

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, AUGUST 6, 2012 TIME: 7:00PM

AGENDA

- 6:00PM - ANTICIPATED "NON-MEETING" WITH COUNSEL RE: NEGOTIATIONS RSA: 91-A:2, I (b-c)

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

MAYOR'S AWARD - Howard Mangold, Channel 22 Producer

- V. ACCEPTANCE OF MINUTES – JULY 16, 2012
- VI. PUBLIC COMMENT SESSION
- VII. PUBLIC HEARING

CONSOLIDATED PARKING SUPPLY AND DEMAND OMNIBUS ORDINANCES:

- A. 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. ORDINANCE AMENDING CHAPTER 7, ARTICLE IV, SECTION 7.402 – OFF-STREET PARKING AREAS - AREA ESTABLISHED, DESIGNATED – 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 ON THIS ORDINANCE WOULD ALLOW THE CITY COUNCIL TO SET THE PARKING RATE BY VOTE OF THE COUNCIL. IT IS ANTICIPATED THAT THE COUNCIL WOULD THEN SET THE RATE 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. 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 A MAXIMUM OF TWO HOURS. THIS RATE”, REMAINING LANGUAGE UNCHANGED FROM EXISTING. (ADOPTION OF THIS ORDINANCE WOULD CONSOLIDATE THE ORDINANCE PROVISIONS RELATING TO THE RATE FOR PARKING IN ON-STREET AND OFF-STREET LOTS.)

VIII. APPROVAL OF GRANTS/DONATIONS

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

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

Consolidated Parking Supply and Demand Omnibus Ordinances:

- A. Second reading of Ordinance 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. Second 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 this ordinance would allow the City Council to set the parking rate in the parking garage by vote of the Council. It is anticipated that the Council would then set the rate 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. Second 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. (Adoption of this ordinance would consolidate the ordinance provisions relating to the rate for parking in on-street and off-street lots.)

(Sample motion – move to pass second reading and hold third and final reading for consolidated Parking Supply and Demand Ordinances A thru C for the August 20, 2012 City Council meeting, as presented)

- D. Third and final 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 Non-residential Uses
- Eliminate the Option to make a Payment in Lieu of providing Requirement Off-Street Parking

(Sample motion - move to pass third and final reading of the proposed Ordinance, as presented)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. *Acceptance of Donations Re: Welcome Home, Iraq Veterans Parade
- Martin A. & Carmen Cameron - \$100.00
 - Portsmouth Professional Fire Officers Association - \$150.00
 - Portsmouth Fire Fighters Local No. 1313 - \$150.00
 - Rotary Club of Portsmouth - \$500.00

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

- B. *Acceptance of Donations to the Coalition Legal Fund
- Town of New Castle - \$500.00
 - Town of Sugar Hill - \$500.00
 - Town of Hampton - \$1,500.00

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

- C. Letter from Sister Mary Agnes, St. Charles Children’s Home, requesting permission to hold the Annual 5K Road Race at the Pease International Tradeport on September 3, 2012 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Catherine Edison, Community Child Care Center, requesting permission to hold the 2nd Annual 5K Run for the Kids to benefit Community Child Care Center of Portsmouth on Saturday, October 13, 2012 from 7:00 a.m. – Noon at the Community Campus ***(Approved on December 20, 2011 – Change of Route) (Anticipated action – move to refer to the City Manager with power)***

- E. Request for License from Sally Chan, owner of Apsara for property located at 130 Congress Street for 2 projecting signs on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Sally Chan, owner of Apsara for 2 projecting signs at property located at 130 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***

- F. Request for License from Joe Kelly, owner of Thirsty Moose Taphouse for property located at 21 Congress 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 Joe Kelly, owner of Thirsty Moose Taphouse for 1 projecting sign at property located at 21 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***

- G. Request for License from Jack Wolthen, owner of The Stone Pony for property located at 76 Congress 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 Jack Wolthen, owner of The Stone Pony for 1 projecting sign at property located at 76 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***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Christina Mirasolo, Destination Partners Inc, requesting permission to place a red carpet from The Hilton Garden Inn Entryway Doors, across the sidewalk, crossing High Street, and along the sidewalk up to The 100 Club on Saturday, August 18, 2012 from 5:45 p.m. – 6:45 p.m. for the Liberty Life Assurance Company “Red Carpet Roll-Out” event
- B. Letter from Barbara Allen, McNabb Properties, Ltd, requesting a license to place totes for trash and recycling at the rear of the building located at 10 Pleasant Street (Me & Ollie’s) against the wall
- C. Letter from Alan Keith, Connors Cottage, requesting permission to hold a “Sidewalk Sale” on Saturday, August 11, 2012 from 8:00 a.m. – 1:00 p.m. in the front of the building (south side)
- D. Letter from Kristen Costa, New Hampshire Motor Speedway, requesting permission to park their RV in Market Square on Wednesday, August 15, 2012 at 2:30 p.m. for a 20 minute sidewalk rally with Sprint Cup driver Jeff Burton

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 Ordinance Amendments:
 - 1.1 Public Hearing/Second Reading Re: Parking Supply and Demand Omnibus Ordinances (**Action on this matter should take place under Section IX of the Agenda**)
2. Third and Final Reading of Proposed Ordinance Amendments:
 - 2.1 Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 11, Section 10.1115 – Off-Street Parking Provisions in the Downtown Overlay District (**Action on this matter should take place under Section IX of the Agenda**)

City Manager's Items Which Require Action

1. Report Back Re: Zoning Ordinance Amendment to Expand Downtown Overlay
2. Sale or Long-term Ground Lease Re: 143 Daniel Street (Connie Bean Center) (*tabled from July 16, 2012 City Council meeting*)
3. Request from Art-Speak Re: Brochure Funds
4. Disposal of Surplus Vehicles/Equipment
5. Polling Hours for September 11, 2012 State Primary Election

Informational Items

1. Events Listing
2. Removal of Board of Adjustment (BOA) Member
3. Update on City Council Referrals to the Planning Board
 - Letter from Attorney James Noucas, Jr., representing a property owner of the General Porter Condominiums requesting to construct a garage along the rear boundary line of property located at 32 Livermore Street abutting a cemetery
 - Letter from Stephen Kelm requesting an easement across the Connie Bean parking lot to access his property at 80 Wright Avenue
 - Request by the City Council to review the Zoning Ordinance Table of Uses and Zones to expand where assisted living facilities can be located

4. Notice of Termination of "Portwalk to City Parking Lot Lease"
5. New England Real Estate Journal Article "City of Portsmouth moves up to 15th on Forbes 2012 Best Cities for Job Growth"

B. MAYOR SPEAR

1. Appointment to be Considered:
Mayor's Blue Ribbon Committee on Sustainable Practices
 - Andrew (Drew) Stadterman to the Committee on Sustainable Practices
2. Appointments to be Voted:
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. *Parking Garage Selection Committee
 - Appointment of Councilors Coviello, Novelline Clayburgh and Dwyer

D. COUNCILOR LOWN

1. *Bike Friendly Community

E. COUNCILOR SMITH

1. Valet License Atlantic Parking (Green Monkey)
2. Valet License Atlantic Parking (The Common Man)
3. Parking and Traffic Safety Committee Action Sheet and Minutes of July 12, 2012
(Sample motion – move to approve and accept the action sheet and minutes of the July 12, 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 Conservation Commission Minutes of the June 13, 2012 meeting are available on the City's website for your review
2. Notification that the Historic District Commission Minutes of the April 11, 2012; May 2, and May 9, 2012 meetings are available on the City's website for your review
3. Notification that the Site Review Technical Advisory Committee of the July 3, 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: August 2, 2012
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on August 6, 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.

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Items Which Require Action Under Other Sections of the Agenda:

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

1.1 **Public Hearing/Second Reading Re: Parking Supply and Demand Omnibus Ordinances.** As you will recall at the July 16th City Council meeting, the Council voted to consolidate for first reading Parking Supply and Demand Ordinances A thru C and established a consolidated public hearing on Ordinances A thru C for this evening's meeting. Under Section VII of the Agenda, I am bringing back for public hearing and second reading [the attached proposed 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:	<u>-\$343,750</u>
TOTAL NET ANNUAL PROJECTED REVENUE IMPACT:	\$ 54,200

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 should 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 progress.

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 include 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 pass second reading and hold a third and final reading for consolidated Parking Supply and Demand Ordinances A thru C for the August 20th City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.

2. **Third and Final Reading of Proposed Ordinance Amendments:**

2.1 **Third and Final 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 July 16, 2012 City Council meeting, under Section IX of the Agenda, I am bringing back for third and final 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 June 25th City Council meeting.

I would recommend the City Council move to pass third and final reading of the proposed Ordinance, as presented. 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 \$900.00 to support the Welcome Home, Iraq Veterans Parade:

➤ Martin A. & Carmen Cameron	\$100.00
➤ Portsmouth Professional Fire Officers Association	\$150.00
➤ Portsmouth Fire Fighters Local No. 1313	\$150.00
➤ Rotary Club of Portsmouth	\$500.00

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. **Acceptance of Donations to the Coalition Legal Fund.** The City has received checks from the Town of New Castle in the amount of \$500.00; the Town of Sugar Hill in the amount of \$500.00; and the Town of Hampton in the amount of \$1,500.00 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 donations, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section X of the Agenda.

3. **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):

- Sally Chan, owner of Apsara for property located at 130 Congress Street
- Joe Kelly, owner of Thirsty Moose Taphouse for property located at 21 Congress Street
- Jack Wolthen, owner of The Stone Pony for property located at 76 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.

City Manager's Items Which Require Action:

1. **Report Back Re: Zoning Ordinance Amendment to Expand Downtown Overlay District.** As you know, at the July 16, 2012 meeting the City Council voted to bring back for first reading at the August 6, 2012 Council meeting a Zoning Ordinance amendment that would expand the Downtown Overlay District (DOD). The purpose of the DOD, which is an overlay district that applies to most of the Central Business A and B zoning districts, is to promote economic vitality of the downtown core by ensuring continuity of pedestrian-oriented businesses along streets. The overlay district contains special regulations regarding ground-floor uses and parking standards.

The Planning Board voted unanimously to recommend that the DOD be extended as follows:

- 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.

Given the concerns expressed by City Councilors at the July 16th meeting as to the character of this part of the Central Business District, the rationale for the precise boundaries of an expanded Downtown Overlay District, and potential impacts on active building projects, I have asked Planning Department staff to conduct some additional research that I could then provide to the Council.

Therefore, I would ask that the Council postpone consideration of first reading until the September 4, 2012 Council meeting.

2. **Sale or Long-term Ground Lease Re: 143 Daniel Street (Connie Bean Center) (tabled from July 16th City Council meeting)**. As you will recall, at the July 16th City Council meeting, the Council conducted a public input session regarding the sale or long-term ground lease of 143 Daniel Street (Connie Bean Center) and also, the City Council voted to table this matter until the August 6, 2012 City Council meeting. Further, as requested by City Council Members, [attached is a memorandum from Robert Sullivan, City Attorney](#), regarding questions pertaining to restrictions that can be placed on the property.

For your information, the Probate Court has now released the restrictions on the three (3) parcels that comprise the City's property formerly known as the Connie Bean Center. The release of the restrictions comes as part of a settlement agreement with the Attorney General's Division of Charitable Trusts and the Intervenor Margaret Hartford. Release of the restrictions was conditioned upon:

- Documenting the history of the Army and Navy Association and creating a permanent plaque to be installed on the Property;
- Dedicating \$21,350.00 to a permanent commemorative memorial that recognizes the history of the Army and Navy Association and the contribution of servicemen and women; and,
- Preserving the exterior historic features of the original 1916 building through easement or lease provision.

When a re-use of the property through sale or lease has been determined by the City Council, the City will return to the Probate Court to address the disposition of proceeds of any lease or sale.

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. **Request from Art-Speak Re: Brochure Funds.** Attached is a request from Art-Speak for financial support for dissemination of information from the recently completed 2011 American for the Arts Economic Prosperity Survey. Art-Speak is seeking \$1,400 to cover the cost of printing 5,000 brochures which would include the survey results on the cumulative contribution of local non-profit arts and cultural organizations for Portsmouth, NH.

As you know, this is the third time that the City has surveyed its non-profit cultural institutions to determine the economic impact of this sector of the economy. I have reviewed the survey results and Art-Speak's request (attached) and, as stated in the request, the results provide "compelling new evidence that the non-profit arts and culture organizations are a significant industry in the Greater Portsmouth area - one that generates \$41.4 million in total economic activity." Further, the data shows an increase in economic contribution since the last survey in 2006 despite the recent recession.

The \$1,400 requested will be applied to the printing of the 5,000 brochures. This cost represents 8% of the hard costs for conducting the survey and for rolling out the results. Several hundred brochures will be available to the city for use in business attraction efforts and economic reporting.

Therefore, I would recommend the City Council move to approve the request with the funds coming from UDAG resources.

4. **Disposal of Surplus Vehicles/Equipment.** The City currently has 18 surplus vehicles/equipment for disposal, 15 from Public Works, 2 from the Police Department, and 1 from the Fire Department (see attached list). As in the past, we have disposed of the vehicles/equipment through a sealed bid process in which the vehicle/equipment is sold to the highest bidder.

According to City Ordinance Section 1.505, property valued at \$500.00 or more must received approval from the City Council prior to bidding.

Therefore, I would recommend the City Council move to authorize the City Manager to proceed with the disposal of surplus vehicles/equipment through the sealed bid process.

5. **Polling Hours for September 11, 2012 State Primary Election.** Attached is a memorandum from the City Clerk, Kelli L. Barnaby, recommending the polling hours for the State Primary Election be set from 8:00 a.m. to 7:00 p.m.

I would recommend the City Council move to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State Primary Election on Tuesday, September 11, 2012.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on July 16, 2012. In addition, this now can be found on the City's website.
2. **Removal of Board of Adjustment (BOA) Member.** In response to a City Councilor inquiry regarding the removal of a Board of Adjustment (BOA) Member, [attached is a memorandum from Robert Sullivan, City Attorney.](#)
3. **Update on City Council Referrals to the Planning Board.** This is to update the City Council regarding the status of the following three items which the City Council referred to the Planning Board for report back to the City Council:

- a) Letter from Attorney James Nocas, Jr., representing a property owner of the General Porter Condominiums requesting to construct a garage along the rear boundary line of property located at 32 Livermore Street abutting a cemetery. State law requires a 25-foot setback from a cemetery or burial ground for all construction, unless there is a locally-adopted land use regulation. Attorney James Nocas, Jr., submitted a request for the City to enact a local land use regulation in order to enable his client to construct a garage adjacent to the Pleasant Street Cemetery. The City Council voted on April 2, 2012, to refer this request to the Planning Board for a report.

The Planning Board initially considered this request at its meeting on April 19, 2012. Board members expressed concerns about construction, excavation and/or building in proximity to the historic cemetery and postponed action pending further research and review by staff. The matter is currently scheduled to be considered at the Planning Board meeting on September 20, 2012.

- b) Letter from Stephen Kelm requesting an easement across the Connie Bean parking lot to access his property at 80 Wright Avenue. Stephen Kelm is planning to redevelop the former Rosa's parking lot on State Street, adjacent to the municipal Wright Avenue parking lot and the Connie Bean Center. Mr. Kelm has requested that the City Council grant an easement over the Connie Bean parking lot in order to provide access to his property as an alternative to access from State Street or the Wright Avenue lot. The City Council voted on May 21, 2012 to refer this request to the Planning Board.

The City Council is currently reviewing disposition alternatives for the Connie Bean Center. Depending on the ultimate reuse and redevelopment option that the Council selects, an easement over the parking lot may impact the value and/or use of the property. Therefore, the Planning Board is deferring its review until the Council selects a disposition and redevelopment plan for the property.

- c) Request by the City Council to review the Zoning Ordinance Table of Uses and Zones to expand where assisted living facilities can be located. In connection with a discussion of senior services in the City, the City Council voted on May 21, 2012, to request that the Planning Board review the Table of Uses (Section 10.440 of the Zoning Ordinance) to expand where assisted living facilities can be located.

The question of whether and where to allow assisted living facilities requires consideration of dimensional and intensity standards such as building height, setbacks and coverage, as well as such factors as off-street parking, landscaping and screening. Underlying these factors is the question of appropriate residential density. In order to address these questions, a special work session of the Planning Board has been scheduled for September 13, 2012.

4. Notice of Termination of “Portwalk to City Parking Lot Lease”. For your information, [attached is a notice of termination of the “Portwalk to City Parking Lot Lease”](#) for premises located at Hanover Street, Maplewood Avenue and Deer Street.
5. New England Real Estate Journal Article “City of Portsmouth moves up to 15th on Forbes 2012 Best Cities for Job Growth”. For your information, [attached is an article from the New England Real Estate Journal](#) that “Forbes magazine has just released its 2012 listing of Best Cities for Job Growth and Portsmouth ranked 15th—up from No. 34 last year”.