

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JULY 16, 2012 TIME: 7:00PM

AGENDA

- 6:00PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS AND PERSONNEL MATTERS RSA: 91-A:2, I (b-c)
 - I. CALL TO ORDER [7:00PM or thereafter]
 - II. ROLL CALL
 - III. INVOCATION
 - IV. PLEDGE OF ALLEGIANCE

 - V. ACCEPTANCE OF MINUTES – JUNE 11, 2012 AND JUNE 25, 2012

 - VI. PUBLIC COMMENT SESSION

 - VII. PUBLIC HEARINGS
 - 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:
 - A. CHANGE THE RESIDENTIAL PARKING REQUIREMENT TO 1.5 PARKING SPACES PER DWELLING UNIT
 - B. CHANGE THE HOTEL OR MOTEL PARKING REQUIREMENTS TO REQUIRE .75 PARKING SPACES PER GUEST ROOM
 - C. ELIMINATE OFF-STREET PARKING REQUIREMENT FOR ALL OTHER NONRESIDENTIAL USES
 - D. ELIMINATE THE OPTION TO MAKE A PAYMENT IN LIEU OF PROVIDING REQUIRED OFF-STREET PARKING

 - B. PUBLIC INPUT SESSION ON THE DISPOSITION OF PROPERTY AT 143 DANIEL STREET (CONNIE BEAN CENTER) BY SALE OR LONG-TERM GROUND LEASE

VIII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Police Department Grant and Donations:

- New Hampshire Highway Safety for Sobriety Checkpoints Grant - \$9,900.00
- Donation to the Portsmouth Explorer Cadet Academy from Mr. & Mrs. David Brown - \$270.00
- Donation of Magnum Boots for Designated Police Personnel from Magnum Boot Company

(Sample motion – move to approve and accept the Grant and Donations to the Portsmouth Police Department, as presented)

B. *Acceptance of Donations Re: Welcome Home, Iraq Veterans Parade

- William M. Lyons & Janet L. Polasky - \$25.00
- Sarah M. Baker & James W. Holly - \$25.00
- Brendan McNamara Inc., - \$25.00
- Sarah H. Baker & Christopher Rose - \$25.00
- Atinuke Abiola Cahill - \$25.00
- South Street and Vine, LLC - \$25.00
- Fairpoint Communications - \$1,000.00

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

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

First Reading Re: Parking Supply and Demand Omnibus Ordinances:

- A. First reading of Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones – Increase the rate for parking at all metered spots on City streets and in off-street lots to \$1.50 per hour and increase the maximum time at which an automobile could remain at a metered spot on the street or in a metered lot from two (2) to three (3) hours
- B. First reading of Ordinance amending Chapter 7, Article IV, Section 7.402 – Off-Street Parking Areas – Areas Established, Designated and Described – Allows the City Council to set the fee for parking in the High Hanover Garage either by means of the budget process as is currently done, or by vote of the City Council at any time. (Adoption of the ordinance would set the parking rate in the parking garage at \$0.75 per hour, “except, however, there shall be no fee for the first hour in which any vehicle shall park in the facility”

- C. First reading of Ordinance amending Chapter 7, Article I, Section 7.105 – Parking - Deletion of existing language “All on street metered parking shall be at the rate of \$1.00 per hour for a maximum of two hours. This rate”; remaining language unchanged from existing

(Sample motion – move to consolidate for first reading Parking Supply and Demand Ordinances A thru C and establish a Consolidated public hearing on Ordinances A thru C for the August 6, 2012 City Council meeting)

- D. 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:
- Change the Residential Parking Requirement to 1.5 Parking Spaces per Dwelling Unit
 - Change the Hotel or Motel Parking Requirements to Require .75 Parking Spaces per Guest Room
 - Eliminate Off-Street Parking Requirement for all other Nonresidential Uses
 - Eliminate the Option to make a Payment in Lieu of providing Requirement Off-Street Parking

(Sample motion - move to pass second reading of the proposed Ordinance, as presented, and schedule a third and final reading for the August 6, 2012 City Council meeting)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Chris Curtis, The Music Hall, requesting permission to hold the Annual Telluride by the Sea Weekend Celebration on Friday, September 14, 2012 – Sunday, September 16, 2012 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Request for License from John Tanner, owner of V2 Strategic Advisors for property located at 51 Islington Street for a projecting sign on a new bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of John Tanner, owner of V2 Strategic Advisors for 1 projecting sign at property located at 51 Islington 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**

- C. Request for License from Janette Desmond, owner of Kilwin's for property located at 20 Congress Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Janette Desmond, owner of Kilwin's for 1 projecting sign at property located at 20 Congress 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. *Acceptance of Donation to the Coalition Legal Fund
- Town of Carroll - \$1,000.00

(Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Caitlyn Mosher Ellis, Alzheimer's Association, requesting permission to hold the 2012 Walk to End Alzheimer's on Sunday, September 23rd or Sunday, October 7th

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. First Reading of Proposed Ordinance Amendments:
 - 1.1 First Reading Re: Parking Supply and Demand Omnibus Ordinance
 - A. Section 7.102 – Parking Meter Zones
 - B. Section 7.402 – Areas Established, Designated, and Described
 - C. Section 7.105 – Parking

(Action on this matter should take place under Section IX of the Agenda)
2. Public Hearing/Second Reading of Proposed Resolution and Ordinance Amendments:
 - 2.1 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:
 - Change the Residential Parking Requirement to 1.5 Parking Spaces per Dwelling Unit
 - Change the Hotel or Motel Parking Requirements to Require .75 Parking Spaces per Guest Room
 - Eliminate Off-Street Parking Requirement for all other Nonresidential Uses
 - 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)
 - 2.2 Public Input Session Re: Connie Bean Center ***(Action on this matter should take place under XII A.2. of the Agenda)***

City Manager's Items Which Require Action

1. Approval of Proposed Employment Agreement for Police Chief Designee Stephen J. DuBois
2. Sale or Long-Term Ground Lease Re: 143 Daniel Street (Connie Bean Center)
3. Establish Public Hearing on Conditional Layout and Betterment Assessment District in accordance with RSA 231:28-33

4. Request for First Reading to Expand Downtown Overlay District
5. Request to Establish City Council Retreat

Informational Items

1. Events Listing

B. MAYOR SPEAR

1. *Establishment of Blue Ribbon Committee on Parking Garage Site(s) Selection:
 - a) Recommended Location
 - b) Recommended Concept e.g. Multi-Story and/or Deck
 - c) Report Back: No Later than October 1, 2012
 - d) Review in Detail at City Council Retreat
2. Appointments to be Considered:
 - Building Code Board of Appeals**
 - Lisa DeStefano Reappointment to the Building Code Board of Appeals
 - Jeff Landry Reappointment to the Building Code Board of Appeals
 - Recreation Board**
 - Carl F. Diemer Reappointment to the Recreation Board
 - Mayor's Blue Ribbon Committee on Sustainable Practices**
 - Nathan Alger to the Committee on Sustainable Practices
3. Appointments to be Voted:
 - 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
4. Resignation of Jeff McLean from the Portsmouth Economic Development Loan Program (PEDLP) Effective July 16, 2012

C. ASSISTANT MAYOR LISTER

1. *City Manager's Evaluation Report

D. COUNCILOR COVIELLO

1. Anatomy of Complete Streets

E. COUNCILOR SMITH

1. Report Back Bicycle Rack in Downtown

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 Joint Planning Board and Historic District Commission Work Session Minutes of April 26, 2012 meeting are available on the City's website for your review
2. Notification that the Planning Board Minutes of the May 17, 2012 meeting are available on the City's website for your review
3. Notification that the Zoning Board of Adjustment Minutes of the April 24, 2012 and May 15, 2012 meetings 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: July 12, 2012
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on July 16, 2012 City Council Agenda

6:00 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.

Acceptance of Grants/Donations:

1. **Acceptance of Police Department Grant and Donations.** Attached under Section VIII of the Agenda is a memorandum, dated June 20, 2012, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief David J. Ferland, requesting that the City Council approve the following grant and donations:
 - a. A grant award in the amount of \$9,900 has been received from New Hampshire Highway Safety for sobriety checkpoints in Portsmouth.
 - b. Donation in the amount of \$270 in support of the Portsmouth Explorer Cadet Academy from Mr. & Mrs. David Brown.
 - c. Donation of Magnum Boots for designated police personnel from the owner of the Magnum Boot Company

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-36 for City Council approval and acceptance.

I would recommend that the City Council move to approve and accept the grant and donations to the Portsmouth Police Department, as listed. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. First Reading of Proposed Ordinance Amendments:

1.1 **First Reading Re: Parking Supply and Demand Omnibus Ordinances.** As you know, at the City Council’s June 18th work session, John Burke, PE, CAPP made a presentation regarding recommended Parking Supply and Demand Strategies (see attached report *Parking Supply and Demand Strategies, May 2012*). Based on the Council’s discussion, I directed staff to prepare the **attached changes** to the parking ordinances for first reading. In summary, those changes are as follows:

- Increase all 2-hour time limits on-street to 3 hours.
Annual projected revenue impact: -\$61,000
- Increase the price of all on-street parking to \$1.50 per hour.
Annual projected revenue impact: +\$458,950
- Maintain High Hanover Parking Facility at \$0.75 per hour and initiate 1st hour free program.
Annual projected revenue impact: -\$343,750

TOTAL NET ANNUAL PROJECTED REVENUE IMPACT: \$ 54,200

Pursuant to the direction of the City Council at its work session of June 18, 2012, **attached are three ordinances** proposed for first reading. The City Attorney has labeled the ordinances A thru C for organizational purposes. A synopsis of what each of the ordinances seeks to accomplish is as follows:

A. Section 7.102 PARKING METER ZONES

If adopted this ordinance would increase the rate for parking at all metered spots on City streets and in off-street lots to \$1.50 per hour and increase the maximum time at which an automobile could remain at a metered spot on the street or in a metered lot from two (2) to three (3) hours, except for areas where ordinances expressly state otherwise (eg. four (4) hour areas).

B. Section 7.402 AREAS ESTABLISHED, DESIGNATED, AND DESCRIBED

If adopted this ordinance would allow the City Council to set the fee for parking in the High Hanover Garage either by means of the budget process

as is currently done, or by vote of the City Council at any time. As a footnote to this ordinance there is a motion which could be passed by the Council subsequent to the adoption of the ordinance which would set the parking rate in the parking garage at \$0.75 per hour, “except, however, there shall be no fee for the first hour in which any vehicle shall park in the facility”

C. 7.105 PARKING

Because current City ordinances list the on-street parking rate and time limit in two different locations it is proposed that regardless of whether the Council selects any of the alternatives listed above or takes no action regarding meter rates, one of the ordinances listing fees and times be deleted from the ordinance book. The purpose of this is to avoid duplication, confusion and the possibility in the future that the City might have inconsistent ordinances. This ordinance if adopted would delete one of the places in which fees and time limits are listed, for that purpose.

The Council also discussed opportunities to improve walkability and wayfinding with regard to parking resources. Over the past 15 years, the City has worked diligently to improve the walkability of all areas of the City through substantial capital investments in street and sidewalk improvements. The Central Business District (CBD) has been a major recipient of funding through a combination of Federal/State grant programs and the City’s Capital Improvement Plan. This has resulted in extensive rehabilitation projects, within this area, that have culminated in 85% of the streets and sidewalks being completed or in process.

The Nelson/Nygaard study indicated that if walkability was improved to the parking supply areas on the fringe of the CBD, utilization could potentially improve. These areas include the South Mill Pond parking area, Wright Avenue Parking Lot as well as the Maplewood Avenue Corridor. Of these areas, the Wright Avenue Parking Lot is being rebuilt as part of the Memorial Bridge Replacement Project and the rehabilitation of the Daniel Street sidewalks, from the Wright Avenue Lot to Market Square, are currently funded in the FY13 capital improvement plan. The State Street sidewalks have recently been reconstructed, as part of the sewer separation work, providing a desirable walking connection to the Wright Avenue Lot from Pleasant Street. This work includes substantial sidewalk improvements, pedestrian crossing upgrades and pedestrian scale street lighting.

The two remaining areas – Maplewood Avenue corridor and South Mill Pond parking area - require further study to determine what types of improvements are needed to connect them to the CBD to improve pedestrian connections, create a more pedestrian friendly experience and ultimately lead to higher utilization. These improvements would include sidewalk surface material, intersection improvements, lighting, landscaping as well as traffic calming and safety

techniques. Design funding will be programmed in the FY14 Capital Plan which will allow the City to determine construction estimates and implementation in succeeding years.

In conjunction with the above noted improvements will be the implementation of a unified Wayfinding system that is currently funded in the City's Capital Plan. This will incorporate directional, informational and pedestrian signage in an orderly and structured manner allowing for more convenient access to the City's parking supply.

I would recommend the City Council move to consolidate for first reading Parking Supply and Demand Ordinances A thru C and to establish a consolidated public hearing on Ordinances A thru C for the August 6th City Council meeting. Action on this matter should take place under Section IX of the Agenda.

2. Public Hearing/Second Reading of Proposed Ordinance Amendments:

2.1 **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 25, 2012 City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached proposed amendment to the Zoning Ordinance](#) for off-street parking provisions in the Downtown Overlay District. 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:

- Change the residential parking requirement to 1.5 parking spaces per dwelling unit.
- Change the hotel or motel parking requirements to require .75 parking spaces per guest room.
- Eliminate off-street parking requirements for all nonresidential uses.
- Eliminate the option to make a payment in lieu of providing required off-street parking.

[Attached are hotel occupancy statistics](#) that Councilor Dwyer asked for at the last meeting.

I would recommend the City Council move to pass second reading of the proposed Ordinance, as presented, and schedule third and final reading for the August 6th City Council meeting. Action on this matter should take place under Section IX of the Agenda.

- 2.2 **Public Input Session Re: Connie Bean Center.** As requested by the City Council on Monday evening the City Council will conduct a public input session regarding the sale or long-term ground lease at 143 Daniel Street (Connie Bean Center). Nick Cracknell from the Planning Department will be doing a brief presentation regarding this matter prior to the public input session.

Action on this matter will be requested subsequent to the public hearing under the City Manager's Items Which Require Action.

Consent Agenda:

1. **Acceptance of Donations Re: Welcome Home, Iraq Veterans Parade.** The City has received the following donations totaling \$1,150.00 to support the Welcome Home, Iraq Veterans Parade:

➤ William M. Lyons & Janet L. Polasky	\$ 25.00
➤ Sarah M. & James W. Holly	\$ 25.00
➤ Brendan McNamara Inc	\$ 25.00
➤ Sarah H. Baker & Christopher Rose	\$ 25.00
➤ Atinuke Abiola Cahill	\$ 25.00
➤ South Street and Vine, LLC	\$ 25.00
➤ FairPoint	\$1,000.00

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 X of the Agenda are the following requests for projecting sign licenses (see attached memorandums from Rick Taintor, Planning Director):

- John Tanner, owner of V2 Strategic Advisors for property located at 51 Islington Street
- Janette Desmond, owner of Kilwins for property located at 20 Congress 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.

3. **Acceptance of Donation to the Coalition Legal Fund.** Attached is a copy of a check from the Town of Carroll in the amount of \$1,000.00 donating funds to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Approval of Proposed Employment Agreement for Police Chief Designee Stephen J. DuBois.** The Portsmouth Police Commission has reached an agreement (see attached) with Steve Dubois to serve as the Police Chief. The contract is for a five (5) year term, with a starting salary of Grade 28, Step B which is \$106,308 on the Non-Union Salary Schedule. He will be eligible for the 10 year rolling average each July 1st through the term of his contract, as well as, step increases (unless the Employee has already reached the top step of the Wage/Salary Schedule). He will follow the terms and conditions of the Professional Management Association contract for all benefits except the following:

- He shall be provided with an automobile for use in the performance of his duties. Recognizing that the Police Chief is on-call at all times, it is understood that the automobile may also be used for personal business.
- As a result of an administrative error, during his tenure as Deputy Police Chief, the Employee was inadvertently not provided with fourteen (14) days of paid leave that he was otherwise entitled. In an effort to rectify this administrative error, the Employee has been provided with fourteen (14) days of supplemental paid leave. As of September 1, 2012, the Employee will have used up at least four (4) days of this supplemental paid leave. As part of this Agreement, any remaining days of this supplemental paid leave, not to exceed ten (10) days, will be cashed out at the Employee's regular base rate of compensation as Deputy Police Chief, and will be paid to the Employee, in the Employee's first full paycheck in September 2012. This is a one-time accommodation, to correct an administrative error.

I would recommend that the City Council approve the Employment Agreement between Stephen J. DuBois and the Portsmouth Board of Police Commissioners for a 5-year term commencing on September 1, 2012 and ending on August 31, 2017.

2. **Sale or Long-term Ground Lease Re: 143 Daniel Street (Connie Bean Center).**
Subsequent to the public input session, I am requesting that the City Council vote to either proceed with the sale or long-term ground lease of 143 Daniel Street (Connie Bean Center).

Therefore, the City Council has the following two options:

- 1) Authorize the City Manager to sell the Connie Bean Center with the appropriate historical covenants or,*
- 2) Authorize the City Manager to negotiate and execute a long-term ground lease.*

3. **Establish Public Hearing on Conditional Layout and Betterment Assessment District in accordance with RSA 231:28-33.** Commerce Way LLC, the petitioner for the Commerce Way Conditional Road Layout and Betterment Assessment, has requested that the City schedule a public hearing for August 20, 2012 in accordance with the process described in RSA 231:28-33. (see attached statute).

You will recall from the March 19, 2012 presentation that the process is a mechanism allowed by state statutes RSA 231:28 *Conditional Layout for Existing Private Rights of Way* and RSA 231:29 *Betterment Assessments Against Abutters and Those Served*, whereby the cost of improvements to a private roadway is financed by a general obligation bond issued by the city and repaid by assessments on the private property owners served by the road (in this case, the building owners along Commerce Way). Abutters served by the road will pay 100% of the bond and road improvement costs (see attached Commerce Way proposed plan). Security for the bond repayment is in the form of liens against the abutting properties which have the same status as a property tax lien. To date, the following procedural steps have been accomplished in accordance with the referenced statute:

March 12, 2012	Commerce Way LLC submits Petition for Conditional Layout
March 19, 2012	City Council accepts Petition and refers to Planning Board for recommendation
April 19, 2012	Planning Board reviews Petition and makes recommendation to City Council to proceed with Conditional Road Layout
May 7, 2012	City Council accepts Planning Board recommendation and votes to proceed with Petition with contingencies

The next step in the process is to schedule a public hearing on the Conditional Layout and Betterment Assessment with a 14 day notice to abutters and to benefitting property owners. At the public hearing, the Public Works Director, assisted by Commerce Way LLC's engineers (Tighe and Bond) would provide a detailed presentation including estimated costs of the road improvements.

Following the public hearing, there is a ten day period in which abutters may object to the process.

If a majority of abutters object to the Conditional Road Layout and Betterment Assessment, the process is abandoned. If a majority of abutters do not object, the City Council accepts the Petition and moves forward with the standard process to issue a general obligation bond (repayment of the bond will be made by the property owners served by the improvements). After this step is completed, the City proceeds with solicitation of bids and the construction of the proposed road improvements. At an appropriate time, the road will be conveyed by deed to the City and will become a city street.

I would recommend the City Council move to proceed with the Conditional Road Layout and Betterment Assessment process and establish a public hearing on August 20, 2012 in accordance with RSA 231:28-33.

4. **Request for First Reading to Expand Downtown Overlay District.** The Downtown Overlay District (DOD) is an overlay district that is applied to most of the Central Business A (CBA) and Central Business B (CBB) zoning districts. The purpose of the overlay district is to promote the economic vitality of the downtown core by ensuring continuity of pedestrian-oriented businesses along streets. To this end, the Zoning Ordinance contains special regulations regarding ground-floor uses and parking standards in the DOD:

- In the DOD the ground floors of buildings are primarily limited to nonresidential uses such as retail stores, restaurants and offices. Secondary uses allowed at ground level include access to upper-floor residential uses and accessory off-street parking.
- Off-street parking requirements in the DOD are lower than in other areas of the City.

One area of the Central Business B district that is not currently included within the Downtown Overlay District is shown on [the two attached maps](#). This area includes:

- State Street from Penhallow and Washington Streets to the Memorial Bridge,
- the south side of Daniel Street from Penhallow Street to the Memorial Bridge,
- the north side of Court Street from Washington Street to Marcy Street,
- the east sides of Penhallow and Washington Streets between Daniel and State Streets,
- Chapel Street between Daniel and State Streets, and
- Sheafe and Atkinson Streets and Custom House Court.

Extending the DOD to this area will help ensure the continuity of ground-floor, pedestrian-oriented businesses as the area redevelops over time.

At its meeting on June 21, 2012, the Planning Board voted unanimously to recommend that the Downtown Overlay District be extended as described above and as shown [on the attached maps](#).

I would recommend the City Council move to authorize the City Manager to bring back for first reading the proposed ordinance amendment at the August 6, 2012 City Council meeting, as presented.

5. **Request to Establish City Council Retreat.** I am requesting that the City Council schedule a Retreat on either Saturday, October 20, 2012; Saturday, October 27, 2012; or Saturday, November 10, 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.

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 25, 2012. In addition, this now can be found on the City's website.