

# 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 2<sup>nd</sup> 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 15<sup>th</sup> 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 COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, JULY 16, 2012

PORTSMOUTH, NH  
TIME: 7:00 PM [or thereafter]

At 6:00 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations and Personnel Matters – RSA: 91-A:2, I (b-c).

### **I. CALL TO ORDER [7:00PM or thereafter]**

Mayor Spear called the meeting to order at 7:00 p.m.

### **II. ROLL CALL**

Present: Mayor Spear, Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Lown, Dwyer and Smith

Absent: Councilor Thorsen

### **III. INVOCATION**

Mayor Spear asked everyone to join in a moment of Silent Prayer.

### **IV. PLEDGE OF ALLEGIANCE**

Councilor Smith led the Pledge of Allegiance to the Flag.

### **V. ACCEPTANCE OF MINUTES – June 11, 2012 and June 25 2012**

**Councilor Coviello moved to approve and accept the minutes of the June 11, 2012 and June 25, 2012 City Council meetings. Seconded by Assistant Mayor Lister and voted.**

### **VI. PUBLIC COMMENT SESSION**

Steve Alie spoke regarding the proposed ordinances changing parking fees stating that he feels that the increased fees constitute a tax on those who support the downtown businesses. He stated that it will bring in revenue during the tourist season but will be detrimental during the rest of the year.

Marylou McElwain began by stating that she is surprised and disappointed that the Mayor is forming a committee to explore a parking garage as she feels there is already city staff and the Parking and Traffic Safety Committee members who could do this review. She continued that there have been 2 parking studies done and neither one has put a parking garage as a high priority and actually recommend parking in the outer areas and shuttling people into the downtown. She stated that the hotels should be providing their own parking as nobody carools to conferences, so the .75 figure doesn't make sense. Finally she asked that residents input be sought to see if they want a parking garage or not.

Emile Bussiere spoke in favor of allowing the Alzheimer's Association to conduct a walk on the date requested stating that he lives on the route and feels that the small inconvenience is not enough to deny a worthy cause. He stated that these are hard working people doing good work.

Peter Somssich began by thanking the Council and city staff for their support of the Welcome Back parade stating that it was well attended. Secondly, he discussed the proposed parking ordinances stating he appreciates the measures being taken, especially the free one hour parking in the garage, but feels that the real issue is the underutilization of what we already have and educating people as to where parking spaces are available. He stated that if a committee is formed, he doesn't want its' focus on one sight and would like to see it away from the downtown area with links with other services.

*Brendan Cooney and Bruno Paciulli indicated their support of bicycle racks in written comment on the sign-up sheet but were not in the audience when called to speak.*

Seeing no one else wishing to speak, the Mayor closed the public comment session.

## **VI. PUBLIC HEARINGS**

After a brief presentation by Deputy City Manager Hayden explaining the proposed changes, Mayor Spear read the legal notice, declared the public hearing open and called for speakers.

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:

- 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 REQUIRED OFF-STREET PARKING

Doug Bates, President, Portsmouth Chamber of Commerce – stated we are fortunate in the City of Portsmouth to be able to discuss growth and still be a vibrant city with low unemployment. However, he feels that parking issues control future growth and that this process should not be piecemealed together without looking at the whole picture. He stated that people want to park downtown and urged people to come to the meetings and talk about this important issue. He urged the Council to take the process slowly, stating that they are currently undertaking an economic study that he hopes will be helpful in this process as well.

Marylou McElwain – stated she agrees with Mr. Bates and urged the Council to take this process slowly and look at the whole picture.

With no further speakers, Mayor Spear declared the public hearing closed.

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

City Planner Nick Cracknell and Assistant City Attorney Suzanne Woodland gave a brief presentation regarding the options for the disposition of the Connie Bean Center property.

Mayor Spear opened the public input session and called for speakers:

Harold Whitehouse stated that this property has a lot of history and old timers refer to it as the “community center” because that is what it was for many service people and residents over many decades. He stated that we are continuing to lose history in the city and it bothers him that someday there will be nothing left for future generations to look back on. He further explained the formation of the Army/Navy Association which was meant to ensure that service people had a place to go when they were stationed in the area. He stated that there are restrictions on the property, similar to other areas in the city, which we have to go to court to have removed. He concluded by stating that he would like to see this building be retained by the city and perhaps become the new Senior Center.

John Russo stated he grew up on Daniel Street and remembers all of the activities that occurred there over the years. He stated he agrees with Mr. Whitehouse that we are losing the history of Portsmouth and feels that we should retain control of the building.

Sue Dennenberg stated she doesn’t know the history of the property like the other speakers, but she does know the more recent activities that have occurred at the Connie Bean Center such as Mother/Son dances, Father/Daughter dances, Halloween Parties, various sports activities etc. She stated that her concern is that whatever happens to the building she doesn’t want to see a 5-story addition going up which is possible under the current zoning regulations. She concluded that once a building like that goes up, it doesn’t come back down very easily.

Michelle Lozuaway, Business owner, stated her family has also attended various events at the Connie Bean Center and feels that there are creative ways to utilize the building and still preserve it. She stated she and her business partner have some ideas and are interested in making this situation work.

Marylou McElwain stated she has read Mr. Whitehouse’s book regarding the history of Portsmouth and recommends it to others. She continued that she has also attended events at the Connie Bean Center and feels it is great to see families coming and going from the building in the area and wants it to be preserved for everyone.

Harold Whitehouse, 2<sup>nd</sup> time – stated that they should keep in mind that any renovations done to the Connie Bean Center such as tearing it down, could result in damage to the Warner House property.

With no further speakers, Mayor Spear declared the public input session closed.

**Assistant Mayor Lister moved to suspend the rules in order to take action on Item XI.A., Alzheimer's Association request to hold 2012 Walk to End Alzheimer's. Seconded by Councilor Coviello and voted.**

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

City Manager Bohenko explained that this request was previously denied due to other activities that were already occurring in the area. He stated he has met again with the Alzheimer's Association and there are 2 different dates offered as well as 2 route options for walkers which will quickly take them out of the South end.

**Assistant Mayor Lister moved to grant the request to hold the 2012 Walk to End Alzheimer's on September 23, 2012. Seconded by Councilor Coviello and voted.**

Councilor Kennedy asked that everyone be reminded to stay on the sidewalk on Bow Street and to be mindful of Church services as well.

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear stated that with so many events occurring in the City and many concentrated in one area, he would like to see an event coordinator position be created on a part-time basis and suggested that funding could come from the Parking and Transportation fund.

Assistant Mayor Lister passed the gavel back to Mayor Spear.

## **VII. 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

**Councilor Smith moved to approve and accept the Grant and Donations to the Portsmouth Police Department, as presented. Seconded by Councilor Novelline Clayburgh and voted.**

**Motion voted.**

- 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

**Councilor Coviello moved to accept the donations for the Welcome Home, Iraq Veterans Parade, as presented, seconded by Councilor Novelline Clayburgh.**

Assistant Mayor Lister thanked the Police Department for their continued efforts in getting grants and donations.

Councilor Kennedy thanked Mr. Whitehouse, Mr. Somssich and the committee for the successful Welcome Home parade.

Councilor Novelline Clayburgh stated she was unable to attend the parade but heard it was magnificent and feels that this type of event brings pride to the City of Portsmouth.

**Motion voted.**

#### **VIII. 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

**Councilor Coviello moved 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, seconded by Councilor Lown.**

Councilor Smith stated he is not in favor.

Councilor Novelline Clayburgh stated she is concerned with the proposed 1 hour free parking as it would be a loss of revenue. City Manager Bohenko stated this was added as a result of the Work Session held and it was meant as an incentive to get people to park in the parking garage. He stated that the combined amendments would actually result in an estimated net gain of \$54,000.00. He further explained that this is the first reading and suggested that this go to a public hearing and then amendments can be made at the second reading. He concluded that if the amendments were substantial, then it would again be referred to a public hearing.

Assistant Mayor Lister stated he understands the need for revenue, but the objective of this is to get more patrons downtown. He stated he is against this at this time as he feels we should be looking at the big picture to including biking, walking, etc. He stated he also has been against the Sunday parking fees since they were implemented.

Councilor Kennedy stated at this point she wants to hear the public input but she is concerned that we are not looking at the big picture and are losing the local population in the downtown area. She stated she agrees with Assistant Mayor Lister that this is being piecemealed and feels that we are missing an overlay of the big picture.

Councilor Dwyer stated that there have been various meetings on this issue for the last six months and that this is a piece of the big picture and we can't vote on everything simultaneously. She also wonders about the concern expressed that free parking for one hour will hurt business.

Councilor Lown stated that this is a result of 2 parking studies, meetings and the recommendations of consultant John Burke who has a lot of expertise in this area. He stated these ideas and principles are not new and have been tried by other municipalities. He stated he would rather see the free parking incentive limited to a half hour for residents only, but he is willing to try this proposal.

Councilor Coviello stated he doesn't understand why this is so complicated and feels it addresses everyone's issues. He stated we need to offset what we take from the revenues and feels that if we don't make any changes, it will be a recipe for disaster.

Councilor Novelline Clayburgh stated she will vote in favor of moving this forward to a public hearing because she feels that this will incentivize people to use the garage, but she is still concerned with the loss of revenue and feels it would be nice to offer free Sunday parking in the garage for residents.

Councilor Kennedy stated she is not against hearing the public input but she doesn't have a problem taking 6 months or longer on an issue if that is what it takes to look at the big picture.

Councilor Smith stated he is opposed to the process and having 3 ordinances included in one vote. He continued that saying that we should do something because it is done in other towns is wrong as Portsmouth is the envy of other cities because we don't do what other cities do. He stated we have to balance the needs of the residents with tourists and visitors needs. He stated we don't want to confuse the customers and keep them away.

City Manager Bohenko again clarified the ordinances stating that the figures presented are not set in stone and can be adjusted according to the Councils' wishes. He stated doing it this way with 3 ordinances as a pilot program allows more flexibility.

**Motion voted on a 7-1 roll call vote, Councilor Smith voted opposed.**

- 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

**Councilor Coviello moved 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, seconded by Assistant Mayor Lister.**

Councilor Kennedy discussed the .75 parking space per guest room amendment for hotel and motels stating that this isn't even 1 space per room. City Manager Bohenko explained that staff based this on the occupancy rates over the last 3 years but it can be amended. He stated it is a policy decision and falls between national standards.

Councilor Coviello stated it sounds like the .75 was a compromise and often thinks that it would be nice to be able to use the unused spaces in the Sheraton lot. He stated that he feels this is a good compromise and land is valuable and we need to use it efficiently.

**Councilor Kennedy moved to amend the ordinance regarding Hotel or Motel Parking Requirements to require 1 Parking Space per guest room, seconded by Councilor Novelline Clayburgh.**

Councilor Kennedy stated she feels the hotels should provide their own parking as there are often 2-4 guests in a room who all bring their own vehicles. She stated that it is not up to the citizens to pay for parking for multi-million dollar corporations.

Councilor Dwyer asked if conference center spaces would fall under a special exception. Deputy City Manager Hayden stated it is treated the same as a guest room.

Councilor Lown stated he understands the idea of the amendment but feels that it is not a good idea as it would require more space than any other city. He stated the occupancy data that was provided showed that over a 12 month period there is 50-60% occupancy which would leave a lot of empty spaces in the lots.

Councilor Dwyer agrees stating that she doesn't like the idea of big surface parking lots and feels that citizens want to minimize these lots both for aesthetic and environmental reasons.

Councilor Novelline Clayburgh stated she is in favor of the amendment stating that many times the Sheraton lot is full and feels that this isn't a big difference in the requirement.

**Motion to amend failed on a 2-6 roll call vote. Councilors Kennedy and Novelline Clayburgh voted in favor. Assistant Mayor Lister, Councilors Coviello, Lown, Dwyer, Smith and Mayor Spear voted opposed.**

**Councilor Novelline Clayburgh moved to amend to keep the restaurant parking requirement at the current 1 space per 100 sq. feet, seconded by Councilor Kennedy. Motion to amend failed on a 2-6 roll call vote. Councilors Kennedy and Novelline Clayburgh voted in favor. Assistant Mayor Lister, Councilors Coviello, Lown, Dywer, Smith and Mayor Spear voted opposed.**

**Main motion voted on an 8-0 roll call.**

## **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)***

**Councilor Smith moved to adopt the Consent Agenda as presented. Seconded by Councilor Dwyer and voted.**

**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 23<sup>rd</sup> or Sunday, October 7<sup>th</sup> (***Action Taken Previously***)

**XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

1. Approval of Proposed Employment Agreement for Police Chief Designee Stephen J. DuBois

**Councilor Smith moved to 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, seconded by Assistant Mayor Lister.**

Councilor Coviello stated he will support this but admits that he did struggle with it. He stated that he feels Chief DuBois will be excellent, but is concerned that his residency is not here in Portsmouth and feels that it could open him up to criticism when requesting funding from the taxpayers.

Councilor Novelline Clayburgh stated she feels we are lucky to have Chief DuBois but agrees with the residency issue asking if the Council can adopt a policy requiring future Department Heads to be residents. City Attorney Sullivan stated that there used to be an ordinance in the City with that requirement but it wasn't legal. He stated that the State law does have exceptions, which does include Chief of Police. He stated that this type of requirement can be dealt with through employment agreements on a case by case basis.

Assistant Mayor Lister stated he looks forward to working with Chief DuBois, and feels discussion of residency requirements should take place in the future.

Councilor Smith thanked the Police Commission for bringing this fine candidate forward stating that the City has had good Chiefs of Police due to their work.

Councilor Lown stated that the taxpayers should know that the benefits being received by Chief DuBois are consistent with his experience and are comparable to other Police Chiefs.

**Motion voted.**

2. Sale or Long-Term Ground Lease Re: 143 Daniel Street (Connie Bean Center)

**Councilor Smith moved to table to the August 6, 2012 City Council Meeting, seconded by Councilor Kennedy.**

Councilor Smith stated that the Council just received more information on this issue today and need more time to review it.

Councilor Dwyer stated she has no problem tabling this but feels the building re-use committee laid out a process to consider the ground-lease option first and then go to a sale if the lease was not appropriate. She stated that more people came out to speak when they were moving the Connie Bean Center sign and feels that not many people came out to speak on this because it is summertime.

Assistant Mayor Lister stated that the city is looking for Council direction to move forward in some way whether selling or leasing.

Councilor Kennedy stated she is ready to vote as this is a gateway of the city and she doesn't want to see a 5 story building there. She stated we don't know what will happen in 100 years and wants to keep options open for future Councils and feels that whatever money we can get in a sale is small in comparison to what may happen in the future.

Councilor Novelline Clayburgh asked if we can put in a sales agreement that the city has the right to first refusal in the future if somebody sells it. City Attorney Sullivan stated yes, but that can have a negative impact on a sale. Councilor Novelline Clayburgh continued that the zoning requires the exterior of the 1916 portion of the building be maintained and it is also in the Historic District so would have to go before that Commission for any proposed changes.

**Motion to table passed.**

3. Establish Public Hearing on Conditional Layout and Betterment Assessment District in accordance with RSA 231:28-33

**Councilor Novelline Clayburgh moved to proceed with the Conditional Layout and Betterment Assessment process and establish a public hearing on August 20, 2012 in accordance with RSA 231:28-33. Seconded by Councilor Smith and voted. Councilor Coviello abstained.**

4. Request for First Reading to Expand Downtown Overlay District

Deputy City Manager Hayden reviewed the proposed expanded downtown overlay district area stating that extending the DOD will help ensure the continuity of ground-floor, pedestrian-oriented businesses as the area redevelops over time.

Discussion ensued regarding the inclusion of the Connie Bean Center in the overlay district with City Manager Bohenko explaining that it was important to deal with the proposed section at this time.

Councilor Dwyer stated that we need to get public input on this. Councilor Kennedy agreed stating that there are residences included and we need to hear from those people. Deputy City Manager Hayden clarified that these residences on the ground floor would be grandfathered.

Councilor Lown asked why the property where the old Pier II was not included, and wonders if it were included, would it have been impacted. Deputy City Manager Hayden stated no, but if it were included, it wouldn't have been impacted because it is still an active project and they already have their permits.

**Councilor Smith moved 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, seconded by Councilor Novelline Clayburgh.**

Councilor Lown moved to include the Pier II property, seconded by Councilor Kennedy.

Councilor Lown explained that he is concerned that if something happens to the current project, then this should be included.

Councilor Coviello stated that he would need to recuse himself if this is included and if so, he would want to be able to speak as a representative of the Pier II developer.

City Manager Bohenko suggested than any amendments wait until the 2<sup>nd</sup> reading.

Councilor Lown and Councilor Kennedy withdrew their motion and second to amend.

Councilor Dwyer stated that this area is between a residential and park area and feels there is vitality in that. She stated that something is lost in thinking vitality only comes with commercial businesses on first floors everywhere in the city.

Councilor Kennedy agrees and stated we need to look at the bigger picture and if someone currently grandfathered leaves, then it is no longer grandfathered.

City Manager Bohenko stated that a public hearing should be held to find out what people think about the proposed area.

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear asked if it is possible to have the overlay include lots in front of State Street. Deputy City Manager Hayden stated yes.

Assistant Mayor Lister passed the gavel back to Mayor Spear.

City Manager Bohenko stated he will bring this back for a first reading on August 6<sup>th</sup> and the public hearing date can be set for whenever the Council decides.

**Motion passed on a 6-1 roll call vote. Councilor Kennedy voted opposed and Councilor Coviello abstained.**

5. Request to Establish City Council Retreat

**Assistant Mayor Lister moved to establish a Council Retreat on October 27, 2012. Seconded by Councilor Novelline Clayburgh and voted.**

## **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

Mayor Spear explained that he is establishing a Blue Ribbon Committee on Parking Garage Site(s) with the above stated criteria. He asked that any Councilors interested in serving, please let him know.

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

Mayor Spear stated that the above stated reappointments will be voted at the August 6, 2012 Council meeting.

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

**Councilor Coviello moved to approve the appointments of Paul Ambrose and Shelley Saunders as alternate members of the Conservation Commission and Aaron Lawson to the Taxi Commission. Seconded by Councilor Lown and voted.**

4. Resignation of Jeff McLean from the Portsmouth Economic Development Loan Program (PEDLP) Effective July 16, 2012

**Councilor Kennedy moved to accept the resignation of Jeff McLean from the Portsmouth Economic Development Loan Program (PEDLP) with a letter of appreciation to follow. Seconded by Councilor Coviello and voted.**

Councilor Kennedy asked the Mayor the status of the appointment to the Peirce Island Committee. Mayor Spear explained that he has contacted the applicants but has been unable to meet with them due to scheduling conflicts, but will follow up again.

Councilor Smith stated that there are applicants for the Parking and Traffic Safety Committee but the vacancy still has not been filled. Mayor Spear stated he is waiting for more applicants who don't live in the south end and he would like to appoint a woman as well.

**C. ASSISTANT MAYOR LISTER**

1. \*City Manager's Evaluation Report

Assistant Mayor Lister read a prepared statement regarding the City Manager's evaluation and thanked the committee members and Councilors for their input.

#### **D. COUNCILOR COVIELLO**

##### 1. Anatomy of Complete Streets

Councilor Coviello stated that he wanted to share this information which is being utilized in Burlington Vermont stating it is an interesting concept where they provide services for bicyclists including showers, repair stations, etc. for bicyclists touring through the city.

Councilor Kennedy stated the Sustainability Committee is looking at this concept as well.

Councilor Lown stated he appreciates this information being brought forward and feels it will come up again.

#### **E. COUNCILOR SMITH**

##### 1. Report Back Bicycle Rack in Downtown

Councilor Smith reported that the Parking and Traffic Safety Committee met on July 12<sup>th</sup> at which time they discussed the request to install a bicycle rack in a parking space in front of the Portsmouth Brewery on Market Street. He explained that the vote was 4-3 opposed to this request but that immediately following that vote a motion was made to install a bike corral in the parking lot at the corner of Hanover and Market Streets. In addition, as part of that motion, there was a recommendation to place a bike rack in front of Izzy's Ice Cream at the corner of Bow and Ceres Streets, with these recommendations passing unanimously. He concluded by stating that no Council action is required.

Councilor Coviello stated he doesn't understand why there cannot be a bike rack in the original requested location. Councilor Smith explained the concerns of the Parking and Traffic Safety Committee members that this is a very busy street and they were concerned with having this type of activity in the middle of a high traffic area.

**Councilor Coviello moved place the bike rack in the original Council recommended location in front of the Portsmouth Brewery as a pilot program with a report back in the fall, seconded by Councilor Lown.**

Councilor Smith expressed concern that this motion appears to be disrespectful to the decision brought forward by the Parking and Traffic Safety Committee. He stated it is unsafe to do this even as a pilot program.

Councilor Coviello stated he doesn't feel it is disrespectful to disagree and feels that the information he previously provided regarding "Complete Streets" shows that this area would be an acceptable place for a bike rack. He stated that the Police Chief and Public Works Director voted in favor of the motion at the Parking and Traffic Safety Committee meeting.

Councilor Smith asked City Attorney Sullivan if the motion was within the Council rules. City Attorney Sullivan stated it is allowable.

Discussion ensued regarding the various locations that currently have bicycle racks available that may require some additional walking to desired locations.

Councilor Lown stated that he understands the action of the Parking and Traffic Safety Committee but feels that the Council's direction from the June 11, 2012 Council meeting was for the PTS to come back with recommendations for a parking space area that could be used. He stated that this would send a message that the City of Portsmouth encourages and supports alternate transportation.

**Motion FAILED on a 3-5 roll call vote. Councilors Coviello, Lown and Mayor Spear voted in favor. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Dwyer and Smith voted opposed.**

### **XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Dwyer stated that there has been an issue recently regarding the actions of a Board member and she has heard from many people who have also had unpleasant dealings with this individual. She asked what the process is for the Council to take steps to remove a Board member. City Attorney Sullivan responded that there is a removal process in place which would include holding a public hearing. He stated he will draft a memo to the Council outlining the process. City Manager Bohenko stated he will bring it back under his items at the next Council meeting.

Councilor Kennedy asked when the next update regarding the Senior Center will take place. City Manager Bohenko stated that he will submit his report back to the Council at the August 20<sup>th</sup> meeting and then refer any items for action to another meeting after that report back is given.

Mayor Spear shared 2 photos of his recent vacation in Sedona which showed how creative zoning accommodated protecting the visual environment with businesses. He stated that they also install their street lighting at a lower level to preserve the view of the night sky. He concluded by showing a picture of a xylophone which was interactive and acoustic street art.

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

**Councilor Coviello moved to adjourn at 9:40 p.m., seconded by Councilor Novelline Clayburgh and voted.**

Respectfully submitted:



Valerie A. French  
Deputy City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday August 6, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a proposed Consolidated Parking Supply and Demand Omnibus Ordinance. The recommended amendment would make the following changes to Chapter 7:

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 – 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. 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.)

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

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- B. 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. 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.)

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.102 – PARKING METER ZONES of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.102: PARKING METER ZONES

All of those streets, ~~and parts of streets~~ **and off-street parking lots**, the time for parking upon which is limited by any ordinance of the City of Portsmouth, and any ~~street or streets and such part or parts of streets~~ **such areas**, the time for parking upon which may at any time hereafter be limited by any ordinance of the City or any amendment thereto are designated as parking meter zones. Parking at metered spots upon ~~streets or in off-street metered lots~~ shall be at the rate of ~~\$1.00~~ **\$1.50** per hour with the maximum time permitted for parking of ~~two (2)~~ **three (3)** hours, **unless otherwise established by ordinance**. ~~Parking at metered parking lots shall be at the rate of \$1.00 per hour with a maximum time permitted for parking of two (2) hours. (Amended 5/19/97; amended 6/28/04; amended 04/18/2011~~

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

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

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Eric Spear, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

**A**

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article IV, Section 7.402 – OFF-STREET PARKING AREAS of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.402: AREAS ESTABLISHED, DESIGNATED, AND DESCRIBED

C. Hanover-Fleet Street Off-Street Parking Area

The Municipal Parking Garage located on Hanover Street shall be known as the High Hanover Parking Garage. The area within the garage shall be designated for off-street parking and shall be striped for that purpose to include spaces for handicapped access and compact cars. Fees ~~for release of the vehicle~~ **for parking in the garage** to be determined in accordance with Chapter 1, Article XVI, **or as may be adopted by vote of the City Council.** (Amended 3/18/2002; amended 08/03/2009)

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

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

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Eric Spear, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

Footnote (not part of ordinance): After the passage of this amendment the Council could adopt a motion as follows:

**MOVED:** That City Council hereby establishes the parking fee at the High Hanover Parking Facility to be at the rate of \$0.75 per hour, except, however, there shall be no fee for the first hour in which any vehicle shall park in the facility.

**B**

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article 1, Section 7.105 – PARKING of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.105      PARKING

B.      ~~All on-street metered parking shall be at the rate of \$1.00 per hour for a maximum of two hours. This rate~~ Parking meter fees shall be enforceable Monday through Saturday, from 9:00 a.m. to 7:00 p.m., and Sunday from 12:00 p.m. to 7:00 p.m., holidays excepted. (Amended 10/6/97; amended 6/28/04; amended 04/18/2011; amended 05/02/2011) (Deleted former subsection B in its entirety 10/25/04)

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

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

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Eric Spear, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

**C**

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 11, Section 10.1115 – Off-Street Parking Provisions in the Downtown Overlay District, are hereby amended as follows (deletions from existing language stricken; additions to existing language **bolded**; remaining language unchanged from existing):

10.1115 Off-Street Parking Provisions in the Downtown Overlay District

10.1115.10 Purpose

10.1115.11 This Section 10.1115 establishes modified off-street parking standards for lots in the Downtown Overlay District in recognition of the availability of municipal on-street and off-street parking facilities, private shared parking facilities, and public transit, and the pedestrian-oriented pattern of lots and uses.

~~10.1115.12 This section also provides an option for developments to contribute to the cost of developing public parking facilities in lieu of providing a portion of the required off-street parking spaces.~~

10.1115.132 Except as specifically modified by this Section 10.1115, lots in the Downtown Overlay District shall comply with all other provisions of Section 10.1110.

10.1115.20 Number of Required Off-Street Parking Spaces

10.1115.21 The following requirements shall apply in the Downtown Overlay District in lieu of the requirements in Section 10.1112.30:

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
<b>Residential use (dwelling)</b>	<b>1.5 space per dwelling unit</b>
<b>Hotel or motel</b>	<b>0.75 space per guest room</b>
<b>Other nonresidential use</b>	<b>No requirement</b>

10.1115.22 The requirements in Section 10.1115.21 shall be applied to all uses on a lot, and not to individual uses.

10.1115.23 For any lot, the number of off-street parking spaces that would be required by applying the ratios in Section 10.1115.21 shall be reduced by 4 spaces. (Therefore, any lot that would be required to

provide 4 or fewer off-street parking spaces shall not be required to provide any spaces.)

~~10.1115.30 — Optional Payment in Lieu of Providing Required Off-Street Parking Spaces~~

~~In the Downtown Overlay District, a property owner may elect to make a payment to the City's Parking Fund, as set forth in Section 10.1115.40, in lieu of providing a portion of the off-street parking spaces that would otherwise be required by this Ordinance.~~

~~10.1115.40 — Amount of Payment in Lieu~~

~~10.1115.41 — The payment in lieu of providing required off-street parking spaces shall be calculated by multiplying the number of required parking spaces not provided by the current fee per space as determined under Sections 10.1115.42 and 10.1115.43.~~

~~10.1115.42 — The fee per space as of January 1, 2010, shall be \$2,000.00.~~

~~10.1115.43 — The fee per space shall be adjusted annually effective on January 1 of each year. The adjustment shall be based on the annual change in the Civil Works Construction Cost Index System (CWCCIS), EM 1110-2-1304, CWBS Feature Code 19 – Buildings, Grounds & Utilities, published by the US Army Corps of Engineers for the most recent twelve-month period preceding the adjustment date, and shall be rounded to the nearest 100 dollars.~~

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*Annual change, Sep. 2009 – Sep. 2010 = 2.62%*

*2011 adjustment = \$2,000 x 2.62% = \$52.40*

*2011 payment per space = \$2,100.00 (rounded)*

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*Annual change, Sep. 2010 – Sep. 2011 = 4.96%*

*2012 adjustment = \$2,100 x 4.96% = \$104.16*

*2012 payment per space = \$2,200.00 (rounded)*

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~~10.1115.50 — Procedure and Administration~~

~~10.1115.51 — A payment in lieu of providing required off-street parking spaces shall be paid to the City prior to the issuance of a building permit or Change of Use Permit.~~

~~10.1115.52 — Payments in lieu of providing off-street parking spaces shall be deposited in a fund for off-street parking facilities within the Downtown Overlay District, under the control of the City Council.~~

~~10.1115.53 — Payments in lieu of providing off-street parking spaces shall be encumbered or otherwise legally bound within six years from the time the payment is received by the City. If not encumbered within that time period the payment shall be returned to the applicant together with any accrued interest.~~

~~10.1115.60~~ — Application of Provisions

~~10.1115.61~~ — The requirements of this Section 10.1115 shall not apply to any existing uses on a lot, but shall apply to any change or expansion of existing uses that results in an increase in the number of off-street parking spaces required for the lot by Section 10.1115.20, as of the date of application.

~~10.1115.62~~ — If changes in the uses on a lot after the adoption of this Section 10.1115 result a lower parking requirement for the lot, that new requirement shall become the baseline for computing the change in off-street parking requirements resulting from any future proposed uses.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Eric Spear, Mayor

ADOPTED BY COUNCIL:

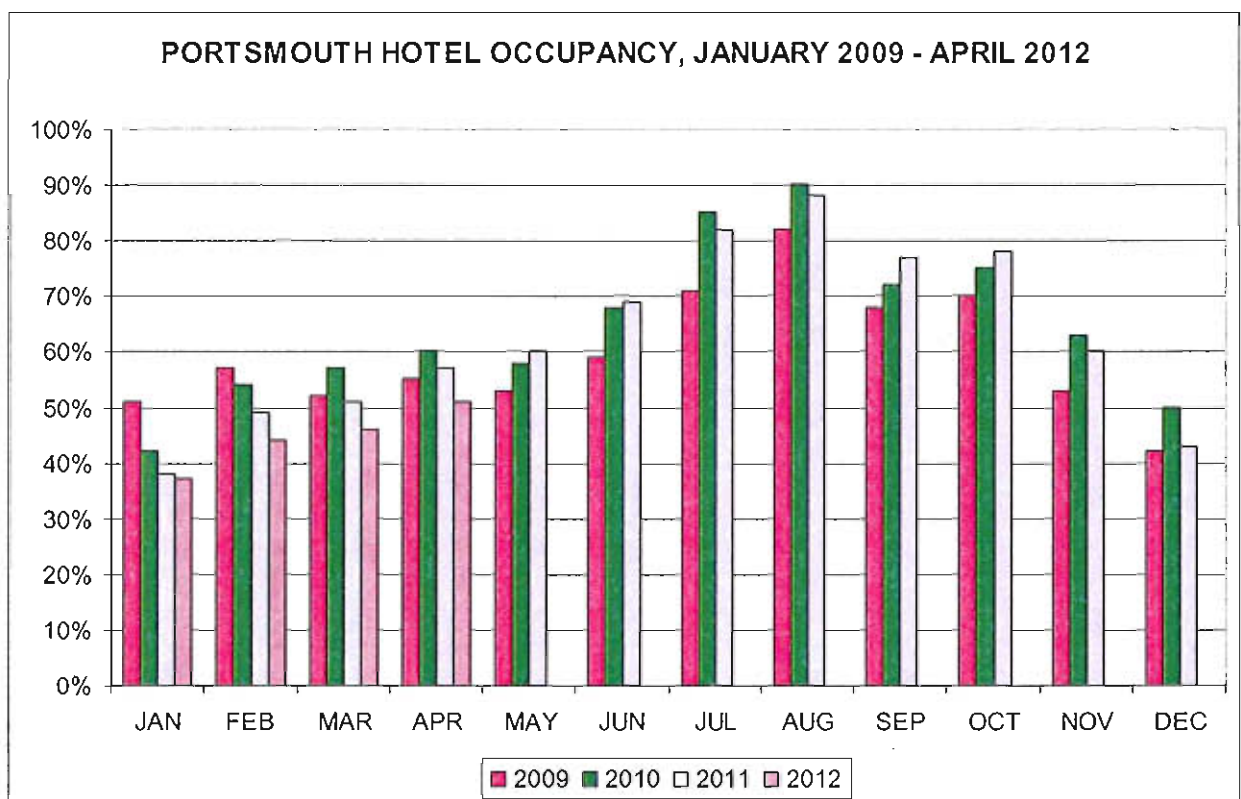
\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

HOTEL OCCUPANCY DATA  
EXCERPT FROM:

GREATER PORTSMOUTH CHAMBER OF COMMERCE  
REPORT TO THE  
PORTSMOUTH ECONOMIC DEVELOPMENT COMMISSION  
PRESENTED 4 MAY 2012

Partnership Deliverables for Quarter 4 2011 and Quarter 1 2012:  
Chamber Contact: Valerie Rochon, Tourism Manager

HOTEL OCCUPANCY & ROOMS SOLD




Hotels have reported that they are positive about the bookings they are seeing for the Spring and Summer 2012. While occupancy remains somewhat flat to last year's, the general feeling is that flat is not a bad position in this climate of not-yet-turned-around consumer confidence. The resurgence of longer term stays because of increased activity at the Shipyard will be a boon to the Spring hotel occupancy numbers.

Note: Occupancy figures, reported above, are reported in the aggregate for local properties, and should be regarded as indicative of trends, not as absolute numbers. We should also note that some of the larger properties no longer participate in the occupancy survey, so year-on-year numbers are likely skewed.

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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director   
**DATE:** May 15, 2012  
**RE:** Proposed Amendment to Zoning Ordinance, Section 10.1115 – Off-Street Parking Provisions in the Downtown Overlay District

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At its meeting on April 19, 2012, the Planning Board voted unanimously to recommend that the City Council enact the attached zoning amendment regarding off-street parking standards in the Downtown Overlay District. The recommended amendment would make the following changes to the Zoning Ordinance:

- Eliminate off-street parking requirements for all nonresidential uses.

Currently, parcels are required to provide 1 parking space per 100 sq. ft. of restaurant floor area and 1 space per 1,000 sq. ft. of all other upper-floor uses (there is no parking requirement for ground floor uses other than restaurants).

- Change the residential parking requirement to 1.5 parking spaces per dwelling unit.

The current requirement (enacted in 2009) is 1 parking space per 1,000 sq. ft. of floor area for all upper-floor uses (residential uses are not permitted on the ground floor of buildings in the Downtown Overlay District). However, some condominium units being constructed in the downtown are in excess of 2,500 sq. ft., which results in a parking requirement of more than 2 parking spaces per unit. This requirement is excessive, and therefore it is recommended to base the residential parking standard on the number of dwelling units rather than on the floor area of the building.

Note that the Zoning Ordinance exempts the first 4 parking spaces required in the Downtown Overlay District: thus, single-family and two-family uses would not be required to provide any off-street parking.

- Eliminate the option to make a payment in lieu of providing required off-street parking.

Property owners currently have the option to make a payment in lieu of providing off-street parking spaces. The current payment amount is \$2,200 per parking space not provided. The Planning Board recommends that residential development be required to provide parking on site. With the elimination of off-street parking requirements for nonresidential uses, there will be no need to maintain the current in-lieu payment system.





## Run with the Cause

ST. CHARLES CHILDREN'S HOME 5K  
P. O. Box 1705 • Rochester, NH 03866

RECEIVED

JUL 24 2012

CITY MANAGER  
PORTSMOUTH, NH

July 21, 2012

John Bohenko  
City Manager  
1 Junkins Ave.  
Portsmouth, NH 03801

Dear Mr. Bohenko:

The St. Charles Children's Home 5k held on Labor Day at the Pease International Tradeport would like to ask your permission once again to hold the St. Charles Children's Home 5K Road Race at Pease International Tradeport on September 3, 2012 at 9:00 a.m.

As in the past, we will communicate and obtain the required insurance for the City of Portsmouth, as well as Martin's Point Healthcare and the Pease Development Authority. We also will be hiring the Portsmouth and Newington Police departments to provide coverage and secure an EMT to cover medical needs. Our large pool of volunteers will make sure the event runs smoothly and that the area is left spotlessly clean by 1:00 PM.

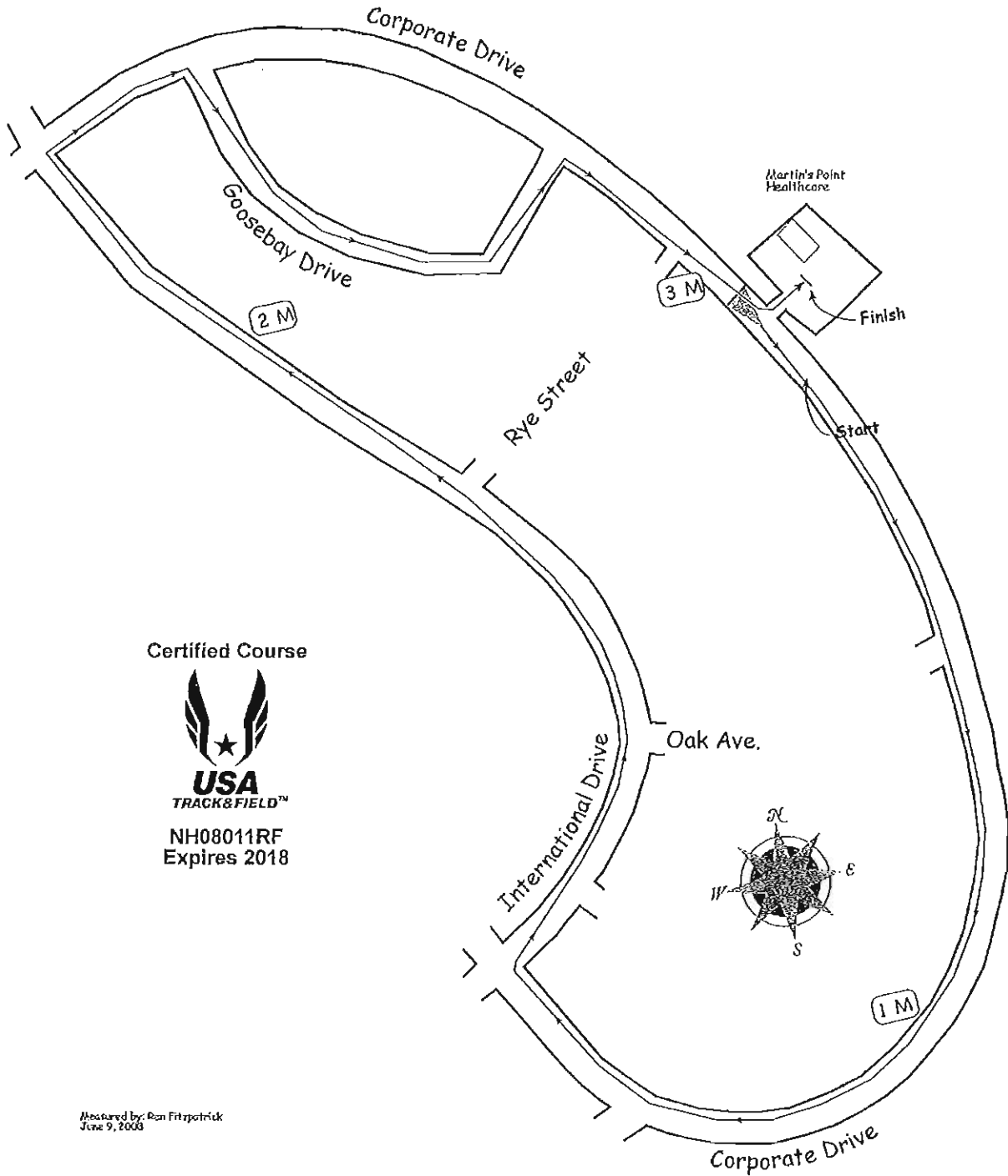
Thank you for your time and attention toward making this a safe and successful event.

Sincerely,

Sister Mary Agnes, DMML, MBA  
Race Coordinator

# St. Charles Children's Home 5K Road Race

Portsmouth, New Hampshire



Certified Course



**USA**  
TRACK & FIELD™

NH08011RF  
Expires 2018

Measured by: Dan Fitzpatrick  
June 9, 2008



fax: 427-1526

July 25, 2012



Mr. John Bohenko  
City Manager  
City of Portsmouth  
1 Junkins Ave  
Portsmouth, NH 03801

Dear Mr. Bohenko,  
I am writing to tell you that our 5k event has changed its location. Here are the details:

Was: 5K Run for the Kids to benefit Community Child Care Center  
Where: Little Harbour School  
Date: Saturday, October 13, 7am - 12PM

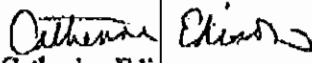
Is now: 2nd Annual 5K Run for the Kids to benefit Community Child Care Center of Portsmouth. Part of the Portsmouth Chamber of Commerce Road Race Series and Signature Event of the 2nd Annual Seacoast Wellness Fair at the Community Campus  
A collaboration between CCCC, Portsmouth Regional Hospital, and Foundation for Seacoast Health and its affiliated agencies.

Where: 100 Campus Drive, Portsmouth  
Date: Saturday, October 13, 7am-12PM  
(Seacoast Wellness Fair is 9am-1pm tentatively)

Route: Similar route as was run by the YMCA 5K participants in 2011.  
Campus Drive to left on West Road, follow to stop sign. Turn left on Peverly Hill Road, go down the hill and turn left on Banfield Road, follow to Constitution Ave, left on Constitution Ave, left on Water Country Access Road (we have their permission), and straight to West Road, left on West Road which becomes Campus Drive. Finish on Campus Drive.

Nancy Notts and Deb Grabowski head up the Wellness Committee. Doug Bates is in favor of the move, and will keep our 5k in his Chamber Series. There is now one less event in the city!

Thank you for your time, and see you at Rotary!

  
Catherine Edison  
Development Director

cc: Steve Parkinson, Portsmouth Public Works, Captain Mike Schwartz, Portsmouth Police, and Principal Charles Grossman, Little Harbour School.

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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *R.T.*  
**DATE:** July 31, 2012  
**RE:** City Council Referral – Projecting Sign  
Address: 130 Congress Street  
Business Name: Apsara  
Business Owner: Sally Chan



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Permission is being sought to install two projecting signs on a new bracket, as follows:

Sign dimensions: 12" x 20"  
Sign area: 1.3 sq. ft.

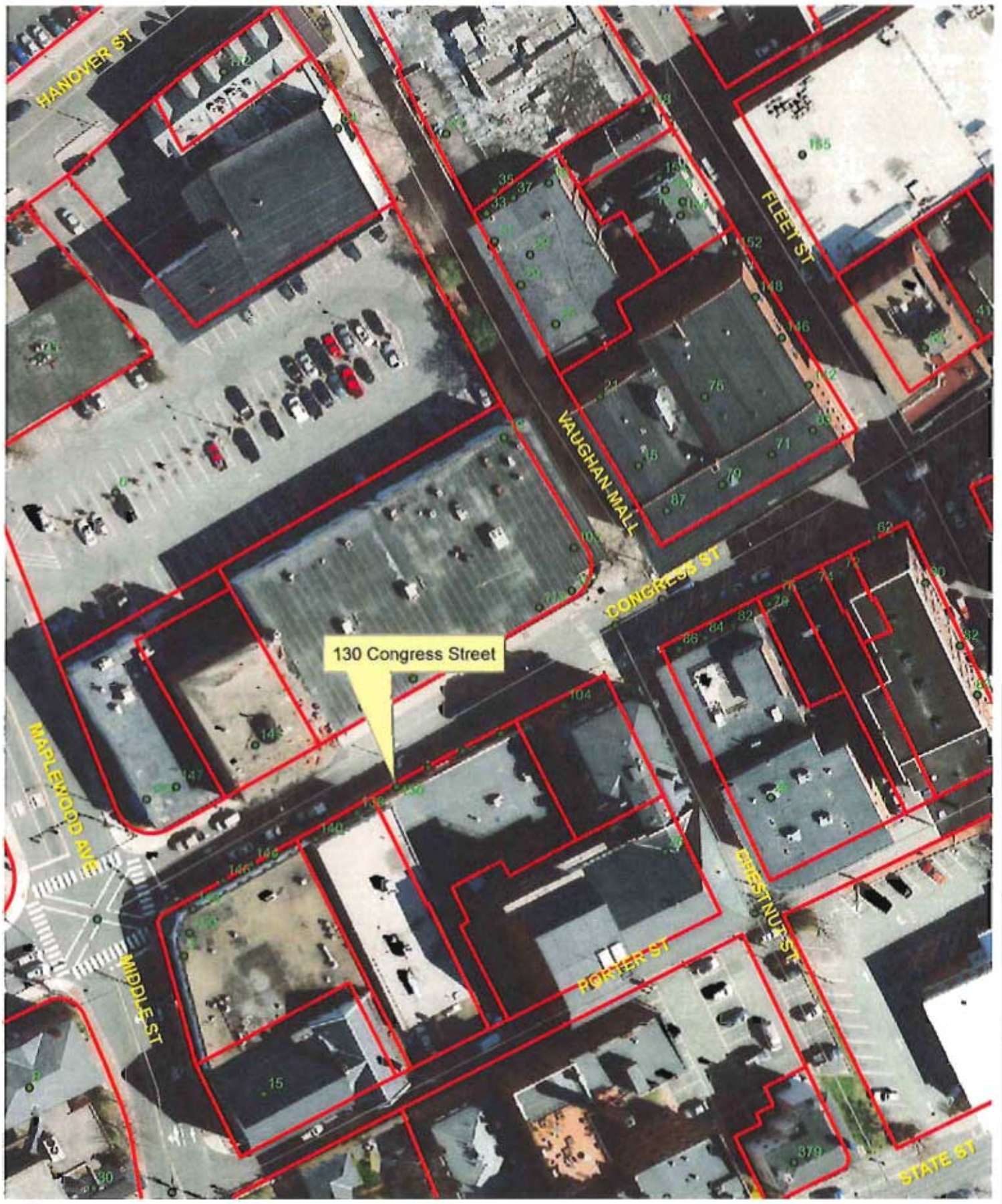
Sign dimensions: 6" x 20"  
Sign area: 0.8 sq. ft.

Height from sidewalk to bottom of sign: 10'0"  
Maximum protrusion from building: 18 in.

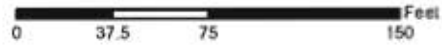
The proposed signs comply with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting signs, 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 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.





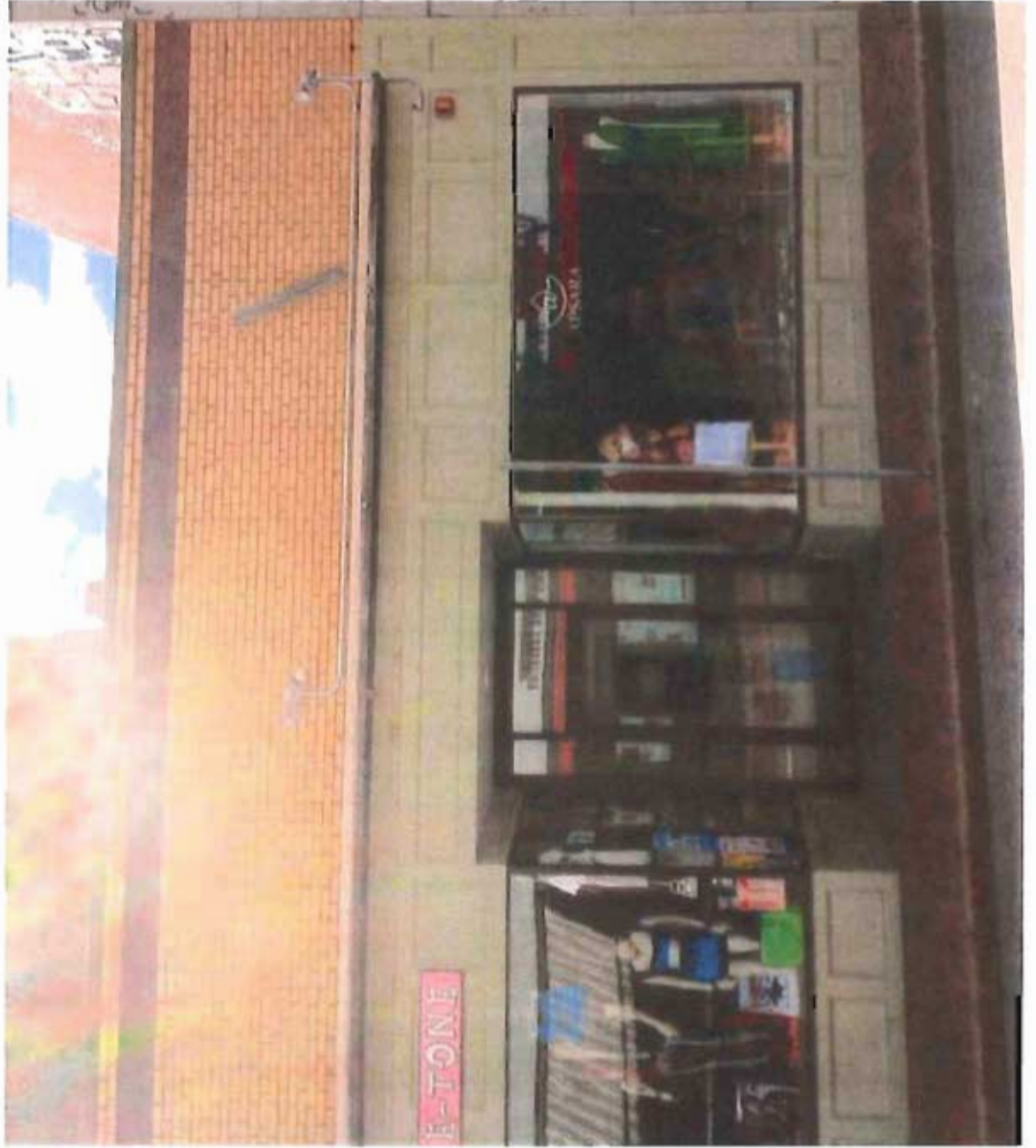
130 Congress Street

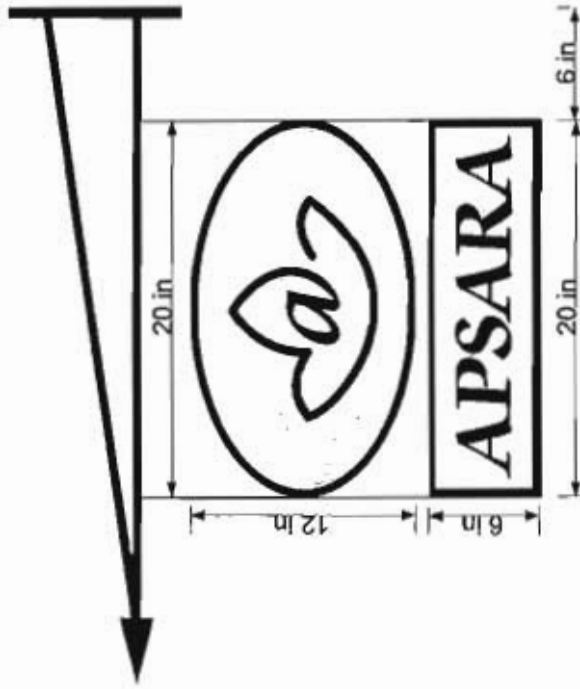
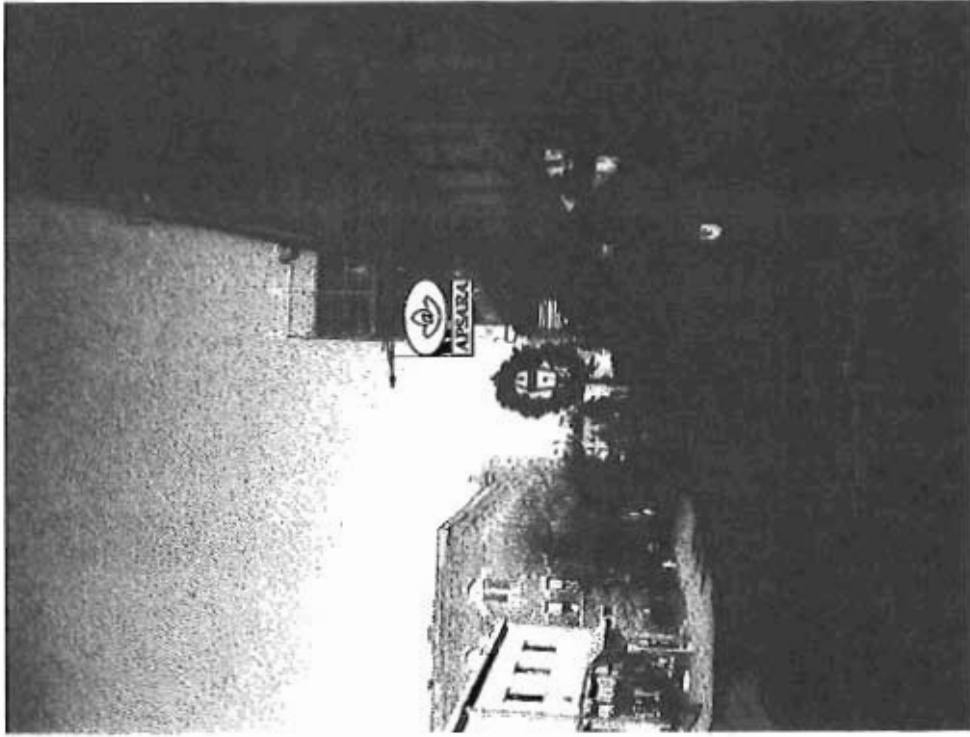


# Request for Projecting Sign License 130 Congress Street



Apsara  
130 Congress Street  
1 Projecting Sign





10 = 20 ✓  
3

Qty: SS/DS: Materials: Background Color: Vinyl Color: HP  Int  Other:

PORTSMOUTH  
[SIGN]  
COMPANY

Phone: 603-436-0047  
email: service@portsmouthsignco.com

All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

NOTE: Designs are NOT actual size

**REVISION:**

All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.

7/13/12

I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order exactly. I authorize fabrication according to this approval.

SIGNATURE: \_\_\_\_\_


Date: \_\_\_\_\_

RETURN SIGNED TO: service@portsmouthsignco.com

---

# MEMORANDUM

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TO: John P. Bohenko, City Manager  
FROM: Rick Taintor, Planning Director   
DATE: July 31, 2012  
RE: City Council Referral – Projecting Sign  
Address: 21 Congress Street  
Business Name: Thirsty Moose Taphouse  
Business Owner: Joe Kelly



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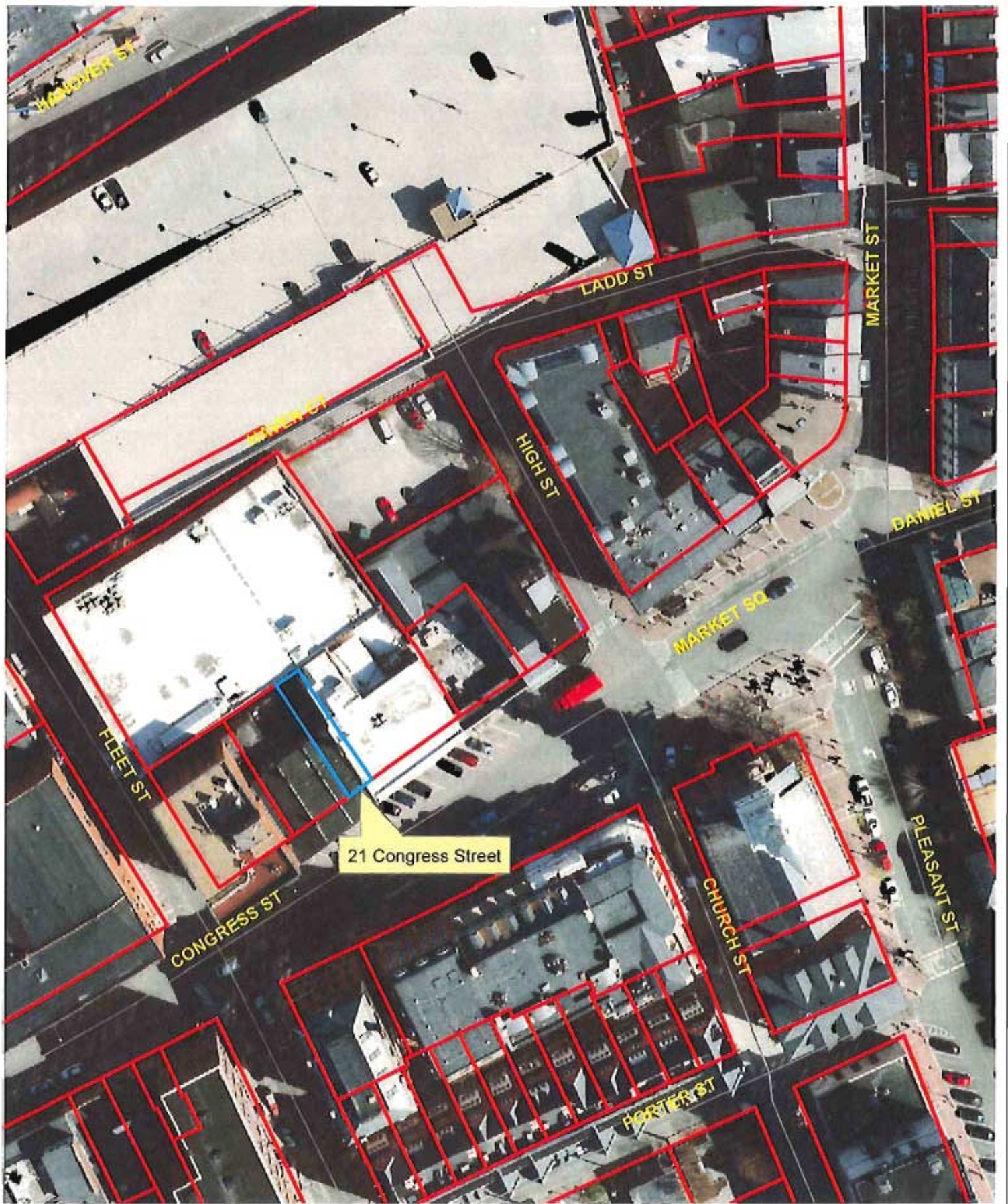
Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 42" x 19"  
Sign area: 5.5 sq. ft.  
Height from sidewalk to bottom of sign: 12'0"  
Maximum protrusion from building: 48 in.

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





## Request for Projecting Sign License 21 Congress Street



Thirsty Moose Taphouse  
21 Congress Street  
1 Projecting Sign



6" (inches) OK

Off Building

(inches)

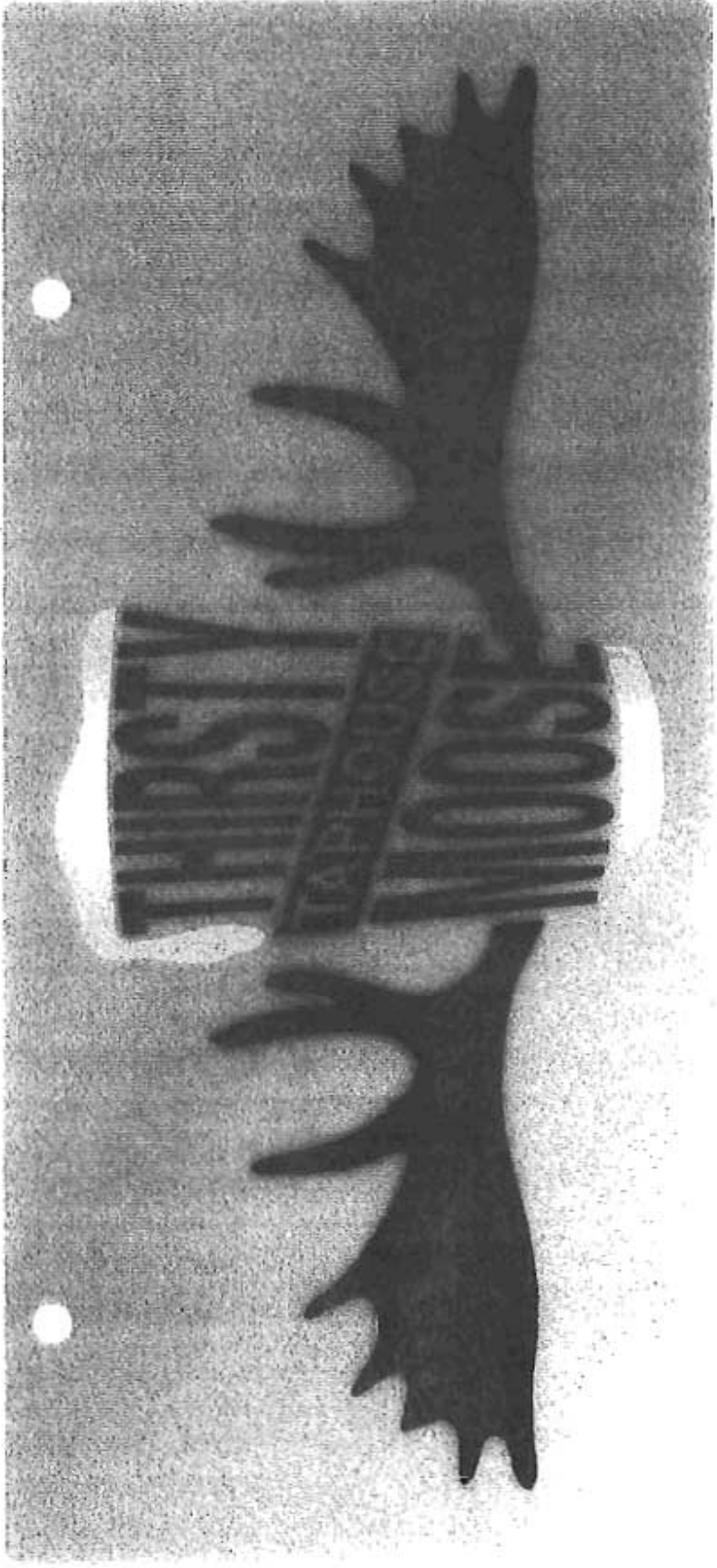
Projecting double-sided metal sign - 5.54 Square feet

42" x 19"

Width of Sidewalk  
Test:

$$13' \text{ sidewalk} / 3 = 52''$$

$$6'' + 42'' \equiv 48''$$



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# MEMORANDUM

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TO: John P. Bohenko, City Manager  
FROM: Rick Taintor, Planning Director *R.T.*  
DATE: July 31, 2012  
RE: City Council Referral – Projecting Sign  
Address: 76 Congress Street  
Business Name: The Stone Pony  
Business Owner: Jack Wolthen

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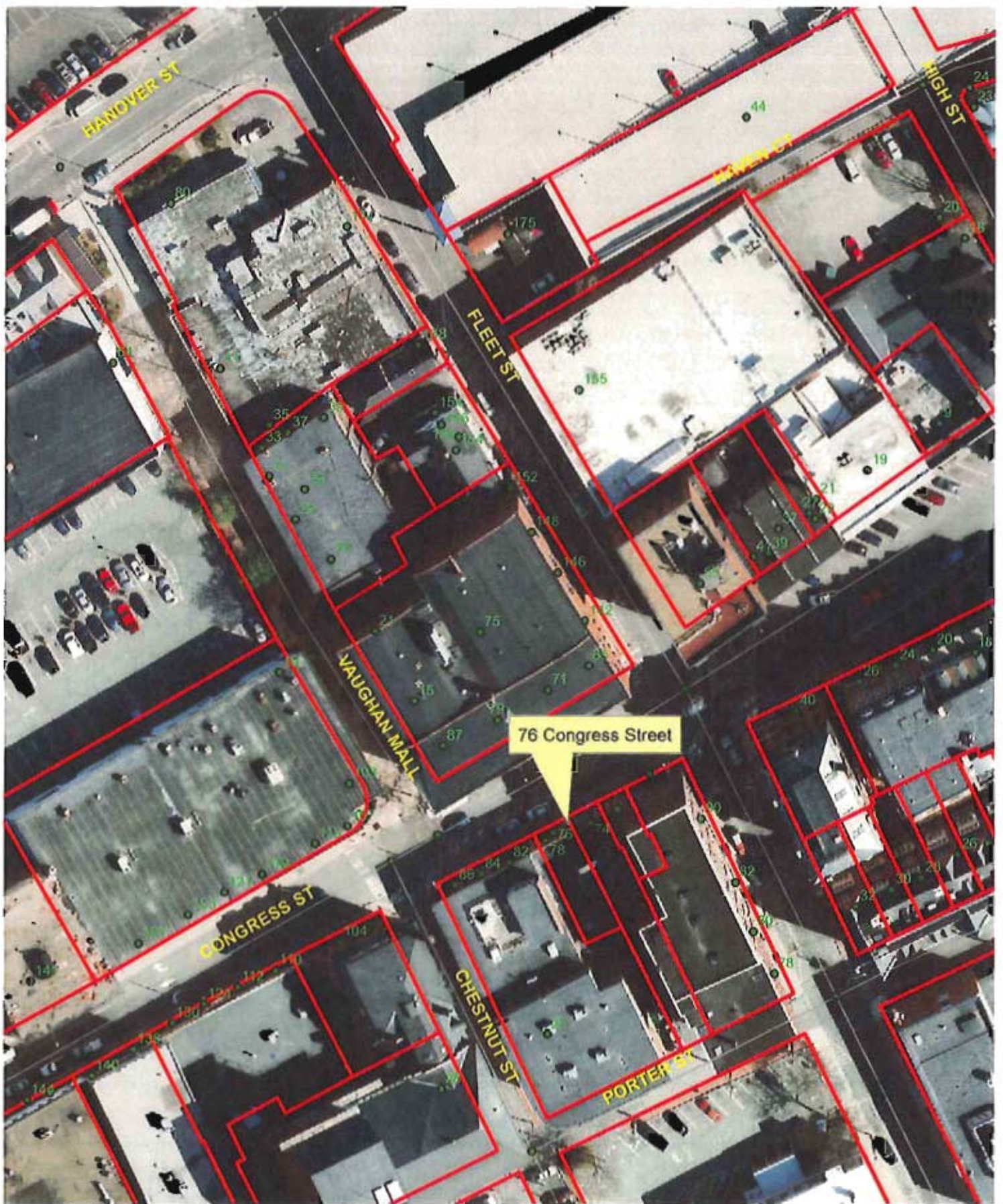
Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 24" x 36"  
Sign area: 4.7 sq. ft.  
Height from sidewalk to bottom of sign: 12'8"  
Maximum protrusion from building: 30 in.

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





## Request for Projecting Sign License 76 Congress Street



The Stone Pony  
76 Congress Street  
1 Projecting Sign



# PROOF for: The Stone Pony

Company The Stone Pony  
Name Jack Worthen  
Phone ..  
Date ..  
Est. Due Date ..  
Saved as: stone pony.cdr

e-mail: ..



139 Lafayette Road Rye, NH 03870  
p.603-964-1575 f.603-964-1576  
www.timberlinesigns.com chuck@timberlinesigns.com



Format Flat painted with raised PVC logo  
Size 2'x3'  
Sides 2  
Quantity 1  
Color Scheme ..

Installation ..  
Hardware ..  
Misc. ..

I hereby authorize TIMBERLINE SIGNS to produce the above layout. 100% Payment will be expected upon completion of project unless other arrangements have been made prior. Customer has the option to purchase the artwork to be used as a logo or for other personal promotions for a determined fee. For pricing please inquire within. All designs and custom artwork remain the property of Timberline Signs until the order is complete and paid in full.

Please review, make necessary corrections, sign and fax or return to Timberline Signs, LLC. We will not begin production until this document is signed and returned. A 50% deposit is required to begin production on all jobs exceeding \$100.

*Note:* Designs are not actual size and Colors do not accurately represent finished product colors.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Please Return signed Fax to **603.964.1576**



Destination Partners, Inc.  
12 Henshaw Street  
Woburn, MA 01801

Tuesday, July 17, 2012

Dear Mr. John P. Bohenko,

My name is Christina Mirasolo and I work for Destination Partners Inc., a Boston based event planning company located in Woburn, MA. We are planning an event for Liberty Life Assurance Company (affiliated with Liberty Mutual), who is hosting an incentive program for their guests this summer. Attendees will be staying at the Hilton Garden Inn and will be walking to the 100 Club in Portsmouth, NH on Saturday, August 18, 2012 for an evening reception. The theme for the night is a "Red Carpet Roll-Out." They have inquired about having an actual red carpet from The Hilton Garden Inn Entryway Doors, across the sidewalk, crossing High Street in Portsmouth, and along the sidewalk up to The 100 Club. I was directed to you to inquire about approval for this red carpet to be placed crossing High Street (and the sidewalks?). We are asking for approval from the city for this to be done from about 5:45 PM to 6:45 PM. I do understand that passing by traffic will have to drive over this carpet, but I do understand this.

Because this event is approaching very quickly, my client is waiting for approval as soon as possible so that we can order the red carpet and have it shipped in time for the event. Please let me know if there is any other paper work that you would like me to take care of to continue this process for approval.

I do thank you for your time and welcome you to give me a call if you should have any questions or concerns.

Thank you,

Christina Mirasolo  
Destination Partners Inc.  
Program Manager  
Office: 978-388-3277  
Direct: 978-378-9966  
Cell: 781-389-0427





July 20, 2012

Mr. John P. Bohenko  
City Manager  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Mr. Bohenko,

I am writing on behalf of McNabb Properties and our tenant, Me & Ollie's, located at 10 Pleasant Street, to request a license to place totes containing trash and recycling on city property, specifically the alley way between Me & Ollie's and the North Church. The totes will be lined up against the wall of our building and will occupy a total area of approximately 46 square feet. (The alley way is the ideal place to put the totes: the rear of the building directly abuts the street; the restaurant windows look out onto Porter and Pleasant Streets, both of which contain café tables and chairs.) All totes will have lids, so there will be no overflow. We will keep the area clean and power wash as needed.

Please do not hesitate to contact me if you require further information. I thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Barbara Allen" with a long horizontal flourish extending to the right.

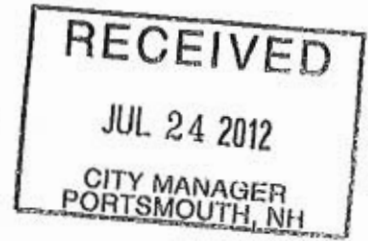
Barbara Allen  
Property Manager  
McNabb Properties, Ltd.  
P.O. Box 930  
Portsmouth, NH 03801  
(603) 812-8760  
barbara@mcnabbgroup.com

Me & Ollie's  
Proposed Tote storage area



24 July 2012  
5 Gunkins Ave #301  
427-0094

TO: Mr. John Brumko  
City Manager, Portsmouth  
FROM: Presidents, Common Cottage  
SUBJ: "Sidewalk Sale"



Dear Sir:

We would like to hold a sidewalk sale in front of our building (South Side) on ~~July~~<sup>AUG</sup> 11, 2012, Saturday, from 8 A.M. to 1 P.M. It would be comprised of 5 tables of household goods and artwork, each table not to exceed 6 feet in length, no tents. They would abut the building with enough space left for buyers, and the walkway free of extraneous or hazardous items. One participant would like to erect some sort of sun shade or umbrella. We would want to place a small sign at the entrance and exit to this complex. We may want to do this once more in the fall; notification to be given. Thanking you for your consideration of this proposal, I am,

Sincerely,

Alan Jett  
for:  
A. Aharonian  
P. Considine  
T. Therrien  
G. Picard





# **NEW HAMPSHIRE**

## **MOTOR SPEEDWAY®**

Dear Mr. John Bohenko,

This letter is in response to your recent message asking for the details of an event New Hampshire Motor Speedway is hoping to do in downtown Portsmouth on August 15. Thank you so much for your hospitality and help on this matter, we appreciate the gesture of kindness and friendship your team has shown this summer. Our plan is a simple one and designed to be a brief, but fun summer stop to create some excitement for the upcoming NHMS SYLVANIA 300 race on September 23.

Sprint Cup driver Jeff Burton has graciously agreed to a public relations day-trip to New Hampshire on August 15th. In the spirit of the election season, Jeff is going to play the role of "candidate" hoping to win the race in September. We are decorating an RV and plan to do a campaign-style swing through downtown Portsmouth on August 15 at approximately 2:30 in the afternoon. Ideally, what we would like to do is park briefly in Market Square for a 20 minute sidewalk rally, perhaps on Congress St or near the North Church in the center of the Square.

Our RV will be equipped with a sound system so all we need is the parking space and a few feet of sidewalk. the idea is to pull up, roll out the speakers and podium and do what amounts to a quick press conference and rally for fans and media. We would take a few questions, sign some autographs and then the RV pulls out of town and is off to the next stop. We are making similar stops near city hall in Boston, where we believe Mayor Menino will join us, and Mayor Ted Gatsas an Governor John Lynch are meeting us at Manchester City Hall for a sidewalk stop there as well.

We seek permission to do the same event in Portsmouth in a high visibility area like Market Square, and we would LOVE to have city representation, from either the Mayor or the City Manager, Mr. John Bohenko. Ideally, if either would like to say a few words in the spirit of our "campaign stop", we would be delighted.

This is all in the spirit of summer fun, no zingers aimed at one side or the other, perhaps poking fun at politics in general, but Jeff is a class act and a really nice guy. Ironically, he is known as the "Mayor of NASCAR" in inner race circles for a variety of reasons, mainly that he is a respected voice among drivers.

Again, we are delighted at the prospect of making a brief stop in Portsmouth and please let us know what more information you might need to make this happen.


Sincerely,

Kristen Costa  
Director of Communications  
New Hampshire Motor Speedway



**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

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*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.

.....  
***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 16<sup>th</sup> 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>
<b>TOTAL NET ANNUAL PROJECTED REVENUE IMPACT:</b>	<b>\$ 54,200</b>

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 25<sup>th</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> City Council meeting)**. As you will recall, at the July 16<sup>th</sup> 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 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. 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 Noucas, 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 15<sup>th</sup> 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 15<sup>th</sup>—up from No. 34 last year”.

**CITY OF PORTSMOUTH**

**LEGAL DEPARTMENT**

**MEMORANDUM**

DATE: July 25, 2012  
TO: JOHN P. BOHENKO CITY MANAGER  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: QUESTIONS CONCERNING SALE OF CONNIE BEAN CENTER



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This memorandum responds to your request of this date for comment concerning certain questions raised by City Councilors Clayburgh and Smith regarding the potential sale of the Connie Bean Center. The questions and comments follow:

**Councilor Clayburgh:**

Q: I am in favor of the sale of the Connie Bean Center with the City having right of first refusal if the property should come up for sale in the future. Also, there must be a stipulation that the "1916 exterior must be restored".

A: Although rights of first refusal are not favored at law because they are restrictions on future alienation of property, such rights can be legally enforceable. The key would be proper drafting of the restriction for placement in the City's deed conveying the property. Proper drafting would require detail as to the intent of the provision and the specific terms of the right of first refusal. In my past experience such a right of first refusal might be that before any future owner of the Connie Bean Center could sell the property that owner would have to offer the property to the City under the same terms and conditions under which it might be sold. The City would have a short period of time in which to either accept or reject the opportunity to purchase the property under those same conditions. Including such provision in a deed would not be welcome by any party interested in buying the property from the City thus might have some effect on the amount of money which the City could receive from selling the property.

The City could place an enforceable restriction in any deed by which the Connie Bean Center was sold which would require all future owners of the property to maintain the exterior of the 1916 section of the building in its current appearance. In fact, due to recent Cy Pres proceedings in Superior Court, such a restriction will be required in any deed or lease.

**Councilor Smith:**

Q: Putting restrictions on the property that a court could remove?

A: The City has been able at other locations to remove restrictions placed on property by utilizing its power of eminent domain. Eminent domain is available only to the government. It would not be possible for a private property owner to remove such a restriction by use of eminent domain. However, it should be anticipated that future owners of the property could question the intended purpose of any restrictions and possibly litigate over their validity. See, for example, the discussions of restrictions on alienation described above in response to a request from Councilor Clayburgh.

Q. First right of refusal so that it maintains with the property for continual sales, because I don't want one sale to take place and then we lose our rights.

A: If properly drafted, a right of first refusal would survive subsequent transfers of the property and continue to be enforceable by the City.

Q: On the land lease would we lose the possibility of value on the building because of the many deed restrictions the City would keep?

A: Any type of restriction which the City puts on the property and any type of right which the City seeks to keep the property after it has been conveyed, whether by sale or lease, should be expected to have a negative effect on the value of the building to be received by the City.

# Art-Speak

CITY OF PORTSMOUTH CULTURAL COMMISSION

July, 2012

To: Nancy Carmer, City of Portsmouth

From: Art-Speak Board of Directors

Re: Funding relating to the 2011 Americans for the Arts survey

Dear Nancy,

The Art-Speak Board of Directors would like to request financial support for the dissemination of information from the 2011 Americans for the Arts **Economic Prosperity IV Survey**. This is the third such survey conducted by the national AFTA organization in partnership with Art-Speak. Art-Speak is solely responsible for acquiring data from local arts and cultural nonprofits and conducting over 800 audience surveys representing over 2,000 individuals.

Arts & Economic Prosperity IV provides compelling new evidence that the nonprofit arts and culture are a significant industry in the Greater Portsmouth Area—one that generates \$41.4 million in total economic activity. This spending—\$10.5 million by nonprofit arts and culture organizations and an additional \$30.9 million in event-related spending by their audiences—supports 1,270 full-time equivalent jobs, generates \$26.6 million in household income to local residents, and delivers \$4.9 million in local and state government revenue. This economic impact study sends a strong signal that when we support the arts, we not only enhance our quality of life, but we also invest in the Greater Portsmouth Area's economic well-being.

The results of the survey are used by our local arts & cultural organizations in applying for grants and procuring other funding. The results can also be used by the Portsmouth Chamber and the City of Portsmouth in describing our vibrant economy to new businesses and tourists.

In 2007, the EDC generously assisted Art-Speak with UDAG funds which helped off set the printing of informational brochures about the survey results. At this time, we would like to request \$1400 (printing costs) to support our current efforts. Plans to roll out this year's data include

- Printing 5,000 brochures which will be distributed to local arts organizations and businesses for use by both staff and the public for the next 5 years.
- Bringing Randy Cohen, AFTA Vice President of Research and Policy, to Portsmouth for addresses at the September 13 Chamber Breakfast and Rotary Lunch plus a September 14 public reception and workshop for nonprofits.
- Hosting a dinner for Mr. Cohen with some arts & culture and city leaders.

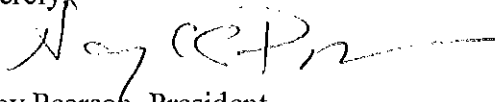
Funds from UDAG would be used in conjunction with grants already received from the NH Charitable Foundation and the Portsmouth Rotary totaling \$4000.



Attached please find the initial budget for this project. Note that the since Art-Speak is not currently employing a Coordinator, activities are currently being coordinated by the board. We do hope to be hiring a Program Coordinator before September. The Portsmouth Sheraton is kindly donating 2 nights lodging.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nancy Pearson', with a long horizontal flourish extending to the right.

Nancy Pearson, President  
Art-Speak

**ART-SPEAK  
AFTA BUDGET  
(Revised)**

	Hard Costs			In-Kind Expenses		TOTAL
	Labor \$32.19/hr	AFTA Contract	Printing	Services	Total	
1. Data Collection						
Organization Surveys						
Disseminate Surveys	\$258					\$258
Follow up organizations	\$773		\$50	\$320	\$320	\$1,143
Audience Surveys						
Compile Calendar of Events	\$644			\$400	\$400	\$1,044
Assign Boardmembers to events	\$258			\$480	\$480	\$738
Contact Event Organizers	\$258			\$160	\$160	\$418
Conduct Surveys			\$150	\$4,000	\$4,000	\$4,215
Compile surveys/Send to AFTA	\$773		\$25			\$798
2. Data Analysis						
AFTA Analysis	\$258	\$2,200		\$3,500	\$3,500	\$5,958
3. AFTA Roll-out/Release of Study						
Brochure			\$1,400		\$1,000	\$2,400
Invitations/Save-the-Dates			\$1,000		\$750	\$1,950
Speaker's Fee Randy Cohen, AFTA		\$1,000				\$1,000
Lodging- Randy Cohen				\$600	\$600	\$600
Car rental- Randy Cohen						\$500
Conduct presentations						\$0
Breakfast Reception					\$1,600	\$1,600
Meals- Randy Cohen						\$750
Meals- Guest Speakers & other guests						\$250
						\$800
<b>TOTAL AFTA ROLL-OUT</b>					\$3,950	\$9,850
<b>TOTAL COSTS</b>	\$3,222	\$3,200	\$2,550	\$4,100	\$12,810	\$30,322

## **SURPLUS VEHICLES/EQUIPMENT PUBLIC WORKS JULY 2012**

### **ITEM #1 -VEHICLE (H-9)**

2001 Chevrolet Silverado 4X4, ¾ Ton, Pickup  
Vin # 1GCHK24UX1E282559  
Mileage: 49,886 miles

### **ITEM #2 - VEHICLE (H-23)**

2001 Chevrolet Silverado 4x4, ¾ Ton, Utility Body  
Vin # 1GCHK24U71E282406  
Mileage: 129,289 miles

### **ITEM #3 - VEHICLE (H-36)**

2001 Chevrolet Silverado 4x4, 1 Ton Dump Body  
Vin # 1GBJK34G41E280991  
Mileage: 83,078 miles

### **ITEM #4 - VEHICLE (H-125)**

2000 Chevrolet Express Passenger Van  
Vin # 1GAHG39R8Y1207221  
Mileage: 53,633 miles

### **ITEM #5 - VEHICLE**

1996 Ford Ranger Pickup  
Vin # 1FTCR10U6TTA65868  
Mileage: 54,894 miles

### **ITEM #6 - VEHICLE (H-144)**

2003 Geneva 14 foot Recycling Trailer  
Vin # 4BEUS14183VNMC213  
Mileage: 36,797 miles

### **ITEM #7 – VEHICLE - Ambulance**

2002 Ford Chassis Ambulance  
Vin # 1FDXE45FX2HB59077  
Mileage: 93,085 miles

**SURPLUS VEHICLES/EQUIPMENT PUBLIC WORKS JULY 2012  
(continued)**

ITEM #8 – Riding Mower (H-88)  
1998 Toro Riding Mower  
Model # 73545  
Serial # 8901130  
Hours: 1027

ITEM # 9 – Riding Mower (H-93A)  
1998 Toro Riding Mower  
Model # 73545  
Serial # 8901116  
Hours: 692

ITEM # 10 – Riding Mower (H-93B)  
1998 Toro Riding Mower  
Model # 73545  
Serial # 8901126  
Hours: 830

ITEM #11 – Holder Backhoe Attachment  
Holder Backhoe Attachment  
Manufacturer: Bradco  
Model # 9MD2  
Serial # 89MD2DJ127

ITEM # 12 – Plow/Frame  
Minute Mount Plow/Frame  
Manufacturer: Fisher  
Serial # 98531

**SURPLUS VEHICLES/EQUIPMENT PUBLIC WORKS JULY 2012  
(continued)**

ITEM # 13 – Standby Generator  
Standby Generator Natural Gas Fired  
Manufacturer: Onan  
Model # 45.0EM-15R7796D  
Serial # 1271346491  
3 Phase – 45KW, 1 Phase – 30KW  
Hours: 223

ITEM #14 – Standby Generator  
Standby Generator Gasoline Fired  
Manufacturer: Generac  
Model # 440FDR801G04S15  
Serial # SL3327402  
3 Phase – 100KW  
Hours: 148

ITEM #15 – Standby Generator  
Standby Generator Diesel Fired  
Manufacturer: DMT Corp.  
Model # DMT 300CA  
Serial # 90540 A-1  
Volts: 277/480  
Hertz: 60  
3 Phase – 300KW  
Hours: 647

## **POLICE DEPARTMENT SURPLUS VEHICLES – JULY 2012**

### **ITEM #16 - VEHICLE**

2002 Chevy Astro van

VIN # 1GNEL19XX2B142082

AWD 6 cyl, automatic,

Mileage: 92783

Color: Brown

Problems: Door sills rusting,  
Rear window defroster inop.  
Needs air bag sensor  
Transfer case slipping

### **ITEM #17 – VEHICLE (CAR 11)**

2004 Ford Crown Victoria

VIN # 2FAHP71W34X175057

Mileage: 97245

AC heavy duty police package options.

Cloth Bucket Seats

Color: Silver

Problems: Needs AC compressor.  
Complete rear braking system to include sensors, backing plates, e-brakes, axle seals, pads, rotors, and hardware.

## **FIRE DEPARTMENT SURPLUS VEHICLE – JULY 2012**

### **ITEM #18 - VEHICLE**

2003 Ford Expedition XLT

VIN # 1FMFU16L03LC00784

Mileage: 92,418

## OFFICE OF THE CITY CLERK

### MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Kelli L. Barnaby, City Clerk *klb*

DATE: July 24, 2012

SUBJECT: Polling Hours for September 11, 2012 State Primary Election

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In accordance with RSA 659:4, the City Council shall determine the polling hours for the election. I would request that the polling hours be set from 8:00 a.m. - 7:00 p.m. for the State Primary Election.

If you have any questions, please do not hesitate to contact me.

Run: 8/01/12  
7:52AM

## Event Listing by Date

Page: 1

Starting Date: 1/ 1/2012

Ending Date: 12/31/2012

Start End	Type Description	Location	Requestor	Vote Date
1/ 1/2012 1/ 1/2012	ROAD RACE	Little Harbour School	Great Bay Services	4/ 4/2011
	Stu Simon is the contact for this event - 436-2014. This event begins at 11:00 a.m.			
2/13/2012 2/13/2012	CONCERT	Chestnut Street	African Burying Ground Committ	12/19/2011
	Vernis Jackson is the contact for this event.			
3/11/2012 3/11/2012	ROAD RACE	Pease Tradeport	St. Paddy's 5 Miler	3/15/2012
	Todd Hanson is the contact for this event. He can be reached at 436-2551. This event starts at 10:30 a.m.			
3/25/2012 3/25/2012	ROAD RACE	Portsmouth High School	Eastern States 20 Mile	1/17/2012
	Donald Allison is the contact for this event. This event begins at Portsmouth High School to Route 1A South. The event begins at 11:00 a.m.			
4/14/2012 4/14/2012	ROAD RACE	Baptist Church - Miller Avenue	St. John's Lodge - Out of Hibe	2/ 6/2012
	Robert Sutherland, Jr. is the contact for this event. This event begins and ends at the Baptist Church on Miller Avenue. Race starts at 9:00 a.m.			
4/14/2012 4/14/2012	WALK	Little Harbour School	National Multiple Sclerosis So	12/19/2011
	Heidi R. Roy, Development Manager is the contact for this event. This event begins and ends at Little Harbour School, from 10:00 a.m. to 2:00 p.m.			
4/15/2012 4/15/2012	ROAD RACE	Pease Tradeport	Sexual Assault Support Service	2/ 6/2012
	Olivia Kopri is the contact for this event. This event begins at approximately 11:00 a.m. This event starts and finishes at Martin's Point Health Care.			
4/15/2012 4/15/2012	WALK	City Hall	Walk for Faith	12/19/2011
	Randy Eaton is the contact of this event. The event beings at City Hall and ends at Prescott Park, starting at 1:00 p.m.			
5/ 6/2012 1/ 3/2012	BIKE TOUR	Little Harbour School	American Lung Association	12/19/2011
	Kathryn M. Libby is the contact for this event. This event begins at 7:00 a.m. and ends at approximately 4:00 p.m.			
5/ 6/2012 5/ 6/2012	FESTIVAL	Downtown Portsmouth	Pro Portsmouth - Children's Da	1/18/2012
	Barbara Massar is the contact for this event. This event begins at Noon until 4:00 p.m.			
5/ 6/2012 5/ 6/2012	WALK	Lower Parking Lot of City Hall	AIDS Response Seacoast	1/17/2012
	Barbara Kautz is the contact for this event (207-363-5833). This event begins at 10:00 a.m. and the walk starts at 2:00 p.m. and ends around 5:00 p.m.			
5/12/2012 5/12/2012	ROAD RACE	Pease Tradeport	Portsmouth High School ECO Clu	2/21/2012
	Kimberly McGlinchey and Deirdre Barrett are the ECO Club Advisors and they are the contacts for this event. The time of this event is 1:00 p.m. to 3:00 p.m.			



## Event Listing by Date

Starting Date: 1/ 1/2012  
Ending Date: 12/31/2012

Start End	Type Description	Location	Requestor	Vote Date
5/12/2012 5/12/2012	ROAD RACE Deborah Peretz is the contact for this event. This event begins at 9:00 a.m.	Strawberry Banke	Susan G. Komen for the Cure	10/ 3/2011
5/19/2012 5/20/2012	BIKE TOUR Kelly Sicard is the contact for this event. Tel. (603)669-2411 ex. 120	Pease International Tradeport	Breathe New Hampshire	3/ 5/2012
5/19/2012 5/19/2012	ROAD RACE Doug Bates is the contact for this event. This event is part of the Greater Portsmouth Chamber of Commerce Road Race series. This event begins and ends at the YMCA on Peverly Hill Road.  **This event has been canceled.	YMCA - Peverly Hill Road	GPCC - YMCA - CANCELED	12/19/2011
5/20/2012 5/20/2012	MARCH Contact Mylene Hollick. Starting and Finishing at Little Harbour Elementary School from 9:00 a.m. to 1:00 p.m.	Little Harbour School	Seacoast March for Babies	5/ 7/2012
5/27/2012 5/27/2012	ROAD RACE Jeanine Sylvester is the contact for this event. This event begins at 11:00 a.m.	Redhook Ale Brewery	Runner's Alley	2/ 6/2012
6/ 9/2012 6/ 9/2012	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Downtown Portsmouth	Pro Portsmouth - Market Square	1/17/2012
6/ 9/2012 6/ 9/2012	ROAD RACE Barbara Massar is the contact for this event. This is the Market Square Day Road Race that starts at 9:00 a.m. in Market Square.	Starts in Market Square	Pro Portsmouth - Market Square	2/17/2012
6/23/2012 6/23/2012	FESTIVAL This is a Summer in the Street Music Series. It begins at 5:00 p.m. to 9:30 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - summer in the	1/17/2012
6/24/2012 6/24/2012	MARCH This event begins at 8:30 a.m. - the route from the William Pitt Tavern on Court Street to Atkinson Street down State Street then up Chapel Street to the Church.  Robert Sutherland, Jr. is the contact for this event - 436-1095.	Masonic Lodge - Miller Avenue	St. John's Lodge	6/11/2012
6/30/2012 6/30/2012	FESTIVAL Barbara Massar is the contact for this event. This is Summer in the Streets event beginning at 5:00 p.m. to 9:00 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - Summer in the	1/17/2012
7/ 3/2012 7/ 3/2012	FIREWORKS Fireworks begin at 9:15 p.m.	Leary Field	City of Portsmouth	1 /

## Event Listing by Date

Starting Date: 1/ 1/2012

Ending Date: 12/31/2012

Start End	Type Description	Location	Requestor	Vote Date
7/ 7/2012 7/ 7/2012	FESTIVAL Barbara Massar is the contact for this event. This is a part of the Summer in the Streets series that begins at 5:00 p.m. and ends at 9:30 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - Summer in the	1/17/2012
7/ 7/2012 7/ 7/2012	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race Series. It begins and ends at Little Harbour School at 9:00 a.m.	Little Harbour School	GPCC - Harbour Trail	12/19/2011
7/ 8/2012 7/ 8/2012	PARADE Contacts: Peter Somssich and Josh Denton Begins from City Hall lower lot area at 2:00 p.m. and proceed through downtown.	Begins at City Hall lower lot area and proceeds th	Welcome Home, Iraq Veterans Pa	3/19/2012
7/14/2012 7/14/2012	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in Street Series. It begins at 5:00 to 9:30 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - Summer in the	1/18/2012
7/14/2012 7/14/2012	FUND Contact:: Mark Herrholz, Secretary, Portsmouth Professional Fire Fighters	Market Square	Portsmouth Professional Firefi Boot Drive for MDA 8:00 a.m. to 5:00 p.m.	5/21/2012
7/15/2012 7/15/2012	ROAD RACE Brenda M. Bionigen is the contact of this event. Her cell number is (603) 475-4080	Pease Tradeport - Great Bay Community College	The Minuteman Fund	3/ 5/2012
7/21/2012 7/21/2012	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Streets begins at 5:00 p.m. to 9:30 p.m.	Downtown - Pleasant Street - between State Street	Pro Portsmouth - Summer in the	1/17/2012
7/28/2012 7/28/2012	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series that begins at 5:00 p.m. and ends at 9:30 p.m.	Downtown - Pleasant Street - between State Street	Pro Portsmouth - Summer in the	1/17/2012
7/28/2012 7/28/2012	RACE Contact Alyssa Aldrich Close Chestnut Street on Saturday, July 28, 2012 from 4:00 p.m. to 6:00 p.m. (Rain date of Saturday, August 4, 2012)	Chestnut Street	Big Brothers Big Sisters of th	5/ 7/2012
8/ 2/2012 8/ 2/2012	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race series. It begins and ends at Peirce Island at 6:00 p.m.	Peirce Island	GPCC - Portsmouth Rotary Club	12/19/2011
8/ 4/2012 8/ 4/2012	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Street series which begins at 5:00 p.m. and ends at 9:30 p.m.	(Raindate)Downtown - Pleasant Street/State and Squ	Pro Portsmouth - Summer in the	1/17/2012
8/ 8/2012 8/ 8/2012	FESTIVAL Doug Bates is the contact for this event. This is the 2012 Greater Portsmouth Chamber of Commerce Annual Dinner "Celebrating Portsmouth Business".	Pleasant Street from State to Congress Street	Greater Portsmouth Chamber of	2/17/2012

## Event Listing by Date

Starting Date: 1/ 1/2012

Ending Date: 12/31/2012

Start End	Type Description	Location	Requestor	Vote Date
8/18/2012 8/18/2012	BIKE TOUR Heidi R. Roy, Development Manager is the contact for this event. Her contact number: 623-3502. The race enters Portsmouth on Ocean Road to Banfield Road to a left on Peverly Hill Road, Right onto Middle Road, bear right onto South Street, right onto Marcy Street, left on Route 1B south, across into New Castle follow thru New Castle, left onto Sagamore Road to rotary, around rotary to Route 1A south to Odiorne State Park	Thru South End	National Multiple Sclerosis So	4/ 2/2012
8/18/2012 8/18/2012	FUND Contact: Mark Herrholz, Secretary, Portsmouth Professional Firefighters - Boot Drive for MDA 8:00 a.m. to 5:00 p.m.	Market Square	Portsmouth Professional Firefi	5/21/2012
9/ 9/2012 9/ 9/2012	BIKE TOUR Susanne Delaney or Catherine Keenan are the contacts for this event. This event begins and ends at Market Square.	Downtown	Portsmouth Criterium	12/ 6/2011
9/14/2012 9/16/2012	TELLURIDE Chris Curtis is the contact for this event. He can be reached at 766-2199. This is the Annual Telluride by the Sea Weekend Celebration of Film. They will be closing Chestnut Street from Congress to Porter Street. They will also be hanging a banner across the Congress Stree end of Chestnut,	Chestnut Street	Music Hall	7/16/2012
9/15/2012 9/15/2012	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race series - it begins at 9:00 a.m.	Little Harbour School	GPCC - BreastCancerStories.org	12/19/2011
9/15/2012 9/16/2012	TOUR Caroline Amport (686-4338) and Nancy Pollard are the contacts for this event. This event begins on Saturday, September 15th from 9:00 a.m. to 1:00 p.m. and Sunday, September 16th - 11:00 a.m. to 3:00 p.m.	South End	Friends of the South End	2/ 6/2012
9/22/2012 9/22/2012	FUND	Prescott Park	New Hampshire Fish and Lobster	/ /
9/23/2012 9/23/2012	WALK Caitlyn Mosher Ellis, Development Officer is the contact for this event. This event begins and ends at Strawberry Banke. Set up 6:00 a.m., race begins at 10:00 a.m., Post walk cleanup completed by approx. 2:00 p.m.	Strawbery Banke	Alzheimer's Association	7/16/2012
9/29/2012 9/30/2012	FESTIVAL Maritime Folk Festival on September 29th and September 30th - On September 29th.	Portsmouth - downtown area - Pending Approval	Maritime Folk Festival	6/11/2012
9/29/2012 9/29/2012	ROAD RACE Karen Butz Webb is the contact for this event. This event begins and ends at Portsmouth High School. the course starts at Portsmouth High School, left onto South Street, right onto Middle Street, bear right to Court Street, right onto Marcy Street back to South and finishing at the PHS.	Portsmouth High School	Project Safety	2/21/2012
9/29/2012 9/29/2012	WALK Ken La Valley is the contact for this event - 603-862-4343. Registration for this event begins at 8:00 a.m. and the walk duration is 10:00 a.m. to Noon. The walk would begin and end on Peirce Island near the outdoor pool. Walkers would make a 2.6 mile loop starting from Peirce Island to Marcy Street, continuing onto South Street, Miller Avenue, Middle Street, State Street and finishing at Peirce Island.	Peirce Island	American Foundation for Suicid	4/ 2/2012

Run: 8/01/12  
7:52AM

## Event Listing by Date

Page: 5

Starting Date: 1/ 1/2012

Ending Date: 12/31/2012

Start End	Type Description	Location	Requestor	Vote Date
10/13/2012 10/13/2012	ROAD RACE Doug Bates is the contact for this event. This event is the for the Community Child Care and it is part of the Road Race series. This event begins at 9:00 a.m.	Little Harbour School	GPCC - Community Child Care	12/19/2011
11/11/2012 11/11/2012	ROAD RACE Jay Diener, Co-Race Director is the contact for this event. This race begins and ends at Portsmouth High School.	Portsmouth High School	Seacoast Half Maranthon	3/20/2012
11/22/2012 11/22/2012	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race Series. The event begins at 8:30 a.m.	Prescott Park	GPCC - Seacoast Rotary Club -	12/19/2011

CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM

RECEIVED

JUL 27 2012


CITY MANAGER  
PORTSMOUTH, NH

DATE: July 26, 2012

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY

RE: REMOVAL OF BOARD OF ADJUSTMENT (BOA) MEMBER



At the last meeting of the City Council it was requested that the Legal Department provide a memorandum outlining the law and process by which a member might be removed from the BOA.

**RSA 673: 13 REMOVAL OF MEMBERS**

At RSA 673:13 state law outlines the removal procedure applicable to an appointed or alternate member of a local land use board, including the BOA. The relevant provision of RSA 673:13 states the following:

"I. After public hearing, appointed members and alternate members of an appointed local land use board may be removed by the appointing authority upon written findings of inefficiency, neglect of duty, or malfeasance in office."

Insofar as it is the City Council which appoints members of the Board of Adjustment, the public hearing described in the previous provision would be held by the City Council.

**Relevant Case Law**

The New Hampshire Supreme Court provides some guidance as to what the term "malfeasance in office" means in relation to RSA 673:13. According to the Court in *Williams v. City of Dover*, "malfeasance must have direct relation to and be connected with the performance of official duties...it does not include acts and conduct which, though amounting to a violation of criminal laws, have no connection with the discharge of official duties." 130 N.H. 527, 529 (1988) (citing *Wilson v. Council of City of Highland Park*, 278 N.W. 778 (1938)).

There is no similar case law guidance regarding the terms "inefficiency" or "neglect of duty".

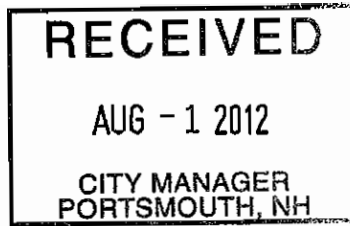
Malfeasance is more generally defined by Black's Law Dictionary as "wrongful conduct that affects, interrupts or interferes with the performance of official duties." Black's Law Dictionary 862 (5<sup>th</sup> ed. 1979). The public official must commit a wrongful act or omission that interrupts or interferes with their official duties and that act or omission must have a direct relation to the performance of official duties. Examples of malfeasance could involve: committing acts beyond the official's authority for improper reasons, committing an illegal act while performing duties related to the official's capacity (e.g. extortion or bribery) or generally misusing the public office while in the performance of his or her official duty.

We find no definition of "neglect of duty" beyond the common understanding of the term.

### **Recommended Procedure**

In accordance with all of the foregoing, if the Council wishes to proceed with the removal of a member of the BOA the following process is recommended.

1. A motion should be made, seconded and passed by majority vote at a City Council meeting to hold a public hearing on the removal of the member in question. The motion should name the individual and specify in as much detail as is practical the statutory basis for the removal (i.e. Inefficiency, neglect of duty, or malfeasance in office).
2. The Board member who is the subject of any removal proceeding should be provided with written notice of the Council motion initiating the removal proceeding before the public hearing. That person should also be provided with an opportunity to speak at the public hearing on removal.
3. Subsequent to the public hearing the City Council should vote on whether or not to remove the member from the Board.
4. If the Council votes not to remove the member from the Board no further action needs to be taken.
5. If the Council votes to remove the member from the Board then the Council must make written findings of the cause for removal and must file with the City Clerk, "a written statement of [the] reasons for removal" RSA 673:13 III.



REC'D AUG 1 2012

*PPS*

August 1, 2012

John P. Bohenko, City Manager  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Notice of Termination of "Portwalk to City Parking Lot Lease"  
Premises located at Hanover Street, Maplewood Avenue and Deer Street

Dear John:

In accordance with Section 2 of the Portwalk to City Parking Lot Lease (the "Lease"), Parade Office, LLC hereby notifies the City that it will terminate the Lease on or after November 1, 2012, upon the mutual execution of a Site Review Agreement for the final phase of the Portwalk Project, under Site Plan Approval dated January 24, 2012, as amended.

As we ready to begin the final phase of the Portwalk Project, I would like to thank the City for its cooperation in making our property available for public parking during the interim development period.

Sincerely,

Parade Office, LLC

Jeffrey Johnston, Manager



# Spotlight/NH Quarterly

CITY IS ALSO RECOGNIZED BY CNN TRAVEL AND THE AMERICAN PLANNING ASSN.

## City of Portsmouth moves up to 15th on Forbes 2012 Best Cities for Job Growth

**PORTSMOUTH, NH** The city of Portsmouth enters the busy summer season with a great deal to be thankful for including the fact that the city remains attractive for business and tourism despite the economic turmoil that continues to affect much of the country.

For example, Forbes magazine has just released its 2012 listing of Best Cities for Job Growth and Portsmouth ranked 15th--up from No. 34 last year. Also, Where to Retire Magazine put Portsmouth in its top eight Places to Retire for 2011 and CNN Travel just last month named Portsmouth as one of Seven Great Memorial Day Getaways.

In addition, the American Planning Association's "Great Places in America" program included Market St. and Market Sq. as one of its 10 Great Streets.

While these accolades are wonderful, they come despite the substantial challenges over the past three years in attempting to provide the level of services and stable tax rates amid difficult economic times. Consequently, the city worked hard to absorb the decreases and, through careful planning and the adoption of conservative financial policies, has maintained city services and a tax climate that make Portsmouth an attractive place to live and conduct business.

Portsmouth is a small, historic city (pop. 20,700) on the banks of the Piscataqua River which separates Maine from New Hampshire. Although only 15 square miles in size, the city serves as a regional business center. The city is the 13th largest municipality in New Hampshire, but the 1,660 local businesses rank it fourth in the state relative to number of companies.

Portsmouth is one of New England's creative communities where



Market St., Portsmouth, N.H.

the quality of life is directly connected to higher concentrations of creative workers and creative industries. On any given weekend there are hundreds of visitors patronizing over 150 restaurants, numerous theatres, historic houses and art galleries. The city has superb interstate highway access, excellent schools and city services, a low crime rate and is within an hour drive of Boston, Portland, Maine and the White Mountains.

For employers, Portsmouth is an ideal business location as it offers a well-educated workforce with over

48% of residents holding a bachelor degree or higher. The city has worked diligently to attract a diverse array of business and the business base includes health care, insurance, finance, higher education, high tech, bio tech, government and tourism-related companies.

Those who have visited Portsmouth recently know that much of the city's vibrancy is derived from downtown activity. Easy access to the city and maintenance of downtown infrastructure are critical to sustaining that vitality. Toward that end, the city is moving forward with the I-95 Market Street Gateway Improvement Project. On the Maine border, the completion of the new Scott Ave. Bridge approach and the Memorial Bridge replacement

will result in a beautiful northern gateway to Portsmouth.

The city's Central Business District has experienced continued private investment. Most notable is PortWalk, a mixed use development planning to break ground on the third phase which included a 128-room hotel, two restaurants, three retail uses, and 92 residential units with associated parking.

Outside of downtown there has been a great deal of activity along the Lafayette Rd. corridor--including improvements at Southgate Plaza, construction of the new LEED designed Service Credit Union headquarters, a 40,000 s/f Chevrolet dealership and plans for a new \$10 million Army Reserve Center.

Pease International Tradeport continues to drive the local economy with 250 companies (<http://www.peasedev.org/pease-tenantlist.html>) and 7,000 workers, many in well paying technology and advanced manufacturing jobs. The relocation of firearms manufacturer Sig Sauer and 600 workers from its Exeter to Pease is significant and should attract new industry vendors to the city. Not to be discounted is the importance of the workforce development partnerships between businesses the educational institutions at Pease that will drive company growth in the future.

The city currently has a low unemployment rate of 3.6% due largely to the diversity and sophistication of Portsmouth companies. This is roughly half the national average and

one of the lowest in New England.

Sustained economic activity has helped the city's real estate market rebound from the recession. According to data from Grubb & Ellis Northern New England, there is positive absorption in the commercial and industrial markets. The office vacancy rate for the first quarter of 2012 is 17.8%, compared to 20.2% in the second quarter of 2011, while the industrial vacancy rate is 18.7%.

This summer, Portsmouth visitors will find a wide variety of shopping, arts and cultural offerings this summer. The seasonal theatre and concert series at waterfront Prescott Park (<http://www.prescottpark.org>) is in full swing with an impressive outdoor theatre and concert series. Likewise, ProPortsmouth has an exciting line up of performers for the popular weekend Summer in the Street outdoor evening performance program [www.proportsmouth.org/SummerintheStreet.htm](http://www.proportsmouth.org/SummerintheStreet.htm). As always, the Portsmouth Music Hall (<http://www.themusichall.org/>), Strawberry Banke Museum (<http://www.strawberrybanke.org/>), the historic homes and the 158 local restaurants welcome visitors to explore first class cultural events and dining throughout the season. And once again, Portsmouth retailers remain open late Friday evenings for shopping.

Portsmouth is fortunate to have great companies and business people in the community. The city remains well-poised for further economic growth.

### The Valentine Group completes leasing of 24,000 s/f Castle Commons

**WINDHAM NH** According to The Valentine Group, all of the 24,000 s/f at Castle Commons has been leased.



Ralph Valentine

Negotiations have just been completed with several medical practices to expand their services to an 11,400 s/f space in this recently renovated building

off I-93 at exit 3. The medical group includes New Hampshire's two largest privately held practices: Southern New Hampshire Internal Medicine and Derry Medical Center, as well as Derry Imaging Center, a National Medical Lab, and a Multi-Specialty Suite.

Ralph Valentine of The Valentine Gp. represented the landlord, Mashop Development LLC. The tenant was represented by Brian Morrisseau of The MBG Companies.

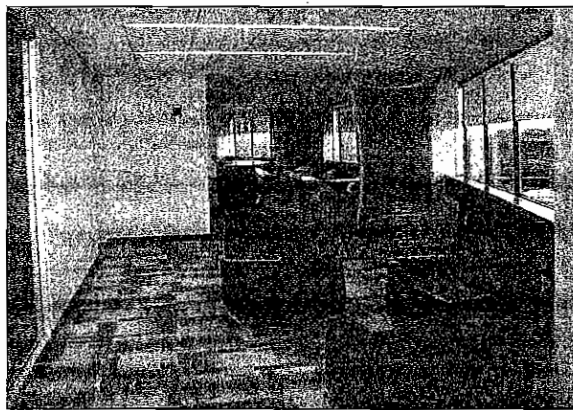
### 14,000 S/F HEADQUARTERS AT 650 ELM ST., MANCHESTER

## Sullivan Const. completes renovations for Harvard Pilgrim



**MANCHESTER, NH** Sullivan Construction has completed the renovations to the Harvard Pilgrim Healthcare 14,000 s/f headquarter's office at 650 Elm St., 7th floor. The project was fast tracked and completed ahead of schedule within budget.

This project was designed to meet USGBC's LEED Certification with SCI providing LEED administration.



### Shea leases 5,000 s/f in Salem Professional Park

**SALEM, NH** American Machine Vision has leased 5,000 s/f in the Salem Professional Park. The company, owned and operated by Brian Sanders, is relocating from 8 Industrial Way.



Harry Shea

The long term lease was handled for Brooks Properties by Eric Brooks with Robert Uttley and Harry Shea of Shea Commercial Properties representing American Machine Vision.

# Mayor's Blue Ribbon Committee on Sustainable Practices APPLICATIONS

## TO BE CONSIDERED:

- Andrew (Drew) Stadterman as a regular member

## INFORMATIONAL:

- No other applications on file

<b>SUSTAINABLE PRACTICES, BLUE RIBBON COMMITTEE</b>	<b>Appointed</b>
Blaisdell, Betsy	12/5/2011
Britz, Peter, Ex-Officio	7/15/2010
Cohen, Bert	3/6/2006
Cook, Robert	4/16/2012
Ellis, Patrick, School Board Rep.	1/17/2012
Epler, Gary	3/6/2006
Kennedy, Esther, Council Rep.	2/6/2012
Lown, Brad, Council Rep.	2/6/2012
Maher, Skye	3/6/2006
Martin, Drew	9/14/2009
Vacancy	



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

APR 0 6 2012

Committee: Sustainable Practices

Initial applicant

Name: Andrew (Drew) Stadterman Telephone: 603-957-1015

Could you be contacted at work?  YES  NO If so, telephone # 603-970-3616

Street address: 401 State Street Unit M504

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): andrew.stadterman@gmail.com

How long have you been a resident of Portsmouth? 2.5 years

Occupational background:

2008 - Present - Statistical Analyst - Liberty Mutual - Dover, NH

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

No direct experience with Sustainable practices, but provided the opportunity would educate myself on current and future practices.

OVER  
➔

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

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

Reasons for wishing to serve: I wish to serve on this  
Comm, Htee because it will provide me the  
opportunity to work with city to make  
Portsmouth a "green" city as well as working  
to save the town money through sustainable  
practices.

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

Big Brothers Big Sisters Greater Seacoast  
Mentor  
Board Member YP4M

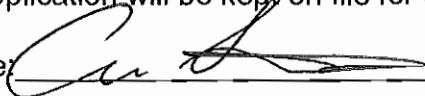
Please list two character references not related to you or city staff members:

1) Doug Mulford 208 Broad St. Apt. 2 Portsmouth, NH 603-501-9944  
Name, address, telephone number

2) Dr. James Rochefort 289 Lafayette Rd. Apt. 12 Portsmouth  
NH 603-990-6404  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: 

Date: 4/3/12

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

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

# Andrew Stadterman

401 State St.  
Unit M504  
Portsmouth, NH 03801  
603-957-1015  
Andrew.Stadterman@Gmail.com

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## **Objective**

To obtain a position on the Sustainable Practices Blue Ribbon Committee for the City of Portsmouth, NH. My current knowledge of sustainable practices as well as business background would make an ideal candidate to work with the Mayor and City Council to move Portsmouth to be greener and utilize these sustainable practices to save the city money.

## **Education**

2003 – 2008      **University of Vermont, Burlington, VT**      -      B.S. Business Administration – MIS Concentration

## **Work Experience**

**Liberty Mutual Group, Dover, NH- Commercial Markets Regulatory Reporting**      -      Statistical Analyst

*09/2009 – Current*

- Build on roles, skills, and knowledge obtained in Associate Statistical Analyst position
- Lead project for the development of a yearly report of multiple departments' insurance premium, written in the State of New York. This report is used by Corporate Taxation to provide the New York State Insurance Department the yearly premium written by county.
- Facilitated Regulatory Reporting's transition to Microsoft Office 2010. This role included organizing the testing of the new software with department specific programs, conveyance of prevalent information to the users, as well as support through the transition phase.
- Perform routine reconciliations of company insurance data filed to bureaus against company financial statements
- Define and maintain bureau conversion and reporting specifications according to bureau statistical plans
- Research, document, develop test plans, and communicate instructions to IT when complex changes to statistical plans are received from a statistical agent or internal customer
- Collaborate with various departments to gather data needed to analyze new requirements or requests for changes in statistical data needed to maintain integrity of company's coding structure.

**Liberty Mutual Group, Dover, NH- Commercial Markets Regulatory Reporting**      -      Associate Statistical Analyst

*08/2008 – 09/2009*

- Assist in the design, development, testing and implementation of new and revised systems that provide financial information and statistical data for accurate premium/loss data for bureaus, insurance regulators, customers and Business Units.
- Utilize advanced software knowledge to create and implement systems to streamline business processes
- Analyze current business methods for opportunities to increase efficiency
- Responsible for time sensitive insurance filings for internal and external customers

## **College Internships**

**Aegis Capital Corp., New York, NY**      -      Internship

*06/2007 – 08/2007, 12/2007 – 01/2008*

**State Street Corporation, North Quincy, MA**      -      Office of the CIO Internship Program - Business Analyst Intern

*06/2006 – 08/2006, 12/2006 – 01/2007*

**Oppenheimer & Co. Incorporated, New York, NY**      -      Internship

*06/2005 – 08/2005*

## **Computer Skills**

Proficient in Microsoft Word, Excel, Outlook, Access, PowerPoint, Visio, SQL, JCL with a strong knowledge of Microsoft Project, Java, C++, HTML, Corporate Procurement Systems

## **Achievements**

- Board Member of the Big Brothers Big Sisters of the Greater Seacoast - Young Philanthropists for Mentoring
- Boy Scouts of America Eagle Scout – 01/2003
- AICPCU Program in General Insurance – 06/2010
- Active in the Pan Mass Challenge Fundraiser for the Jimmy Fund
- Mentor in the Big Brothers Big Sisters of the Seacoast organization
- Boy Scouts of America Philmont High Adventure Backpacking Crew Leader – 08/2002





# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

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

JUN 28 2012 Mayor O.R. 99

Committee: BUILDING CODE BO OF APPEALS Renewing applicant

Name: LISA DE STEFANO Telephone: 603.498.3050 cell

Could you be contacted at work?  YES/ NO - If so, telephone # 603 - 431.8701

Street address: ONE HARBOUR PLACE, 4G, PORTSMOUTH

Mailing address (if different): 23 HIGH ST PORTS

Email address (for clerk's office communication): LDESTEFANO@DESTEFANOARCHITECTS.COM

How long have you been a resident of Portsmouth? 42 yrs

Occupational background:

ARCHITECT

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

Reasons for wishing to continue serving: I enjoy giving  
to the community, and with my background  
I can serve this board effectively

OVER  
➔



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

EDC, Chamber of Commerce, Board of  
Wentworth Douglas Hospital, Clipper  
Foundation, Pisc. Savings Board of Trustees,  
St. John Int. University Board, American Institute  
of Architects,

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

1) John Bowen, 96 Chestnut St, 427-5500  
Name, address, telephone number

2) EVELLETTE EMERSON BANK, State St, 433-4320  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 6/27/12

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 7-1-2017

Annual Number of Meetings:  $\phi$  Number of Meetings Absent:  $\phi$   
2009, 2010, 2011

Date of Original Appointment: 6/23/97

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



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

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

JUN 25 2012

Mayor's Office  
8/17

Committee: Building Code Board of Appeals

Renewing applicant Scanned

Name: Jeff Landry Telephone: 603 436-1931

Could you be contacted at work?  YES  NO - If so, telephone # 603-828-4076

Street address: 72 Nathaniel Dr Portsmouth NH

Mailing address (if different): 72 Nathaniel Dr Portsmouth NH

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

How long have you been a resident of Portsmouth? 53

Occupational background:

Woodworker leader, Portsmouth Navy Yard, former  
realestate, small construction business owner  
30+ years as a tradesman

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

Reasons for wishing to continue serving: want to be available if  
city needs it

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

Elks, Foster Parent, JP, notary,  
March 2012  
2011-2012

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

- 1) John Ricci, Taft Rd Portsmouth NH 436-3021  
Name, address; telephone number
- 2) Dick Holt, F.W. Hartford, Portsmouth NH 436-3099  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Jeffrey S. [Signature] Date: 6/25/12

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 07-01-2017

Annual Number of Meetings: 0 Number of Meetings Absent: N/A  
2009, 2010, 2011

Date of Original Appointment: 11/19/2007

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



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

*CDE*

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

Committee: RECREATION BOARD Renewing applicant scanned

Name: CARL F. DIEMER Telephone: (603) 431-2195

Could you be contacted at work?  YES  NO - If so, telephone # (603) 427-4517

Street address: 337 ALDRICH ROAD, PORTSMOUTH NH 05801

Mailing address (if different): SAME

Email address (for clerk's office communication): CDIEMER337@COMCAST.NET

How long have you been a resident of Portsmouth? 31 YEARS

Occupational background:

AUTOMOTIVE BUSINESS CONSULTING TO AUTO MANUFACTURERS  
AND LARGE DEALER GROUPS. BUSINESS IMPROVEMENT  
DESIGN AND IMPLEMENTATION

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

Reasons for wishing to continue serving: I HAVE ALWAYS ENJOYED VOLUNTEERING  
ON THE RECREATION BOARD BECAUSE OF ITS SCOPE OF RESPONSIBILITY  
TO THE COMMUNITY TO PROVIDE A COMPREHENSIVE PROGRAM  
OF RECREATIONAL ACTIVITIES AND ORGANIZED SPORTS PROGRAMMING  
FOR ALL AGES TO ENJOY. THE ACTIVITIES PROVIDE PHYSICAL FITNESS  
AND PROMOTE GOOD HEALTH TO ALL COMMUNITY MEMBERS.

OVER  
➔

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

PORTSMOUTH MUSIC CLUB, PHS  
BSA TROOP 164, NORTH CHURCH, PORTSMOUTH  
\_\_\_\_\_  
\_\_\_\_\_

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

- 1) TOM FERRINI, 64 TAFT RD, PORTSMOUTH, NH  
Name, address, telephone number
- 2) KEVIN ECKHART, 264 WALKER BUNGALOW, PORTSMOUTH NH  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

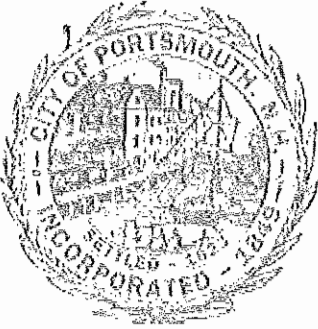
Signature: Carl A. Diemer Date: 4/1/12

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4-1-2015  
Annual Number of Meetings: 7 Number of Meetings Absent: 2  
Date of Original Appointment: 11-27-2000

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

ea2



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

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

APR 10 2012

Committee: Sustainable Practices Blue Ribbon Committee Initial applicant - second

Name: Nathan Alger Telephone: 860-888-3870 (cell)

Could you be contacted at work?  YES  NO If so, telephone # 603-430-9080

Street address: 122 Mill Pond Way #3, Portsmouth, NH 03801

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): natealger@hotmail.com

How long have you been a resident of Portsmouth? 5 years

Occupational background:

Financial Planner & Asset Manager at Ameriprise Financial  
currently, former: Field VP, Branch Manager at Ameriprise  
here in Portsmouth 2007-2011.

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

None.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES  NO (will attend April 26th mtg to do so)

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

Reasons for wishing to serve: Sustainable practices and recycling to make the town and community I live and work in is a passion of mine. I'd like to be involved in helping to increase awareness and implementation of sustainable practices here in Portsmouth.

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

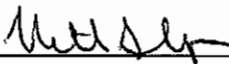
Big Brothers & Big Sisters - Board of Directors ; Big Brother  
Financial Planning Association of Northern New England - member/former Board Member  
American Legion  
Disabled American Veterans

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

- 1) Janet Sylvester, 40 Pleasant St, Portsmouth, Great Island Realty Cell: 603-237-9869  
Name, address, telephone number
- 2) Marty Lapham, 498 Central Rd, Rye, NH 978-502-5808  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 04-12-2012

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

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

# Nathan Alger

122 Mill Pond Way, Portsmouth, NH, 03801

(c) 860-888-3870 (w) 603-319-3138

natealger@hotmail.com

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## Experience:

### **Ameriprise Financial: Portsmouth, NH-Field Vice President-Associate Manager-Senior Financial Advisor-Associate Vice President-April-2007—Present**

- Responsible for 20+ Financial Advisors and Staff, with multi-million dollar revenues and general office culture and profit and loss statement
- Awards: President's Recognition Award-Quality of Advice, Mercury Award, 1<sup>st</sup> Year Top Achiever Award, Outstanding Leader Award, Circle of Success 2007,2008
- Work with hundreds of clients giving advice on cash management, fixed income, insurance protection, retirement assets, estate planning, individual securities, mutual funds, annuities, and the clients overall financial situation.

### **Ameriprise Financial: Hartford, CT-Financial Advisor-District Manager November 2002 – April 2007**

- Grew district in the office from 3 to 18 over the course of 2 years, and recognized as top 1 % of District Manager's in country
- Set up and ran sponsorship with UConn Sales Excellence Program

### **United States Army (82<sup>nd</sup> Airborne)/CT Army National Guard July 1997 – April 2008**

- Awards: Army Commendation Medal, Army Achievement Medal (4), Good Conduct Medal, Certificate of Achievement (6), Letter of Commendation (3)
- Schools: Basic Training, Advanced Individual Training (Air Defense/Infantry), Airborne School, Air Assault School, Total Army Instructor's Training Course, Small Group Instructor's Training Course

## Organizations:

- Volunteer: Habitat for Humanity, Big Brothers and Big Sisters, Juvenile Diabetes Research Foundation
- Chairman of the Board-Sante Center for Natural Healing
- Board Member-Financial Planning Association of Northern New England
- Board Member-Seacoast Big Brothers and Big Sisters

## Education/Designations:

- University of Connecticut, B.S. Accounting
- Chartered Retirement Planning Counselor, CRPC, 2006



**LICENSE AGREEMENT**  
**FOR ATLANTIC PARKING SERVICES, LLC**

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Atlantic Parking Services, LLC with a principal place of business at 125 Grove Street, Dover, NH 03820 (hereinafter jointly "Licensee") pursuant to the following terms and conditions:

1. **Area of License:** The City authorizes Licensee to use the loading zone at the intersection of Pleasant Street and State Street as shown on the attached Exhibit 1.
2. **Use:** Licensee may make use of the Licensed Area for the purpose of Licensee's parking valet service activities. Such activities are subject to the following conditions:
  - The hours of operation of the valet service are 5:00 p.m. to midnight Tuesday through Sunday.
  - No vehicles may be parked in municipal spaces (metered, garage or otherwise).
  - This license is non-exclusive and the loading zone will remain available for commercial loading purposes and for such additional purposes as the City may authorize or license.
  - Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
  - Atlantic Parking may erect, during inclement weather (only), a pop-up tent for protection of licensee's workers, but the tent must remain within the licensed parking space and shall not interfere with the use of any other space. In erecting and maintaining such a tent, Atlantic Parking will comply with any instruction as may be issued by the Parking Operations Supervisor.
3. **Signage:** This License Agreement also authorizes Licensee's use of one A-frame sign. Licensee shall coordinate the precise location of the signage with representatives of the City to ensure that pedestrian access and safety is maintained. Licensee will remove the sign when the valet service is not in operation.

4. **Term:** This license shall commence upon execution of this agreement and terminate on August 10, 2013. This License may be extended for an additional term during the calendar year 2013 upon the joint approval of the Parking Committee and the City Manager to continue valet service for a specified term.
5. **Payment Terms:** Licensee has tendered and the City has accepted the \$500.00 valet parking permit fee. No other payment is required.
6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its use of the Licensed Area. This obligation survives termination or revocation of this agreement.
7. **Insurance:** At all times during the use and exercise of this license, Licensee agrees to maintain comprehensive general liability insurance covering its operation under this license in an amount not less than \$1,000,000 per occurrence. Such insurance shall name the City of Portsmouth as an additional insured. Certificates indicating the existence of this insurance shall be maintained on file at all times during the license period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.
8. **Maintenance of Area:** Licensee will maintain the Licensed Area in neat and orderly fashion during Licensee's hours of use. The Licensee shall take such measures as may be necessary to maintain pedestrian and vehicular safety during use of the Licensed Areas for its valet service.
9. **Damage:** Licensee agrees to take reasonable steps to remedy promptly any damage to the Licensed Area caused by the Licensee's activities. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.
10. **Compliance With Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state or federal laws or regulations may, at the City's discretion, result in revocation.
11. **Revocation:** The City may terminate this agreement or any provision contained in this agreement on 72 hours written notice provided to Licensee if the public interest requires such termination, in which case all fees paid by Licensee shall be returned on a pro-rata basis. This agreement may be revoked or suspended immediately without notice by the City for cause, e.g. violation of the terms of this license, in which case, all fees paid by Licensee shall remain the property of the City.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012

**City of Portsmouth**

By: \_\_\_\_\_  
John P. Bohenko, City Manager

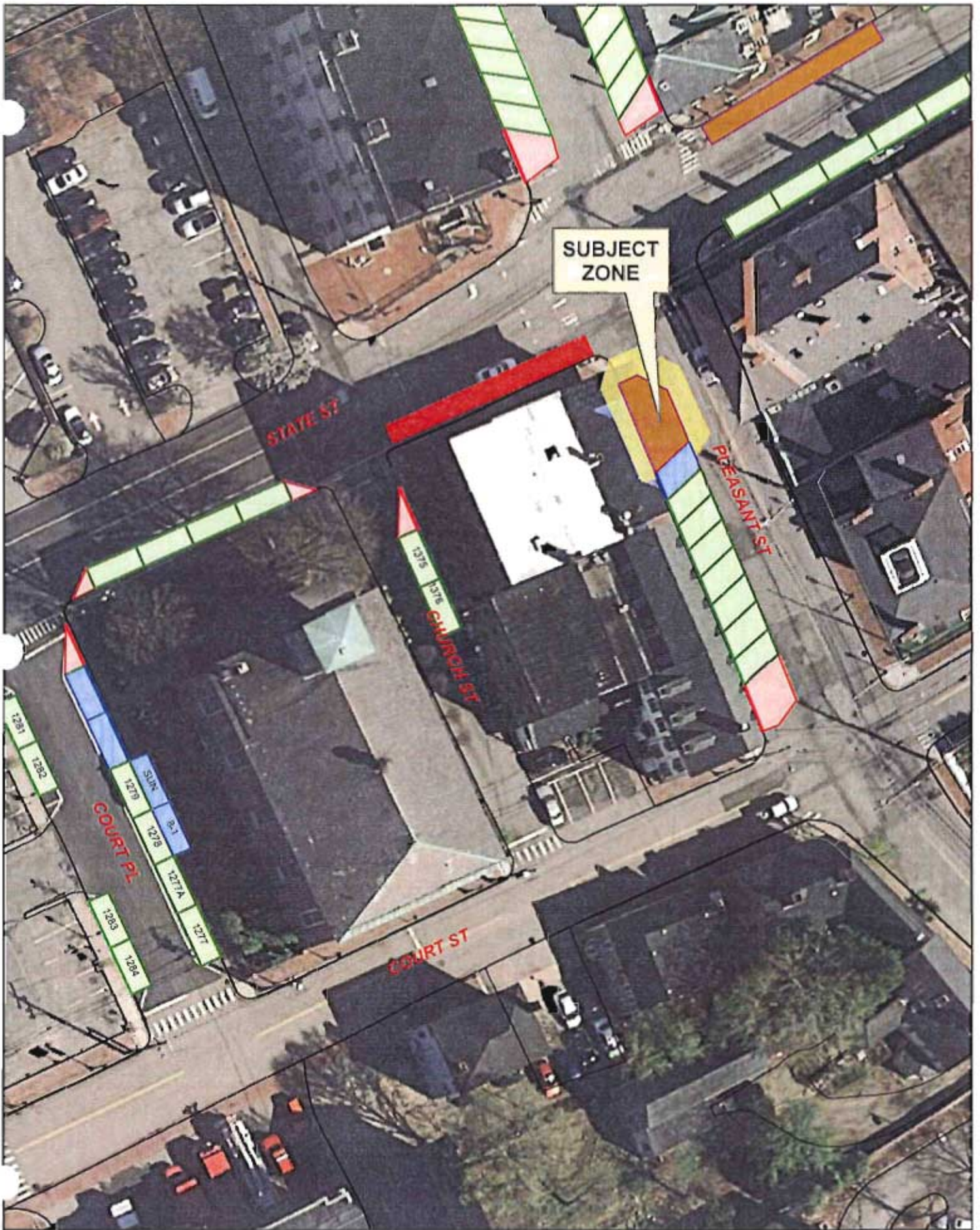
Pursuant to vote of the City Council of  
\_\_\_\_\_, 2012.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**Atlantic Parking Services, LLC**

By: \_\_\_\_\_  
Print Name \_\_\_\_\_  
Its Duly Authorized \_\_\_\_\_  
(title)





City of Portsmouth  
Pleasant Street Loading Zone  
Green Monkey/Braza Valet

**LICENSE AGREEMENT**  
**FOR ATLANTIC PARKING SERVICES, LLC**

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Atlantic Parking Services, LLC with a principal place of business at 125 Grove Street, Dover, NH 03820 (hereinafter jointly "Licensee") pursuant to the following terms and conditions:

1. **Area of License:** The City authorizes Licensee to use the loading zone on State Street as shown on the attached Exhibit 1.
2. **Use:** Licensee may make use of the Licensed Area for the purpose of Licensee's parking valet service activities. Such activities are subject to the following conditions:
  - The hours of operation of the valet service are 5:00 p.m. to 12:00 a.m., seven days a week. Upon approval of the City Manager, Licensee may extend valet service operations.
  - No vehicles may be parked in municipal spaces (metered, garage or otherwise).
  - This license is non-exclusive and the loading zone will remain available for commercial loading purposes and for such additional purposes as the City may authorize or license.
  - Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
  - Atlantic Parking may erect, during inclement weather (only), a pop-up tent for protection of licensee's workers, but the tent must remain within the licensed parking space and shall not interfere with the use of any other space. In erecting and maintaining such a tent, Atlantic Parking will comply with any instruction as may be issued by the Parking Operations Supervisor.
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4. **Term:** This license shall commence upon execution of this agreement and terminate one year from that date. .
5. **Payment Terms:** Licensee has tendered and the City has accepted the \$500.00 valet parking permit fee. No other payment is required.
6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its use of the Licensed Area. This obligation survives termination or revocation of this agreement.
7. **Insurance:** At all times during the use and exercise of this license, Licensee agrees to maintain comprehensive general liability insurance covering its operation under this license in an amount not less than \$1,000,000 per occurrence. Such insurance shall name the City of Portsmouth as an additional insured. Certificates indicating the existence of this insurance shall be maintained on file at all times during the license period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.
8. **Maintenance of Area:** Licensee will maintain the Licensed Area in neat and orderly fashion during Licensee's hours of use. The Licensee shall take such measures as may be necessary to maintain pedestrian and vehicular safety during use of the Licensed Areas for its valet service.
9. **Damage:** Licensee agrees to take reasonable steps to remedy promptly any damage to the Licensed Area caused by the Licensee's activities. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.
10. **Compliance With Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state or federal laws or regulations may, at the City's discretion, result in revocation.
11. **Revocation:** The City may terminate this agreement or any provision contained in this agreement on 72 hours written notice provided to Licensee if the public interest requires such termination, in which case all fees paid by Licensee shall be returned on a pro-rata basis. This agreement may be revoked or suspended immediately without notice by the City for cause, e.g. violation of the terms of this license, in which case, all fees paid by Licensee shall remain the property of the City.



Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012

**City of Portsmouth**

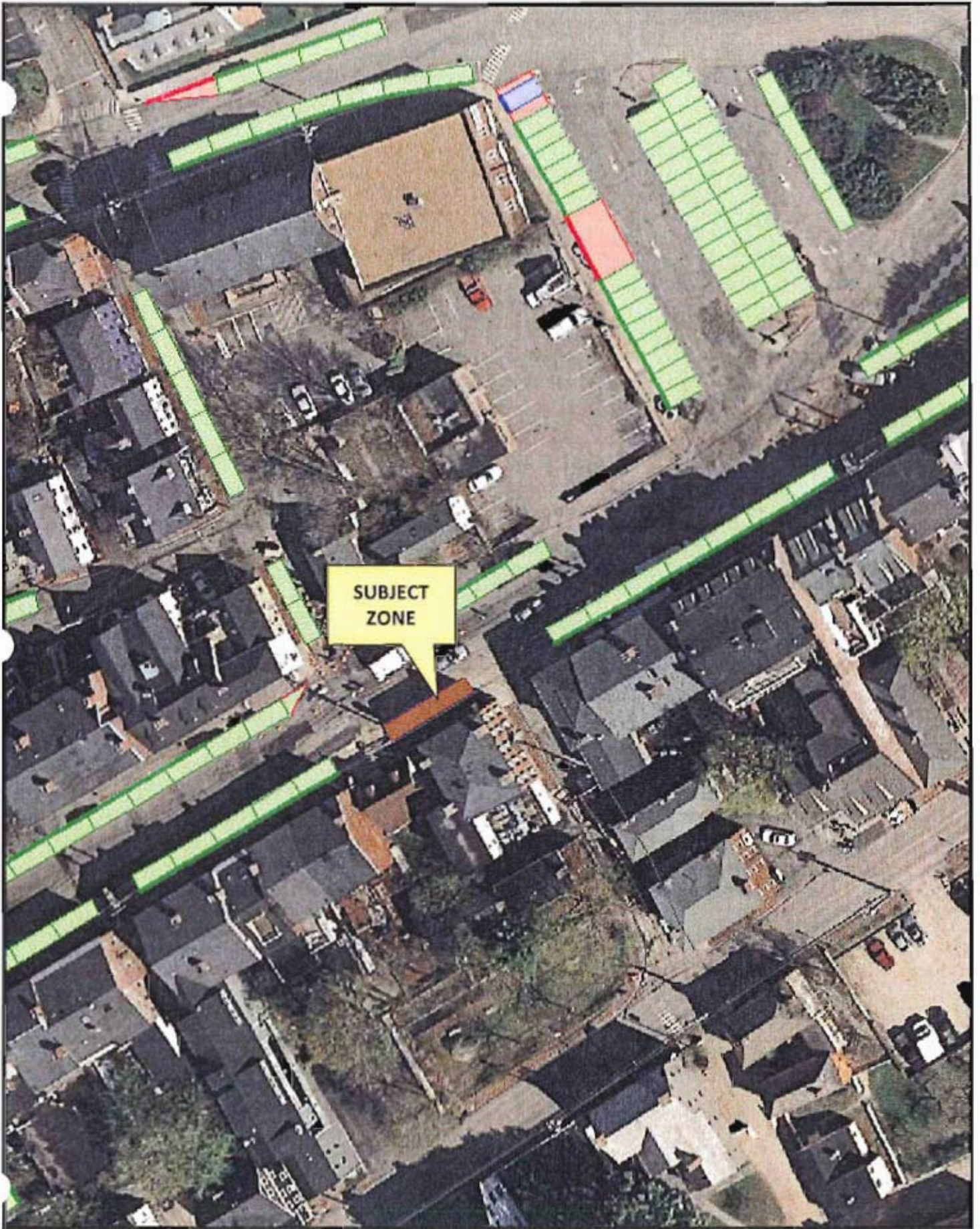
By: \_\_\_\_\_  
John P. Bohenko, City Manager

Pursuant to vote of the City Council vote  
of \_\_\_\_\_, 2012.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**Atlantic Parking Services, LLC**

By: \_\_\_\_\_  
Print Name \_\_\_\_\_  
Its Duly Authorized \_\_\_\_\_  
(title)



City of Portsmouth  
State Street Loading Zone  
Common Man Valet



# ACTION SHEET

## PARKING and TRAFFIC SAFETY COMMITTEE

Councilor Ken Smith, Chairman

To: City Council Meeting of August 6, 2012

Re: Parking and Traffic Safety Committee Meeting held July 12, 2012

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### ACTIONS:

- [1] Accepted and placed on file the minutes of the Parking and Traffic Safety Committee meeting held June 14, 2012.
- [2] **Financial Report – MOTION** made by Mr. Gray to accept the report, seconded by Mr. Cypher. **Motion passed.**
- [3] **Downtown Bicycle Rack Locations – City Council Referral – MOTION** made by Mr. Whitehouse to implement a pilot program to install a bicycle rack at the requested location on Market Street to end in October, seconded by City Manager Bohenko. **Motion FAILED** on a 3-4 roll call vote.  
**MOTION** made by City Manager Bohenko to instruct Public Works Department to install a bike corral in the parking lot at the corner of Hanover and Market Street and to recommend placement of a bike rack at the identified non-parking space in front of Izzy's on Bow Street as a Pilot Program until October, seconded by Public Works Director Parkinson. **Motion passed.**
- [4] **Parking – Maplewood Avenue – Referral from Mayor Spear - MOTION** made by Mr. Whitehouse to schedule a Work Session with Planning Staff at the next Parking and Traffic Safety Committee meeting, August 9, 2012, seconded by City Manager Bohenko. **Motion passed.**
- [5] **Bus Traffic – Middle School – Principal John Stokel presented the schedule for Bus Parking for the 2012-2013 School Year in relation to the continued Construction through August 2013 – No Committee action necessary**
- [6] **Woodbury Avenue – Traffic Safety Concerns – Resident Request – MOTION** made by City Manager Bohenko to include Woodbury Avenue and Maplewood Avenue in the consultant study currently being conducted for the downtown area to determine if warrants can be established for stop signs at the intersections discussed, with funding to come from the Parking and Transportation Fund, seconded by Deputy Chief DuBois. **Motion passed.**
- [7] **Jaywalking – At the request of Mr. Whitehouse, Chief DuBois explained the laws regarding "Jaywalking". No Committee Action was taken.**

- [8] **No Parking Here to Corner – South Mill Street** – Resident Request – **MOTION** made by Public Works Director Parkinson to accept and place on file, seconded by Mr. Gray. **Motion passed.**
- [9] **Request for Valet Parking Services, Common Man Restaurant on State Street** - Requested by Brian Slewinsky, Atlantic Parking Service (***Not on Agenda***) - **MOTION** made by City Manager Bohenko to suspend the rules to introduce this item, seconded by Mr. Whitehouse. **Motion passed.** **MOTION** made by City Manager Bohenko to approve request to utilize the loading zone area in front of the Common Man Restaurant from 5:00 p.m. to midnight, nightly, with cars to be parked at 1 Harbour Place Garage, for a 6 month trial period, seconded by Public Works Director Parkinson. **MOTION PASSED.**

**MINUTES**  
**PARKING AND TRAFFIC SAFETY COMMITTEE MEETING**

8:00 A.M. – Thursday, July 12, 2012  
City Hall – Eileen Dondero Foley Council Chambers

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**I. CALL TO ORDER:**

Chairman Ken Smith called the meeting to order at 8:05 a.m.

**II. ROLL CALL:**

**Members Present:**

Councilor Ken Smith, Chair  
John Bohenko, City Manager  
Steve Parkinson, Public Works Director  
Stephen Dubois, Deputy Police Chief  
Ron Cypher, Member  
Ted Gray, Member  
Harold Whitehouse, Member

**Member Absent:** Chris LeClaire, Fire Chief

**III. ACCEPTANCE OF THE MINUTES:**

**Mr. Cypher moved to accept the minutes of the June 14, 2012 meeting as presented. Seconded by Mr. Whitehouse and voted.**

**IV. FINANCIAL REPORT:**

**Mr. Gray moved to accept the Financial Report and place on file. Seconded by Mr. Cypher and voted.**

**V. REFERRALS:**

**A. Downtown Bicycle Rack Locations – City Council Referral**

Public Works Director Parkinson distributed a map outlining the locations of the 19 bike racks currently located in the downtown area with a total of 96 bicycle spaces.

City Manager Bohenko stated that staff went out to look at potential spaces and found a spot in front of Izzy's Ice Cream on Bow Street which isn't a parking space.

Chairman Smith stated the request of the Council was for a bike rack in a parking space in front of the Brewery on Market Street so that request should be voted before other suggestions are heard.

Mr. Whitehouse moved to install a bicycle rack at the requested location on Market Street, seconded by City Manager Bohenko.

Mr. Whitehouse stated he made the motion for discussion purposes only, but doesn't believe in taking a metered parking space for a bicycle rack.

City Manager Bohenko stated that the City of Portsmouth is a leader in sustainability efforts and feels that we should look at implementing a pilot program for a bicycle rack and suggested the motion be amended to implement it as a pilot program to be reevaluated in October. Mr. Whitehouse agreed to the amendment.

Mr. Whitehouse suggested contacting the U.S. Government regarding putting a bicycle rack in their parking lot. City Manager Bohenko stated he has contacted them in the past regarding public use of the parking lot but since 9/11, they are very strict with access.

Mr. Cypher stated he will not support this motion as Market Street is one of the busiest streets in the city and putting a bicycle rack in the middle of the parking spaces would be a safety issue.

Chairman Smith stated he will not support this location either although he understands the need for bicycle racks. He stated they have located an alternate space in front of Izzy's that will not be taking up a parking spot.

Mr. Gray suggested including the area near Attrezzi's adjacent to Hanover Street next to the Parking Garage as there is a space there that is not big enough to park cars, but can be used for bicycles. He stated this had been looked at previously.

City Manager Bohenko stated he would like the Public Works Department to measure the area first as more space may be needed.

Discussion ensued regarding the logistics of various bike rack locations.

**Mr. Gray moved to suspend the rules to allow audience members to speak to the issue. Seconded by Mr. Whitehouse and voted.**

Marylou McElwain – stated she walks and bikes in the downtown area daily and agrees that the Market Street location is too congested and too busy to put a bicycle rack there but would like the location near the parking garage.

**Motion to implement a pilot program to install a bicycle rack at the requested Market Street location in front of The Brewery to be re-evaluated in October *FAILED* on a 3-4 roll call vote. Mr. Whitehouse, Mr. Cypher, Mr. Gray and Chairman Smith voted opposed. City Manager Bohenko, Deputy Chief Dubois and Public Works Director Parkinson voted in favor.**

**City Manager Bohenko moved to instruct the Public Works Department to install a bike corral in the parking lot at the corner of Hanover and Market Streets and to recommend placement of a bike rack at the identified non-parking space in front of Izzy's on Bow Street as a pilot program until October. Seconded by Public Works Director Parkinson and voted.**

City Manager Bohenko clarified that the bike rack installation at the Attrezzi location could have substantial costs associated with it.



**B. Parking – Maplewood Avenue – Referral from Mayor Spear**

**Mr. Whitehouse moved to schedule a Work Session with Planning Staff at the next Parking and Traffic Safety Committee meeting on August 9, 2012. Seconded by City Manager Bohenko and voted.**

**VI. NEW BUSINESS:**

**A. Bus Traffic – Middle School – Principal John Stokel**

Middle School Principal John Stokel presented the schedule for Bus Parking for the 2012-2013 school year in relation to the continued renovation of the Middle School through August 2013.

Mr. Gray asked if there is adequate room for the busses to turn onto Rogers Street. Mr. Stokel stated yes but there will be modifications made to the curbing by the end of August.

Mr. Whitehouse asked about the removal of an old brick column. Mr. Stokel stated there is still one left but the others are gone and he would check with the contractor regarding the last column.

**B. Woodbury Avenue – Traffic Safety Concerns – Resident Request**

City Manager Bohenko explained that he sent a letter to the resident regarding her concerns with speeding on Woodbury Avenue and that the issue had been referred to the Police Department for investigation.

Deputy Chief DuBois stated he has also spoken to her regarding the lack of progress on the case and that although they did have a license plate number and the person was identified, they have not continued the investigation.

City Manager Bohenko stated that this is less about the property damage as it is about the safety of the residents in the area. He stated we can't have the police department there all of the time, but it is a problem that needs to be addressed.

Deputy Chief DuBois stated that a recent survey of that road showed that there are 7,000 vehicles travelling on the road in a 24 hour period and there were 300 vehicles stopped by the police in the last year. He continued by stating that the police department has recently received grant money to address speeding issues and Woodbury Avenue will be on the list.

Councilor Smith asked when the last time the Stealth Stat was conducted in this area. Deputy Chief DuBois stated it was done on Monday (07/09/12) and explained that the report showed that 37 mph is the 85 percentile average speed and the speed limit is 25 mph.

**City Manager Bohenko moved to suspend the rules to allow speakers from the audience. Seconded by Mr. Cypher and voted.**

Lenore Weiss Bronson, 828 Woodbury Avenue – stated she has been a resident at this address for 26 years and has appeared before this committee several times over the years on this issue. She stated that she has been told that stop signs cannot be put up to control speeding but doesn't understand the logic of this as she feels this has been done in other locations in the city, i.e. Lincoln Street. She stated that narrowing the street with the recent reconstruction didn't help either as they still speed. She stated that if the average speed is 37 mph then that means there are people going even faster than that. She continued that another problem is that the signage off of the highways and the addresses of the mall and other commercial businesses say Woodbury Avenue so people take the first exit that says Woodbury Avenue which then leads them through the residential area. She further related the issue of the school bus stop at Farm Lane which is in a dangerous area in the road and stated there have been several close calls.

Patricia Taylor, 700 Woodbury Avenue – stated back in 2005 when the road construction was going to be done, there was a counter placed on the road which showed 10,000 cars a day and 1,000 trucks. She stated that truck traffic has been reduced significantly with the signage and neighbors reporting any issues, but she doesn't feel the 7,000 figure is correct for present day vehicles. She stated that she feels stop signs at the intersections of Emond Avenue, Farm Lane and Maplewood Avenue would increase the safety of Woodbury Avenue.

Richard Weeks, 30 FW Hartford Drive – stated he has 4 children that he brings to be tutored by Lenore Weiss Bronson and he has witnessed the speeding problems being discussed. He stated even if only 5-10% of the vehicles are going 40-50 mph, that the area is a ticking time bomb and feels that stops signs would alleviate the problem.

Marylou McElwain, 259 South St. - stated that enforcement is important and feels that it isn't done enough in Portsmouth. She stated that the police vehicles and city vehicles need to adhere to the speed limits as well.

Howard Mangold, 1275 Maplewood Avenue – stated that speeding is also an issue on Maplewood Avenue and asked that if they are going to address Woodbury Avenue, that Maplewood Avenue be included as well.

Chairman Smith asked Public Works Director Parkinson to explain the warrant requirements for placing stop signs. Public Works Director Parkinson stated he doesn't have that criteria in front of him at this time but feels that a consultant would need to study this area similar to what is being conducted in the downtown core.

**City Manager Bohenko moved to include Woodbury Avenue and Maplewood Avenue in the consultant study currently being conducted for the downtown area to determine if warrants can be established for stop signs at the intersections discussed, with funding to come from the Parking and Transportation Fund. Seconded by Deputy Chief DuBois and voted.**

**C. Jaywalking – Harold Whitehouse**

Mr. Whitehouse explained that he has been contacted by people regarding the increased problem of jaywalking downtown especially at night with big groups of people not using crosswalks. He asked if there should be signs posted downtown regarding jaywalking.

Deputy Chief DuBois stated that they have received funding for crosswalk enforcement but explained that jaywalking is not illegal and only means that the pedestrian has to yield to the vehicles if not in a crosswalk. He stated that is the State law and State laws surpass any ordinances. He stated that there are increased foot patrols in the downtown for the summer and stated that the only pedestrian hit occurred within a crosswalk.

**D. No Parking Here to Corner – South Mill Street – Resident Request**

Public Works Director Parkinson distributed 2 photos that the resident submitted to show the area in question. He stated that historically there were large boulders in that spot but now there is a bump out in the curbing. He stated that this is a heavily utilized area as there is limited parking in the South End, but he feels that this area is the same as any other area and doesn't recommend approval of this request.

**Public Works Director Parkinson moved to accept and place the letter on file. Seconded by Mr. Gray and voted.**

**City Manager Bohenko moved to suspend the rules to introduce a new item on the Agenda. Seconded by Mr. Whitehouse and voted.**

**E. Request for Valet Parking Services, Common Man Restaurant on State Street – (Not on Agenda)**

Brian Slewinsky of Atlantic Parking Service explained the request to implement valet parking services in front of the Common Man Restaurant on State Street from 5:00 p.m. to midnight, nightly with cars to be parked at 1 Harbour Place Garage. He stated there will be an A-frame sign in the loading zone, a 6X6 pop up tent to be used in inclement weather, and a podium for keys. He stated this would be a year-round service if approved.

Public Works Director Parkinson clarified that the tent will not be located in the triangle portion of the loading zone.

Mr. Whitehouse asked if other valet services have tents. Chairman Smith stated yes, for inclement weather.

**City Manager Bohenko moved to approve the request to utilize the loading zone area in front of the Common Man Restaurant from 5:00 p.m. to midnight, nightly, with cards to be parked at 1 Harbour Place Garage, for a 6 month trial period. Seconded by Public Works Director Parkinson and voted.**

**VII. ADJOURNMENT**

**Mr. Gray moved to adjourn at 9:15 a.m. Seconded and voted unanimously.**

## MEMORANDUM

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**TO:** John P. Bohenko, *City Manager*  
**FROM:** Liz Good, *Planning Department*  
**SUBJECT:** *Conservation Commission Minutes*  
**DATE:** July 12, 2012

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Please be advised that the approved minutes from the June 13, 2012 Conservation Commission meeting are now available on the City's website for your review.

## MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Liz Good, Planning Department  
**SUBJECT:** Historic District Commission Minutes  
**DATE:** July 12, 2012

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Please be advised that the approved minutes from the April 11, 2012 Historic District Commission meeting are now available on the City's website for your review.

## MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Liz Good, Planning Department  
**SUBJECT:** Historic District Commission Minutes  
**DATE:** July 12, 2012

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Please be advised that the approved minutes from the May 2, 2012 Historic District Commission meeting are now available on the City's website for your review.



## MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Liz Good, Planning Department  
**SUBJECT:** Historic District Commission Minutes  
**DATE:** July 19, 2012

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Please be advised that the approved minutes from the May 9, 2012 Historic District Commission meeting are now available on the City's website for your review.

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## MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Jane Shouse, Planning Department *JMS*  
**SUBJECT:** Site Review Technical Advisory Committee Minutes  
**DATE:** July 24, 2012

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Please be advised that the approved minutes from the July 3, 2012 Site Review Technical Advisory Committee meeting are now available on the City's website for your review.