

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 16, 2013 TIME: 7:00PM

AGENDA

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

PRESENTATIONS

1. Portsmouth Middle School Musical Performance
(There will be a brief recess following the performance)
2. Mayor's Blue Ribbon Senior Committee Report
3. Presentation to Councilor Anthony Coviello, Councilor Nancy Novelline Clayburgh and Councilor Kenneth Smith

V. ACCEPTANCE OF MINUTES – NOVEMBER 7, 2013

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Police Department Grants and Donations:

- A donation in the amount of \$400.00 has been received from the Friends of the South End in support of the Police Explorer Cadets
- A grant in the amount of \$8,014.43 from the US Department of Justice Bulletproof Vest Partnership Program toward the purchase cost of \$21,600.00 in replacement and new bulletproof vests
- A grant in the amount of \$5,148.00 from the New Hampshire Highway Safety for "Portsmouth Operation Safe Commute Patrols"
- A grant in the amount of \$9,959.00 from the US Department of Justice; this amount is Portsmouth's allocation of a \$31,093.00 JAG grant to Rockingham County for law enforcement initiatives. The Portsmouth Police Department will use the allotment for Intensive First Line Supervisor Training
- A grant in the amount of \$2,000.00 from Police Standards and Training for Lt. Cummings and Lt. Sargent to attend the Roger Williams Mid-Management Course in Rhode Island in February of next year
- A grant in the amount of \$500.00 from APCO International for Emergency Communications Supervisor Gil Emery to complete courses through the APCO International Institute

(Sample motion – move to approve and accept the grants and donations to the Portsmouth Police Department, as listed)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Third and Final Reading of Ordinance amending Chapter 7, Article IV, Section 7.402 – Areas Established, Designated and Described, Off-Street Parking Areas, Add Leary Field Parking Area, not to exceed 72 hours at one time
- B. Third and Final Reading on Proposed Amendments to the Zoning Ordinance, Article 6 – Overlay District, Section 10.630 – Historic District

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Thomas Martin, Race Director, Portsmouth Criterium, requesting to hold the 3rd Annual Community Challenge on Sunday, September 7, 2014 ***(Sample motion – move to refer to the City Manager with power)***
- B. Letter from Christina O’Grady, Associate of Development, American Lung Association, requesting permission to hold the 5th Annual American Lung Association Cycle the Seacoast Ride on Sunday, May 4, 2014 ***(Sample motion – move to refer to the City Manager with power)***
- C. Letter from Kelly Sicard, Director of Special Events and Volunteers, Breathe New Hampshire, requesting permission to hold the 29th Annual Seacoast Bike Tour on Saturday, May 17 and Sunday, May 18, 2014 ***(Sample motion – move to refer to the City Manager with power)***
- D. Request for License from Julie Cutting, owner of Cure Restaurant for property located at 189 State 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 Julie Cutting, owner of Cure Restaurant for a projecting sign at property located at 189 State Street and, further, authorize the City Manager to execute License Agreements for this request)***

Planning Director’s Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting sign, for any reason, shall 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***

- E. Request for License from Alex Vandermark, owner of The Soupery for property located at 51 Hanover 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 Alex Vandermark, owner of The Soupery for a projecting sign at property located at 51 Hanover Street and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting sign, for any reason, shall 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 the Town of Stratham Board of Selectmen requesting the City of Portsmouth to explore Providing Sewer Services to Stratham (***Sample motion – move to refer to the City Manager for a report back***)
- B. Letter from Sarah Jarvis, Rye Fire Department, requesting permission for the use of the High Hanover Parking Garage in December, 2013 for fundraising to attend the Firefighter Stair Climb in Seattle Washington, March 9, 2014 (***Sample motion – move to refer to the City Manager with power***)
- C. Letter from Islington Creek Neighborhood Association regarding 21 Brewster Street permit renewal

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. Third and Final Reading of Proposed Resolution and Ordinance Amendments:
- 1.1 Third and Final Reading of Ordinance amending Chapter 7, Article IV, Section 7.402 – Areas Established, Designated and Described, Off-Street Parking Areas, Add Leary Field Parking Area, not to exceed 72 hours at one time (***Action on this matter should take place under Section VIII of the Agenda***)
- 1.2 Third and Final Reading on Proposed Amendments to the Zoning Ordinance, Article 6 – Overlay Districts, Section 10.630 – Historic District (***Action on this matter should take place under Section VIII of the Agenda***)

City Manager's Items Which Require Action

1. Acceptance of Drainage Easement Re: 127 Parrott Avenue, LLC
2. Adoption of 2014 Schedule of City Council Meetings and Work Sessions
3. Proposed Boarding House Permit Re: 21 Brewster Street

Informational Items

1. Events Listing
2. Free Holiday Parking

B. MAYOR SPEAR

1. Reappointment of City Manager John P. Bohenko as the City of Portsmouth representative to the Pease Development Authority for the term of January 1, 2014 through January 1, 2017

XII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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


INFORMATIONAL ITEMS

1. Notification that the Historic District Commission Minutes of the March 6, 2013 meeting are available on the City's website for your review
2. Notification that the Historic District Commission Minutes of the March 13, 2013 meeting are available on the City's website for your review
3. Notification that the Historic District Commission Minutes of the April 3, 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: December 12, 2013
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on December 16, 2013 City Council Agenda

Presentations:

1. **Portsmouth Middle School Musical Performance.** The Portsmouth Middle School band and vocalists will perform at Monday evening's meeting.

A short recess will take place after the performance to allow for the setup of the Blue Ribbon Senior Committee presentation.

2. **Mayor's Blue Ribbon Senior Committee Report.** On Monday evening, the Mayor's Blue Ribbon Senior Committee will make a presentation to the City Council regarding their Final Report. City staff Adam Cannon, Special Projects Manager and Brinn Chute, Senior Services Coordinator, will make this presentation.

The Committee was established by Mayor Eric Spear in July of 2013 with the charge to advise the City Council on developing a Senior Center. The Committee was set to sunset 150 days after its establishment and met eight times from August until December. The members of the Committee included: Assistant Mayor Robert Lister (Chair), Councilor Nancy Novelline Clayburgh, State Senator Martha Fuller-Clark, Nancy Andrews, Judith Bunnell, Jack Jamison, and Maureen O'Leary.

3. **Presentation to City Councilors Coviello, Clayburgh and Smith.** On Monday evening, Councilor Anthony Coviello, Councilor Nancy Novelline Clayburgh, and Councilor Kenneth Smith will be presented with City of Portsmouth chairs for their years of service to the City and its residents as members of the City Council.

Acceptance of Grants and Donations:

1. **Acceptance of Police Department Grants and Donations.** [Attached under Section VII of the Agenda](#) is a memorandum, dated November 30, 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 grants and donations:

- a) A donation in the amount of \$400 has been received from the Friends of the South End in support of the Police Explorer Cadets.
- b) A grant in the amount of \$8,014.43 from the US Dept. of Justice Bulletproof Vest Partnership Program toward the purchase cost of \$21,600 in replacement and new bulletproof vests.
- c) A grant in the amount of \$5,148 from New Hampshire Highway Safety for "Portsmouth Operation Safe Commute Patrols".
- d) A grant in the amount of \$9,959 from the US Dept. of Justice; this amount is Portsmouth's allocation of a \$31,093 JAG grant to Rockingham County for law enforcement initiatives. The Portsmouth Police Department will use the allotment for Intensive First Line Supervisor Training.
- e) A grant in the amount of \$2,000 from Police Standards & Training for Lt. Cummings and Lt. Sargent to attend the Roger Williams Mid-Management Course in Rhode Island in February of next year.
- f) A grant in the amount of \$500 from APCO International for Emergency Communications Supervisor Gil Emery to complete courses through the APCO International Institute.

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 grants and donations to the Portsmouth Police Department, as listed. Action on this matter should take place under Section VII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. Third and Final Reading of Proposed Resolution and Ordinance Amendments:

- 1.1 **Third and Final Reading of Ordinance amending Chapter 7, Article IV, Section 7.402 – Areas Established, Designated and Described, Off-Street Parking Areas, Add Leary Field Parking Area, not to exceed 72 hours at one time.** As a result of the December 2nd City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the attached proposed Ordinance amending Chapter 7, Article IV, - 7.402 Areas Established, Designated and Described, Off-Street Parking Areas, add Leary Field Parking Area, not to exceed 72 hours at one time.

I would recommend the City Council move to pass third and final reading of the proposed Ordinance, as presented. Action on this item should take place under Section VIII of the Agenda.

1.2 **Third and Final Reading of Proposed Amendments to the Zoning Ordinance, Article 6 – Overlay Districts, Section 10.630 - Historic District.** As you recall on December 2nd, the City Council passed Second Reading of the amendments to Article 6 – Overlay Districts, Section 10.630-Historic District and voted to schedule a third and final reading at the December 16th City Council meeting. The City Council vote included two amendments to the original proposed zoning amendment. The first amendment included minor changes that were approved by the Planning Board at the November 21st Planning Board Public Hearing. Those amendments were included in the text presented at the December 2nd City Council meeting. The second amendment was brought forward by Councilor Thorsen and is the second sentence of Section 10.633.30 Administrative Approval. The proposed amendment as passed at second reading includes the following changes:

1. Include a provision to allow for limited administrative approvals by City staff for very small projects such as field changes or minor changes to a previously approved Certificate of Approval. The purpose of this amendment is to reduce the HDC's caseload and thereby to free up meeting time and resources for reviewing larger, more complex projects. As amended at second reading, these administrative approvals will be brought back to the HDC for ratification by the Commission.
2. Require applicants to submit electronic copies of plans, rendering and other application material for all projects requesting approval from the HDC. The purpose of this amendment is to enable the Planning Department to post such plans and associated materials on the City's web site for public viewing in advance of the meeting, and to facilitate presentations at work sessions and public hearings.
3. Require large projects (over 10,000 sq. ft. of new floor area) to submit an electronic or physical model of the proposed building. The purpose of this amendment is to assist the HDC and the public to evaluate the height and scale of the proposed building within the context of the surrounding neighborhood.
4. Include a provision to allow the HDC to approve small projects through a Consent Agenda process. The purpose of this amendment is to help expedite the review of small projects and free up meeting time and resources for the review of larger, more complex applications.

Attached under Section VIII of the Agenda is a copy of the proposed Ordinance.

I would recommend the City Council move to pass third and final reading of the proposed Ordinance, as amended. Action on this item should take place under Section VIII of the Agenda.

Consent Agenda:

1. **Request for License to Install Projecting Signs** Attached under Section IX of the Agenda are the following requests for a projecting sign licenses (see attached memorandums from Rick Taintor, Planning Director):

- Julie Cutting, Owner of Cure Restaurant for property located at 189 State Street.
- Alex Vandermark, owner of The Soupery for property located at 51 Hanover 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 the License Agreements for these requests. Action on this matter should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Acceptance of Drainage Easement Re: 127 Parrott Avenue, LLC.** 127 Parrott Avenue, LLC obtained approval from the Planning Board to make certain site improvements to 127 and 129 Parrott Avenue. The site improvements include the removal of fire escapes and ramps, expansion of onsite parking and improved lighting, utilities, landscaping and drainage. As part of the approval, 127 Parrott Avenue, LLC is required to convey to the City a Drainage Easement. This Drainage Easement allows the City to manage storm water in the area by installing a catch basin and drainage line. The Planning Board recommended that the City Council approve such an easement. The easement area is outlined on the [attached easement plan](#). The Legal Department has approved the form of the easement.

I would recommend the City Council move to authorize the City Manager to accept a required drainage easement from 127 Parrott Avenue, LLC.

2. **Adoption of 2014 Schedule of City Council Meetings and Work Sessions.** Attached for your review and adoption is a proposed schedule for City Council Meetings and Work Sessions for calendar year 2014. Please note that the all day Budget Work Session is scheduled for Saturday, May 10, 2014.

May I have your approval on this schedule.

3. **Boarding House Permit Extension Re: 21 Brewster Street.** As you will recall, on November 18th, the City Council voted to grant an extension on this permit until December 17th. The purpose of the extension was to have the City staff meet with Mr. Hogan and his attorney Dan Hoefle along with representatives of the Islington Creek Neighborhood Association. The City staff, which included the City Attorney and Deputy City Manager met with Attorney Sean O'Connell representing the neighborhood association. The primary discussion was the professional management and their onsite time commitment to this property.

It appears that both sides tried to come to an accommodation but were not able to agree; therefore,

The City Council has the following options:

- 1) Not renew the Boarding House Permit; or
- 2) Renew the Permit to a future date to allow more time for negotiations (see attached memorandum from City Attorney Robert Sullivan and Sample Permit).

Also, attached under Written Communications, is a letter from the Islington Creek Neighborhood Association regarding this matter. The Islington Creek Neighborhood Association is requesting that the City Council move to suspend the rules to allow Attorney Sean O'Connell to make a presentation on their behalf.

The City Council may move the following options:

- 1) Not renew the Boarding House Permit, or*
- 2) Renew the Permit to a future date to allow more time for negotiations.*

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on December 2, 2013. In addition, this now can be found on the City's website.
2. **Free Holiday Parking.** As a reminder, the City Council acting in regular session on Monday, August 5, 2013 voted to establish free holiday parking beginning Monday, December 16, 2013 through Wednesday, January 1, 2014. Two and three hour parking enforcement will continue to ensure individuals are not utilizing a space the entire day and allows for the turnover of parking spaces.