, it is our recommendation that the Mayor and City Council vote to schedule a public hearing no earlier than July 29, 2019 and no later than August 7, 2019 (30 days from certification of the City Clerk).

Following the public hearing mandated by the Charter, the City Council must either:

1. Pass said measure without alteration or amendment; or
2. Deny said measure by motion stating the reasons for said denial.

I recommend the City Council move to schedule a public hearing and Council vote on the Initiative Petition no earlier than July 29, 2019 and no later than August 7, 2019.

Consent Agenda

1. **Request for License to Install Projecting Sign** Attached is a request for permission to install a projecting sign that extends over the public right of way at 501 Islington Street for Partners Bank as follows:

Sign Dimensions: 48" x 33"

Sign Area: 11 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed.

I recommend the City Council move to approve a revocable municipal license, subject to the following conditions:

1. *The license shall be approved by the Legal Department as to content and form;*
2. *Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*

3. *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

2. **Request for License to Install Projecting Sign** Attached is a request for permission to install a projecting sign that extends over the public right of way at 65 Congress Street, Unit 107 for Matthew Parker, dba Danforth Pewter as follows:

Sign Dimensions: 36" x 36"

Sign Area: 9 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed.

I recommend the City Council move to approve a revocable municipal license, subject to the following conditions:

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

City Manager Informational Items

1. **Report Back Re: Planters and Flower Boxes on City Property** The following is a report back on Councilor Roberts' inquiry of planters in the downtown area. As of June 17, 2019, there are approximately 41 planters on City property. This number changes as store owners change their displays. Most of the flower planters are placed tight to the buildings, however, there are some placed closer to the curb. There are approximately 73 planters on private property. *Attached are some photos for review.*
2. **Report Back Re: Distribution of Single-Use Disposables Ordinance** In response to the City Council's request for Legal Department review of the captioned ordinance which was submitted by Councilor Denton to the Council for consideration in June of this year, please see the *attached memorandum from Attorney Sullivan.*

3. **Letter from NH Department of Transportation Re: Type II Noise Abatement Program** I am pleased to report that the City of Portsmouth is the first community to meet eligibility requirements for a pilot study. (See attached letter.) The anticipated completion of the pilot study is Fall 2019, at which time all Type II measures will have been identified. A report of results will follow.