

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 25, 2012 TIME: 6:00PM

AGENDA

- 5:45PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS RSA: 91-A:2, I (b-c)
- 6:00PM – WORK SESSION SALE OR GROUND LEASE RE: CONNIE BEAN CENTER

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. *Art-Speak State of the Arts Report

- V. ACCEPTANCE OF MINUTES – MAY 14, 2012 AND MAY 21, 2012

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 11, SECTION 10.1115 – OFF-STREET PARKING PROVISIONS IN THE DOWNTOWN OVERLAY DISTRICT. THE RECOMMENDED AMENDMENT WOULD MAKE THE FOLLOWING CHANGES TO THE ZONING ORDINANCE:

- ELIMINATE OFF-STREET PARKING REQUIREMENT FOR ALL NONRESIDENTIAL USES
- CHANGE THE RESIDENTIAL PARKING REQUIREMENT TO 1.5 PARKING SPACES PER DWELLING UNIT
- ELIMINATE THE OPTION TO MAKE A PAYMENT IN LIEU OF PROVIDING REQUIRED OFF-STREET PARKING

- VIII. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donation Re: Bench in Memory of Marian Marangelli (***Sample motion – move to approve and accept the donation, as presented***)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. Second reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 11, Section 10.1115 - Off-Street Parking Provisions in the Downtown Overlay District. The recommended amendment would make the following changes to the Zoning Ordinance:

- Eliminate Off-Street Parking Requirement for all Nonresidential Uses
- Change the Residential Parking Requirement to 1.5 Parking Spaces per Dwelling Unit
- Eliminate the Option to make a Payment in Lieu of providing Requirement Off-Street Parking

(Sample motions - 1) move to pass second reading of the proposed Ordinance, as presented, and schedule a third and final reading for the July 16, 2012 City Council meeting; or, 2) move to amend the Ordinance as reflected in the above table in Section 10.1115.21. In the event, the City Council amends the Ordinance, it will be necessary to schedule a public hearing and second reading at the July 16, 2012 City Council meeting to reflect the amendment)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. *Acceptance of Donations Re: Welcome Home, Iraq Veterans Parade
- Georgene E. & Jonathan W. Damon - \$25.00
 - Thomas H. Kyle - \$25.00
 - Kelly C. Decourcy - \$25.00
 - Brian E. Engel - \$25.00
 - Sharon Nichols - \$50.00
 - AJ Muste Chapter (#62) Veterans for Peace - \$100.00
 - Judith E. & Francis H. Breen - \$100.00
 - CVMA-NH Chapter 5-1 - \$100.00
 - Jennifer L. Zorn - \$100.00
 - Veterans for Peace Chapter 9
General Smedley D. Butler Brigard - \$100.00
 - Alfred J. Arcici - \$100.00
 - Geno's Chowder & Sandwich Shop, Inc. - \$100.00
 - Petersen Engineering, Inc. - \$100.00
 - Northeast Credit Union - \$250.00
 - Service Credit Union - \$250.00
 - 106 Grill, LLC d/b/a/ Moxy - \$300.00

- Dos Amigos Burritos, LLC - \$350.00
- JJFC, Inc. d/b/a Jumpin' Jay's Fish Café - \$350.00
- Piscataqua Savings Bank - \$500.00
- Flatbread Portsmouth - \$558.25

(Anticipated action – move to accept the donations for the Welcome Home, Iraq Veterans Parade, as presented)

- B. Request for License from Valerie White, owner of Bobbles and Lace for property located at 103 Vaughan Mall for a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Valerie White, owner of Bobbles and Lace for 1 projecting sign at property located at 103 Vaughan Mall and, further, authorize the City Manager to execute License Agreements for this request)***

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, will 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***

- C. Request for License from Georgia Hughes, owner of Georgia's Spa Boutique for property located at 90 Fleet Street for a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Georgia Hughes, owner of Georgia's Spa Boutique for 1 projecting sign at property located at 90 Fleet Street and, further, authorize the City Manager to execute License Agreements for this request)***

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, will 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***

D. Letter from Caitlyn Mosher Ellis, Alzheimer's Association, requesting permission to hold the annual Walk to End Alzheimer's at Strawberry Banke on Saturday, September 22, 2012 (***Anticipated action – move to refer to the City Manager with power***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. Public Hearing/Second Reading of Proposed Resolution and Ordinance Amendments:
 - 1.1 Public Hearing/Second Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 11, Section 10.1115 - Off-Street Parking Provisions in the Downtown Overlay District. The recommended amendment would make the following changes to the Zoning Ordinance:
 - Eliminate Off-Street Parking Requirement for all Nonresidential Uses
 - Change the Residential Parking Requirement to 1.5 Parking Spaces per Dwelling Unit
 - Eliminate the Option to make a Payment in Lieu of providing Requirement Off-Street Parking (***Action on this matter should take place under Section IX of the Agenda***)

City Manager's Items Which Require Action

1. Conveyance from Service Credit Union to the City of Land for a Connector Road between Land and Longmeadow Roads, and Reciprocal Drainage Easement
2. Sale or Ground Lease of Connie Bean Center
3. Renewal of Transportation Agreement Re: Mark Wentworth Home d/b/a/ Wentworth Connections
4. Art-Speak Annual State of the Art Report and Memorandum of Understanding Renewal Request

5. Request to Establish City Council Retreat
6. Report Back Re: Dennett Street

Informational Items

1. Events Listing
2. Report Back Re: 1283 Woodbury Avenue
3. News Release Re: City Hall Hours

B. MAYOR SPEAR

1. *Landscaping at City Hall
2. Appointments to be Considered:
 - Conservation Commission**
 - Paul Ambrose to the Conservation Commission as an Alternate member
 - Shelley Saunders to the Conservation Commission as an Alternate member
 - Taxi Commission**
 - Aaron Lawson to the Taxi Commission

C. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes of June 14, 2012
(Sample motion – move to approve and accept the action sheet and minutes of the June 14, 2012 Parking and Traffic Safety meeting)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]

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

**Indicates Verbal Report*


INFORMATIONAL ITEMS

1. Notification that the Historic District Commission Minutes of March 7, 2012 meeting are available on the City's website for your review
2. Notification that the Historic District Commission Minutes of the March 14, 2012 meeting are available on the City's website for your review
3. Notification that the Historic District Commission Minutes of the April 4, 2012 meeting are available on the City's website for your review
4. Notification that Conservation Commission Minutes of the May 9, 2012 meeting are available on the City's website for your review

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
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: June 21, 2012
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on June 25, 2012 City Council Agenda

5:45 p.m. – Non-meeting with counsel.

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

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Work Session:

6:00 p.m.

1. **Sale or Ground Lease Re: Connie Bean Center.** On Monday evening at 6:00 p.m., the City Council will conduct a work session, regarding the sale or ground lease of the Connie Bean Center. As you may recall, the City Council voted at the June 6, 2011 meeting to dispose of the Connie Bean Center by sale or long-term lease. The Council held a work session on March 12, 2012 to review the Connie Bean Center building history and existing conditions; redevelopment challenges, opportunities and goals; and proposed schedule and next steps.

Nick Cracknell, Principal Planner and Suzanne Woodland, Assistant City Attorney will make a presentation regarding this matter. Alec Jones from Freneau Appraisal, INC will also make a presentation.

Presentation:

1. **Art-Speak State of the Arts Report.** In accordance with Art-Speak's Memorandum of Understanding, on Monday evening, Robin Albert and Liz Wright, Co-Chairs of Art-Speak, will present the State of the Arts Report to the City Council.

Acceptance of Grants/Donations:

1. **Acceptance of Donation Re: Bench in Memory of Marian Marangelli.** The City of Portsmouth has received a donation in the amount of \$1,400.00 for a bench in memory of Marian Marangelli. This memorial bench will be placed in the Market Square area.

I would recommend the City Council move to approve and accept the donation, as presented. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **Public Hearing/Second Reading of Proposed Resolution and Ordinance Amendments:**

- 1.1 **Public Hearing/Second Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance, Article 11, Section 10.1115 - Off-Street Parking Provisions in the Downtown Overlay District.** As a result of the June 11, 2012 City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the proposed amendments to the Zoning Ordinance for off-street parking provisions in the Downtown Overlay District. Attached is the proposed Ordinance. Also, attached is a memorandum from Rick Taintor, Planning Director, outlining the proposed amendments to the Zoning Ordinance, Section 10.1115 – Off-Street Parking Provisions in the Downtown Overlay District. The recommended amendments would make the following changes to the Zoning Ordinance:

- Eliminate off-street parking requirements for all nonresidential uses.
- Change the residential parking requirement to 1.5 parking spaces per dwelling unit.
- Eliminate the option to make a payment in lieu of providing required off-street parking.

During the June 18th City Council Work Session on downtown parking strategies, a concern was expressed about exempting hotels from all requirements to provide off-street parking spaces. National studies indicate that average peak parking demands for hotels range from 0.6 to 0.9 parking spaces per guest room. Should the City Council desire to incorporate a moderate requirement for hotels to

provide some on-site parking, it is recommended that the table in Section 10.1115.21 as presented at the public hearing be replaced with the following table:

Use	Required Parking Spaces
Restaurant	1 space per 100 square feet GFA
Other ground floor uses	No requirement
Other upper floor uses (residential and nonresidential)	1 space per 1,000 square feet GFA
Residential use (dwelling)	1.5 space per dwelling unit
Hotel or motel	0.75 space per guest room
Other nonresidential use	No requirement

The City Council has the following two options:

- 1) *Move to pass second reading of the proposed Ordinance, as presented, and schedule third and final reading for the July 16th City Council meeting; or,*
- 2) *Move to amend the Ordinance as reflected in the above table in Section 10.1115.21. In the event, the City Council amends the Ordinance, it will be necessary to schedule a public hearing and second reading at the July 16th City Council meeting to reflect the amendment.*

Action on this matter should take place under Section IX of the Agenda.

Consent Agenda:

1. **Acceptance of Donations Re: Welcome Home, Iraq Veterans Parade.** The City has received the following donations totaling \$3,508.25 to support the Welcome Home, Iraq Veterans Parade:

➤	Georgene E. & Jonathan W. Damon	\$ 25.00
➤	Thomas H. Kyle	\$ 25.00
➤	Kelly C. Decourcy	\$ 25.00
➤	Brian E. Engel	\$ 25.00
➤	Sharon Nichols	\$ 50.00
➤	AJ Muste Chapter (#62) Veterans for Peace	\$100.00
➤	Judith E. & Francis H. Breen	\$100.00
➤	CVMA-NH Chapter 5-1	\$100.00
➤	Jennifer L. Zorn	\$100.00
➤	Veterans for Peace Chapter 9 General Smedley D. Butler Brigade	\$100.00

➤ Alfred J. Arcici	\$100.00
➤ Geno's Chowder & Sandwich Shop, Inc.	\$100.00
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➤ Northeast Credit Union	\$250.00
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➤ 106 Grill, LLC d/b/a Moxy	\$300.00
➤ Dos Amigos Burritos, LLC	\$350.00
➤ JJFC, Inc. dba Jumpin' Jay's Fish Café	\$350.00
➤ Piscataqua Savings Bank	\$500.00
➤ Flatbread Portsmouth	\$558.25

For your information, as of this moment, the donations total \$4,383.25.

I would recommend the City Council move to accept the donations for the Welcome Home, Iraq Veterans Parade, as presented. Action on this matter should take place under Section X of the Agenda.

2. **Request for Licenses to install Projecting Signs.** Attached under Section IX of the Agenda are the following requests for projecting sign licenses (see memorandums from Rick Taintor, Planning Director):

- Valerie White, owner of Bobbles and Lace for property located at 103 Vaughan Mall
- Georgia Hughes, owner of Georgia's Spa Boutique for property located at 90 Fleet Street.

I would recommend the City Council move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director and, further, authorize the City Manager to execute License Agreements for these requests. Action on this matter should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Conveyance from Service Credit Union to the City of Land for a Connector Road between Lang and Longmeadow Roads, and Reciprocal Drainage Easement.** The site plan approval for Service Credit Union's new corporate headquarters building on Lafayette Road included a stipulation that the Credit Union convey to the City two strips of land for a new connector road between Lang Road and Longmeadow Road. The connector road will provide an improved route between Ocean Road and Lang Road, reducing the number of left-turn movements on Lafayette Road and thereby improving traffic flow and safety. The location of the proposed land conveyance is shown on the attached exhibit titled "Service Credit Union – Proposed Conveyance to City for Connector Road."

In connection with the land conveyance, a reciprocal drainage easement is required for stormwater drain lines serving the Credit Union property and the future connector road. The reciprocal drainage easement will allow both the City and Service Credit Union to

install, maintain and repair stormwater drainage facilities on each other's land, in accordance with the approved site plan. The general location of the proposed easement is shown on the attached exhibit titled "Service Credit Union – Proposed Reciprocal Drainage Easement." As noted on the exhibit, the precise boundaries of the easement will be defined in consultation with the Department of Public Works.

Acceptance of the land conveyance and execution of the easement deed are necessary first steps for this important transportation improvement. Actual construction of the connector road will be scheduled in the future through the Capital Improvement Plan process.

Staff of the Planning and Legal Departments are working with Service Credit Union's attorney to prepare the legal descriptions and deeds for the conveyance and easement. Action by the City Council is required at this time to authorize the execution of these documents prior to completion of the Service Credit Union development project.

I would recommend that the City Council vote to accept the land for the connector road and to authorize the City Manager to execute the necessary deeds for the conveyance and easement.

2. **Sale or Ground Lease Re: Connie Bean Center.** As you know the City Council voted at the June 6, 2011 meeting to dispose of the Connie Bean Center by sale or long-term lease. On March 12, 2012, the Council held a work session on sale or lease of the Connie Bean Center to review building history and existing conditions; redevelopment challenges, opportunities and goals; and proposed schedule and next steps. Although there was no vote, it was the consensus of the Council at the March 12th work session that long-term lease would be the best option.

At this evening's work session regarding this matter, additional information will be presented and discussed regarding the pros and cons of the long-term lease versus sale option based on input received through the appraisal process. The City Council should take action to formalize which approach -- sale or long-term lease -- it will take with regard to the Connie Bean Center.

I would recommend the City Council move to authorize the City Manager to negotiate and execute the sale or long-term ground lease of the Connie Bean Center.

3. **Renewal of Transportation Agreement Re: Mark Wentworth Home d/b/a Wentworth Connections.** I am requesting that the City Council approve the renewal of the aforementioned Agreement. As you may recall, in September 2011 the City Council authorized the City Manager to enter into an Agreement with the Mark Wentworth Home d/b/a Wentworth Connections to provide transportation for senior citizens. Attached is a copy of the Transportation Agreement.

I would recommend the City Council move to renew the Transportation Agreement, as presented.

4. **Art-Speak Annual State of the Art Report and Memorandum of Understanding Renewal Request.** At the June 25, 2012 City Council meeting under Presentations, Art-Speak will give its annual report on arts and culture in the City and request renewal of the attached Memorandum of Understanding (MOU) between the City and Art-Speak for the period July 1, 2012 through June 30, 2013. In addition to information on the City's cultural community, the report will address Art-Speak's activity in the past year with respect to the requirements outlined in the MOU such as:

- 1) Assist in implementation of Cultural Plan for promotion appreciation, awareness, participation, and dialogue in the support of arts and culture in the City of Portsmouth;
- 2) Convene an annual arts and cultural forum;
- 3) Provide business and cultural exchanges; and
- 4) Support regional and state cultural collaboration opportunities.

In 2011/12 Art-Speak raised \$6,000 through donations and other grants for Art-Speak operations and programs and provided over 100 hours of in-kind service to organize and survey the non-profit cultural organizations and their patrons for the American for the Arts Economic Prosperity Study which will be rolled out in September. The FY 11/12 UDAG Budget includes \$15,000 for Art-Speak to continue the work outlined in the annual report.

By supporting the activities of Art-Speak, the City of Portsmouth advocates and leverages the power of the local creative economy and continues to be a model for other communities. I have included a copy of the MOU extension for your information.

I recommend that the City Council authorize the City Manager to extend the agreement from July 1, 2012 through June 30, 2013.

5. **Request to Establish City Council Retreat.** I am requesting that the City Council schedule a City Council Retreat on either Saturday, September 15, 2012 or Saturday, September 22, 2012. The retreat will be held in the Levenson Room, and it will start at 8:30 a.m. and end at 3:00 p.m.

I would recommend the City Council move to establish a City Council Retreat, as requested.

6. **Report Back Re: Dennett Street.** As you will recall, at its June 11, 2012 meeting, the City Council referred the attached letter from Petra and Christopher Barstow requesting permission to replace front steps and retaining walls in front of their property located at 528 Dennett Street to the Planning Board for a report back. This item is on the Planning Board's agenda for their Thursday, June 21, 2012 meeting. In that the Barstows would like to move forward with the work at their home, the report back from the Planning Board regarding this matter will be verbal at the City Council's June 25, 2012 meeting.

I would recommend the City Council move to accept the report back from the Planning Board and, further, authorize the City Manager to execute any appropriate agreements.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on June 11, 2012. In addition, this now can be found on the City's website.
2. **Report Back Re: 1283 Woodbury Avenue.** As you will recall, at the May 7th City Council meeting, the Council referred a request from Eric G. Mart and Kathryn A McCallion to rezone property located at 1283 Woodbury Avenue to the Planning Board for report back to the City Council. For your information, the request has been withdrawn (see attached letter).
3. **News Release Re: City Hall Hours.** For your information, attached is a news release announcing the change of City Hall hours effective Monday, June 25, 2012 as part of a pilot project extending through the end of August. City Hall will now be open from 8:00 a.m. until 6:00 p.m. on Mondays. Regular business hours of 8:00 a.m. to 4:30 p.m. will continue Tuesday through Thursday, but City Hall will close at 1:00 p.m. on Fridays.