

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, JUNE 3, 2013 TIME: 6:00PM

## AGENDA

### 6:00PM – WORK SESSION REGARDING TRANSPORTATION POLICY COMMITTEE FINAL REPORT

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

### PRESENTATIONS

1. Portsmouth Housing Authority Annual Report – Craig Welch, Director
2. Art-Speak State of the Arts Report
3. Update on Mosquito Control Program

### V. ACCEPTANCE OF MINUTES – MAY 6, 2013

### VI. PUBLIC COMMENT SESSION

### VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Police Department Grant and Donation:
  - NH Department of Highway Safety Grant for “Join the NH Clique” seat belt campaign - \$4,680.00
  - Donation from Mr. & Mrs. David Brown to the Explorer Cadet Academy Program - \$250.00

*(Sample motion – move to approve and accept the grant and donation to the Portsmouth Police Department, as listed)*

### VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

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

### IX. CONSENT AGENDA

#### **A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA**

- A. Letter from Thomas Martin, Race Director, Portsmouth Criterium, regarding Cancellation of 2013 Portsmouth Criterium Race ***(Anticipated action – move to accept and place the letter on file)***

- B. Letter from Russell Osgood, Vice President, Portsmouth Fire Fighters Charitable Association, requesting permission to hold Sarah's Ride on September 7, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- C. Request for License from Ryan & Tyler McGill, owner of Summer Sessions Surf Shop for property located at 15 Vaughan Mall for a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Ryan & Tyler McGill, owner of Summer Sessions Surf Shop for a projecting sign at property located at 15 Vaughan Mall and, further, authorize the City Manager to execute License Agreements for this request***)

**Planning Director's Stipulations:**

- ***The licenses shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting signs, for any reason, will be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting 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***

**X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Islington Creek Neighborhood Association regarding renewal extension of Boarding Housing at 21 Brewster Street

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

**A. CITY MANAGER**

**City Manager's Items Which Require Action**

1. Boarding House License Extension Re: 21 Brewster Street
2. Proposed Additional Study Areas Re: Form-Based Zoning
3. Art-Speak Annual State of the Art Report and Memorandum of Understanding Renewal Request
4. Acceptance of Easement and Quitclaim of Abandoned Line Re: Lincoln 3B Sewer Separation Project

### Informational Items

1. Events Listing
2. News Release Re: Form-Based Zoning Public Meetings

### B. MAYOR SPEAR

1. Appointment to be Considered:
  - Ronald Poulin – Cable Television Advisory Board
2. Appointments to be Voted:
  - Daniel Rawling – Reappointment to the Historic District Commission (*postponed from May 20, 2013 meeting*)
  - Jonathan Wyckoff – Reappointment to the Historic District Commission (*withdrawn for action at May 20, 2013 meeting*)
  - Joseph Almeida – Reappointment to the Historic District Commission
  - Tracy Kozak – Reappointment to the Historic District Commission
3. Request for Funds for HDC tools

### C. COUNCILOR KENNEDY

1. Maximum Structure Height Dimensions in the Central Business District A and B District to be 35 feet

### D. COUNCILOR LOWN

1. Proposed Work Session to Review Report of the Operational Efficiencies Committee for Police and Fire Departments (***Sample motion – move to establish a Work Session for July 15, 2013 at 6:30 p.m. to Review the Operational Efficiencies Committee Report***)

### E. COUNCILOR DWYER

1. Ideas Related to HDC

### F. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the May 9, 2013 meeting

## **XII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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


## **INFORMATIONAL ITEMS**

1. Notification that the Board of Adjustment Minutes of the April 23, 2013 meeting are available on the City's website for your review

**NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.**

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** May 30, 2013  
**To:** Honorable Mayor Eric Spear and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on June 3, 2013 City Council Agenda

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***Work Session:***

6:00 p.m.

1. **Transportation Policy Committee Final Report.** On Monday evening, the City Council will meet in a Work Session to discuss the Final Report of the Mayor's Blue Ribbon Committee on Transportation Policy.

The Committee was established by Mayor Spear in August 2012 with a sunset date of April 15, 2013 and held six meetings over that time period. The members of the committee included: Councilor Ken Smith (Chair), Councilor Brad Lown, Bill Lyons, Rick Chellman, Paige Roberts, Cliff Sinnott and Eric Gregg.

The Committee was charged to develop policies, principles and positions for the City's approach to transportation, including, but not limited to:

- Public transportation options
- Access for bicycle and pedestrian travel
- Parking availability and access
- Control/management of traffic
- Travel routes through the City
- "Complete Streets" / Sustainable Design

Along with those topics, the Committee also discussed related topics including:

- Transportation policies and strategies contained in the 2005 Master Plan, and considerations for the upcoming 2015 Master Plan
- Street classifications and design standards
- "Green Streets" and Low Impact Development (LID)

- Traffic calming
- Land use and transportation
- Regional coordination for transportation planning and funding

Enclosed on the inside cover of your packet is a copy of the report of the Committee for your review. Please note that this is a copy of the base report and Appendix A, Recommended Policies and Standards. Appendices B and C, including the meeting minutes and presentations, are available on the PlanPortsmouth website at [www.PlanPortsmouth.com](http://www.PlanPortsmouth.com).

### ***Presentation:***

1. **Craig Welch, Executive Director of the Portsmouth Housing Authority.** On Monday Evening, Craig Welch, Executive Director of the Portsmouth Housing Authority, will introduce himself to the City Council and provide the Council with a copy of the Portsmouth Housing Authority Annual Report.
2. **Art-Speak State of the Arts Report.** In accordance with Art-Speak’s Memorandum of Understanding, on Monday evening, Nancy Pearson, President of Art-Speak, will present the State of the Arts Report to the City Council.
3. **Update on Mosquito Control Program.** On Monday evening, Mike Morrison from Municipal Pest Management Services will make a presentation before the City Council regarding the City’s mosquito control program. Mr. Morrison’s background expands thirty years in mosquito control in New Hampshire. He and his company have all the appropriate licenses from DES. As part of the presentation, Mr. Morrison will talk about best practices that he utilizes for the mosquito control program in Portsmouth as well as requirements that he must comply with under DES regulations.

### ***Acceptance of Grants and Donations:***

1. **Acceptance of Police Department Grant & Donation.** Attached under Section VII of the Agenda is a memorandum, dated May 22, 2013, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following grant and donation:
  - a. A grant in the amount of \$4,680 from the NH Department of Highway Safety for the “Join the NH Clique” seat belt campaign.
  - b. A donation in the amount of \$250 from Mr. and Mrs. David Brown to the Explorer Cadet Academy program

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

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

### ***Consent Agenda:***

1. **Request for License to Install Projecting Sign.** Attached under Section IX of the Agenda is the following request for a projecting sign license (see attached memorandum from Rick Taintor, Planning Director):

- Ryan & Tyler McGill, owner of Summer Sessions Surf Shop for property located at 15 Vaughan Mall.

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

### ***City Manager's Items Which Require Action:***

1. **Boarding House License Extension Re: 21 Brewster Street.** As you are aware, at the City Council meeting of March 4, 2013, the City Council voted to extend the Boarding House permit for 21 Brewster Street for a 3 month period through June 4, 2013. That permit included a number of conditions required to be met over the course of the permit period (see attached). Below is the list of conditions that were included with the permit.
  1. Extend the current permit for 3 months with an inspection and report back on progress made at the facility.
  2. Require full time professional management of the facility; such management firm having the ability to respond to municipal inquiries and requests 24/7.
  3. Integrated pest management (IPM) to be maintained on a monthly basis or more often if needed with monthly reports submitted to the Health Department.
  4. Require all common floors to remain non-porous and non-absorbent with cleanable surfaces.
  5. Soiled or infested bedding shall be disposed of and not re-used.
  6. Correction of all deficiencies from the annual inspection prior to the permit issuance.
  7. Permittee agrees to allow unannounced inspections of all common areas of the property and to allow similar inspections of tenant rooms with the Permission of tenants.

8. Permittee agrees that any failure to comply with these conditions, after a reasonable cure period, is adequate grounds for termination of the permit.
9. The professional management described in item 2 above shall have the full authority of the permittee to take those actions necessary to maintain compliance with the permit.
10. The professional management described in item 2 above shall be provided with the complete authority to maintain open communications with the neighborhood tenants of the property and the City with regard to all issues concerning the property.

The facility was inspected on May 6, 2013 by the Code Enforcement Officer and Health Officer. Also attending the inspection were Rich Brabazon, the property manger, and Bob, the site maintenance person. That inspection noted several minor deficiencies. A follow-up of the inspection was performed on May 23, 2013 at which time all of the deficiencies had been corrected. The permittee has continued to make physical improvements to the facility during the current permit period. Those improvements include replacement of two sinks in two units; painting the floors and walls as units are turned over in occupancy and lighting upgrades within the building. As required by the permit, the floors remain non-porous and the bedding and mattress cover issues are in compliance with the permit condition. The City Health Department has received monthly reports indicating the successful implementation of an Integrated Pest Management program.

The owner has contracted with Rich Brabazon to provide 24/7 response to inquiries and requests and to serve as the full time professional manager. Mr. Brabazon, a retired City of Portsmouth Police officer has been in that capacity. He has been serving as the manager for the past month.

There have been no issues reported by the neighborhood in current permit cycle and the owner has continued to make improvements to the facility.

*I would recommend the City Council move to approve the 21 Brewster Street Boarding House permit for a 3 month extension to expire September 4, 2013 with all conditions as listed on the attached permit.*

2. **Proposed Additional Study Areas Re: Form-Based Zoning.** As you will recall, City Councilor Chris Dwyer request that the staff receive a proposal for additional study areas for form-based zoning.

In response to this request, we have received a proposal from the firm Town Planning & Urban Design Collaborative LLC to add the following areas to the study:

1. The “Northern Tier” at the edge of the downtown between the railroad tracks and North Mill Pond;



2. An area on the opposite side of the Maplewood Avenue bridge;
3. The Islington Street corridor with expanded areas at the north and south ends.

I have attached a map outlining the above locations.

The firm of TPUDC recommends conducting a public input process and the work products for all three areas as one project. This will allow for a more efficient process and holistic outcome.

They would use the same scope for this phase as the first phase to be conducted in June with the additional five-day charrette rather than a three and a half day charrette.

The cost of expanding this study would be \$97,000 and could be funded through the City's Capital Contingency Account. Please note that Phase I of this project was paid for through a \$44,000 grant.

*I would recommend the City Council move to authorize the City Manager to enter into a contract with Town Planning & Urban Design Collaborative LLC as outlined, and further, that the fee of \$97,000 be funded through the City's Capital Contingency Account.*

3. **Art-Speak Annual State of the Art Report and Memorandum of Understanding Renewal Request.** At the June 3, 2013 City Council meeting under Presentations, Art-Speak will give its annual report on arts and culture in the City and request renewal of the Memorandum of Understanding (MOU) between the City and Art-Speak for the period July 1, 2013 through June 30, 2014.

In addition to information on the city's cultural community, the report will address Art-Speak's activity in the past year with respect to the requirements outlined in the MOU such as:

- Collect and disseminate survey data for the American for the Arts Economic Prosperity Study;
- Assist in implementation of Cultural Plan for promotion appreciation, awareness, participation, and dialogue in the support of arts and culture in the City of Portsmouth;
- Convene an annual arts and cultural forum;
- Serve as an advisor to all departments of City government on arts and cultural issues;
- Perform a coordination function for local cultural organizations and advocate on their behalf at the local, state and national level;

As we discovered from the recent Arts and Economic Prosperity Study conducted by Art-Speak and the American for the Arts organization, the non-profit cultural community contributes \$41 million to the local economy. According to the report, this is five times the contribution for similar sized cities nationwide. Portsmouth is revered for its creative

and cultural assets and I believe that there is value in the services provided by Art-Speak because the organization has taken on responsibilities that would otherwise fall to other city staff at a higher cost to the city. I also maintain that Art-Speak continues to gain credibility in the city, state and region for effectively advocating for and raising awareness of the local economy as evidenced by their new website Art-Speak.org. The FY 13/14 UDAG Budget includes \$15,000 for Art-Speak to continue the work outlined in the annual report.

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

*I recommend that the City Council authorize me to extend the agreement from July 1, 2013 through June 30, 2014.*

4. **Acceptance of Easement and Quitclaim of Abandoned Line Re: Lincoln 3B Sewer Separation Project.** As part of the Lincoln 3B Sewer Separation Project, the City needs to acquire an easement across property owned by Portsmouth Place Apartments, LLC and located at 293 Rockland Street. Once all of the infrastructure has been constructed and is operational, the City will abandon the combined sewer drain line in the rear of the property and quitclaim any interest it may have. See attached plan showing the new easement area. As you will recall, the Lincoln 3B Sewer Separation project entails replacement of existing combined sewer with separate drain lines and new sewer lines.

The Planning Board, at its meeting of May 23, 2013, reviewed the proposed easement and voted to recommend it to the City Council.

*I would recommend the City Council move to authorize the City Manager to negotiate and accept a sewer easement from Portsmouth Place Apartments, LLC and quitclaim any municipal interests in the older line once abandoned.*

### ***Informational Items:***

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on May 20, 2013. In addition, this now can be found on the City's website.
2. **News Release Re: Form-Based Zoning Charrette.** For your information, attached is a news release regarding the Form-Based Zoning Charrette, which includes the following meetings and sessions for sharing information and ideas:
  - Opening Session - Thursday, June 6<sup>th</sup> - 6 p.m. to 8:30 p.m. - City Council Chambers (Live on Channel 22).
  - Open Studio - June 7 through June 10<sup>th</sup> - Former Connie Bean Center on 143 Daniel Street (If the lights are on, the studio is open).

- Interim Pin-Up & Review - Saturday, June 8<sup>th</sup> - 6 p.m. to 7:30 p.m. - Former Connie Bean Center on 143 Daniel Street.
- Closing Session - Monday, June 10<sup>th</sup> - 6 p.m. to 8:30 p.m. - City Council Chambers (Live on Channel 22).

All of these sessions are open to the public; the members of the public are welcome to visit and participate as much as they wish and are able to. The Opening and Closing Presentations will be broadcasted live on Channel 22 and archived recordings of those meetings will be available on the City's website. Regular updates will also be available on Twitter (@fbzportsmouth) as well as the Planning Department's website: [www.planportsmouth.com/formbasedzoning.html](http://www.planportsmouth.com/formbasedzoning.html).