

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, JUNE 16, 2014 TIME: 7:00 PM

## AGENDA

- 6:00PM – AN 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

### PRESENTATIONS

1. Art-Speak Annual State of the Art Report, Memorandum of Understanding Renewal Request and Public Art Referral Policy – Nancy Pearson

*(Sample motions – 1) move to adopt the attached Public Art Referral Policy, and, 2) move to authorize the City Manager to extend the Memorandum of Understanding (MOU) between the City and Art-Speak from July 1, 2014 through June 30, 2015)*

2. Historic Cemeteries Update – David Moore

- V. ACCEPTANCE OF MINUTES – MARCH 17, 2014

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

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

- VIII. CONSENT AGENDA

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

- A. Letter from Emily Christian, National Multiple Sclerosis Society, requesting permission to the 2014 Bike MS NH Seacoast Escape on Saturday, August 23, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Request for Approval of Pole License to install 1 pole located on Court Street and Chestnut Street as part of the African Burial Ground Project ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***

- C. Request for Approval of Comcast License Agreement for Raines Avenue and Vaughn Street for underground conduit system as a part of the general upgrade of utilities associated with development in the area (***Anticipated action – move to authorize the City Manager to negotiate and execute a License Agreement to allow Comcast to place conduit for Raines Avenue and Vaughn Street as requested with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- D. Request for License from Rita Fabricatore, owner of Lady Pickwicks for property located at 56 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 Rita Fabricatore, owner of Lady Pickwicks for a projecting sign at property located at 56 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 Judith Lee, owner of Herringbones LLC for property located at 207 Market 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 Judith Lee, owner of Herringbones LLC for a projecting sign at property located at 207 Market 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***

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

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

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

**A. CITY MANAGER**

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

1. Approval of Tentative Three (3) Year Employment Agreement for Deputy Fire Chief Carl Roediger
2. Report Back from Planning Board Re: Proposed Zoning Amendments
3. Request to Dispose of Surplus Equipment and Vehicles

**Informational items**

1. Events Listing
2. Report Back Re: Design Review
3. City Council Work Session Re: Financial Disclosure
4. Adopt-a-Spot Volunteer Recognition
5. Worth Lot Paving Improvements
6. Parking Shuttle Statistics
7. Update of the Implementation Plan Section of the 2005 Master Plan

**B. MAYOR LISTER**

1. \*City Council Retreat

**C. ASSISTANT MAYOR SPLAINE**

1. \*North Cemetery Commemorative Event, Saturday, June 21<sup>st</sup>
2. "The Year-Round Budget Plan"
3. Worth Lot Improvement Suggestions
4. Financial Disclosure Memo

**D. COUNCILOR LOWN**

1. Medical Insurance Options

**E. COUNCILOR DWYER**

1. Update on African Burying Ground Memorial Park Construction (***Sample motion – move to authorize the City Manager to make available \$165,000.00 in Urban Development Action Grant (UDAG) Funds available as cash flow assistance for the completion of the African Burying Ground Memorial Park***)

- XI. MISCELLANEOUS/UNFINISHED BUSINESS
- XII. ADJOURNMENT [AT 10:00PM OR EARLIER]

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

*\*Indicates Verbal Report*


**INFORMATIONAL ITEMS**

- 1. \*Notification that the minutes of the April 1, 2014 and April 29, 2014 Site Review Technical Advisory Committee meetings are now available on the City's website

*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:** June 12, 2014  
**To:** Honorable Mayor Robert J. Lister and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on June 16, 2014 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.

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***Presentations:***

1. **Art-Speak Annual State of the Arts Report, Memorandum of Understanding Renewal Request and Public Art Referral Policy.** 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.

[Attached is a memorandum from the City Manager](#) regarding the Art-Speak State of the Arts Report, the Memorandum of Understanding Renewal Request, and the Public Art Referral Policy. Also, [attached are copies of the MOU and Policy.](#)

*I am requesting the following action regarding the aforementioned report:*

- 1) *The City Council adopt the attached Public Art Referral Policy, and,*  
2) *Further, authorize the City Manager to extend the Memorandum of Understanding (MOU) between the City and Art-Speak from July 1, 2014 through June 30, 2015.*
2. **Historic Cemeteries Update.** On Monday evening, David Moore, Community Development Director, will make a presentation to the City Council, regarding historic cemeteries.

## ***Consent Agenda:***

1. **Request for License to Install Projecting Signs.** Attached under Section VIII of the Agenda are requests for projecting sign licenses (see attached memorandums from Rick Taintor, Planning Director):
  - Rita Fabricatore, owner of Lady Pickwicks for property located at 56 State Street.
  - Judith Lee, owner of Herringbones LLC for property located at 27 Market 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 these License Agreements for this request. Action on this matter should take place under Section VIII of the Agenda.*

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

1. **Approval of Tentative Three (3) Year Employment Agreement for Deputy Fire Chief Carl Roediger.** The Fire Commission has approved the attached Tentative Employment Agreement with Carl Roediger, Deputy Fire Chief, for a three (3) year contract which expires June 30, 2017. The only change to this Agreement is to extend the term, all other aspects remain the same including the ten year rolling average of the Boston Based CPI for wage increases.

*I recommend the City Council move to approve the three (3) year Employment Agreement for Deputy Fire Chief Carl Roediger to expire June 30, 2017 as recommended by the Fire Commission.*

2. **Report Back from Planning Board Re: Proposed Zoning Amendments.** As you will recall, at the January 13, 2014 City Council meeting, the Council referred a set of six proposed zoning amendments to the Planning Board for report back. Attached is a memorandum from Rick Taintor, Planning Director, regarding this matter.

As the memorandum indicates, at the April 3, 2014 Planning Board meeting, the Board voted to recommend that the City Council amend the Zoning Ordinance, Section 10.1530 – Terms of General Applicability, by inserting a new definition of “building footprint” as proposed:

### **Building footprint**

The horizontal area of a lot covered by the building, excluding  
(a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios.

*I recommend the City Council move to schedule a first reading on the proposed Ordinance amendment at the July 14, 2014 City Council meeting, as presented.*

3. **Request to Dispose of Surplus Equipment and Vehicles.** The City currently has numerous pieces of equipment and vehicles for disposal, 24 from Public Works, 2 from the Fire Department, and 8 from the Police Department ([see attached](#)). As in the past, we have disposed the surplus equipment and vehicles through a sealed bid process in which the item is sold to the highest bidder.

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

*I would recommend the City Council move to authorize the City Manager to dispose of surplus equipment and vehicles by the sealed bid process.*

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

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on June 2, 2014. In addition, this can be found on the City's website.
2. **Report Back Re: Design Review.** [Attached for your information is a memorandum from Rick Taintor, Planning Director,](#) regarding a request that the Planning Board evaluate the design review provisions established in Section 2.4 of the Site Plan Review Regulations.
3. **City Council Work Session Re: Financial Disclosure.** Just a reminder that the City Council Work Session is on Tuesday, June 17, 2014 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding the Financial Disclosure ([see attached Agenda](#)).
4. **Adopt-a-Spot Volunteer Recognition.** The City has had an Adopt-A-Spot Program since 1995. The intent of the program is to involve members of our community in helping to beautify our City through volunteer efforts, and to offset the workload of municipal employees who are unable to start new garden areas throughout the City. The program has evolved over the years gaining and losing spots. Currently, the City has over 90 spots and 155 volunteers.

Starting in July of 2013, Department of Public Works staff reached out to Adopt-A-Spot Program volunteers to confirm their continued interest in participation. In addition, staff reviewed green spaces throughout the City and identified an additional 30 potential spots. These efforts along with public outreach via social media, the City's Website and press releases have resulted in adoption of an additional nine spots.

Adopt-a-Spot Volunteers agree to weed, pick up litter, mow, and trim their spot as needed. There is no requirement to plant flowers, but plantings are allowed. The Public Works Department will provide volunteers with safety vests and goggles as requested. Mulch, loam, and trash bags are provided upon request and Public Works will collect yard waste and trash as needed.

The City is pleased to recognize the service of the volunteers who are responsible for adopting the spot with a sign at each location. Interested parties may obtain additional information about the Adopt-a-Spot program by contacting Roberta Orsini at 603-766-1422 or by visiting <http://cityofportsmouth.com/publicworks/adopt.htm>.

In recognition of our existing and new Adopt-A-Spot Program volunteers the Department of Public Works is planning an appreciation picnic in August at Four Tree Island. An invitation with the time and date of the picnic will be sent to volunteers as well as City Council members once the date is finalized.

5. **Worth Lot Paving Improvements.** During the budget process, various City Council members and citizens asked when the Worth Lot upgrades would take place if approved in the FY15 Budget. For your information, the improvements are scheduled for the fall of 2014. These upgrades will include: reclaiming and paving of the entire parking lot; the addition of a four-foot wide raised granite curbed island in the center of the lot where the concrete planters were previously located; the replacement of buried electrical wire and parking lot lights; parking lot striping and minor adjustment to the parking space layout. The proposed changes will have a net zero impact on the number of parking spaces available at the lot.

With the exception of the removal of a section of brick wall, improvements to the Vaughan Mall are not included with this effort.

6. **Parking Shuttle Statistics.** For your information, the [attached spreadsheet](#) shows the parking shuttle statistics beginning May 2<sup>nd</sup> through June 8<sup>th</sup>.
7. **Update of the Implementation Plan Section of the 2005 Master Plan.** As requested by the City Council, [attached is a report](#) listing the current status of all implementation strategies recommended in the 2005 Master Plan.