

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, APRIL 6, 2015 TIME: 7:00 PM

## AGENDA

- 6:00PM – AN ANTICIPATED “NON-MEETING’ WITH COUNSEL RE: POTENTIAL ACQUISITION OF REAL ESTATE & POTENTIAL SETTLEMENT OF LITIGATION – RSA 91-A:2, I (b)

### I. CALL TO ORDER (7:00PM)

### II. ROLL CALL

### III. INVOCATION

### IV. PLEDGE OF ALLEGIANCE

### PRESENTATION

1. Middle Street Bike Lanes – Juliet Walker, Transportation Planner (*Sample motion – move to endorse the preferred Option B, which is called “Buffered Bike Lanes” as outlined in the presentation*)
2. Update on Route 7 COAST – Juliet Walker, Transportation Planner

### V. ACCEPTANCE OF MINUTES – MARCH 16, 2015

### VI. PUBLIC COMMENT SESSION

### VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO FIVE MILLION DOLLARS (\$5,000,000.00) FOR COSTS RELATED TO ELEMENTARY SCHOOL FACILITY IMPROVEMENTS

### VIII. APPROVAL OF GRANTS/DONATIONS

- A. \*Acceptance of Donation to the African Burying Ground from TD Bank - \$10,000.00 (*Sample motion – move to accept and expend a \$10,000.00 grant from TD Bank for costs associated with the events marking the project’s completion in May 2015.*)
- B. \*Acceptance of Community Development Block Grant Funds (*Sample motion – move to accept and expend a Community Development Block Grant (CDBG) in the amount of \$505,162.00 from the U.S. Department of Housing and Urban Development*)

**IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements **(Sample motion – move to adopt the proposed Resolution authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements, at the April 6, 2015 City Council meeting) (A Two-thirds vote required by City Council for Adoption of Resolution)**
- B. Second reading of Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services **(Postponed from the March 16, 2015 City Council meeting) (Sample motions: (1) move that the following sentence be added at the end of the first paragraph of Section 7.208 FARE REGULATION which shall read as follows:**

***“In no situation shall the fare for any single transportation service beginning and ending within the City of Portsmouth exceed the total sum of \$25.00”***

*(Explanation not part of the motion: The maximum fare contained in the proposed amendment was based on input requested from Great Bay Taxi based upon the cost of a taxi ride under the current ordinance commencing at the Kittery town line and continuing to the Rye town line which is 5.1 miles, \$21.95)*

**(2) move that Section 7.202 VEHICLE REGISTRATION of the proposed ordinance by the addition of the following sentence after the words “ Transportation Services” and before the words “There shall be a fee...” which shall read as follows:**

***“The placard shall be displayed in such a manner as to be plainly visible from the exterior of the vehicle by any potential customer”***

**(3) move that the phrase, “on its date of issuance” in Section 7.207 ANNUAL RENEWAL: be deleted and replaced with “May 1<sup>st</sup>”**

**(4) move that the following new paragraph be added to Section 7.201 TRANSPORTATION SERVICES:**

***However, this ordinance shall not apply to the following:***

- a. ***Limousine Services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions;***
- b. ***Limousine Services, whose operation is limited to the transport of passengers by prior appointment from locations within the City of Portsmouth to destinations located outside of the City or the reverse.***

***And further, authorize the City Manager to bring back for third and final reading the proposed Ordinance at the April 20, 2015 City Council meeting, as presented.***

## X. CONSENT AGENDA

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

- A. Request from Fairpoint License Agreement for a new guy pole and guy wire on Court Street directly across from the African Burial Ground site **(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)**
- B. Letter from Mary-Jo Monusky, Arts in Reach, requesting permission to hold the 3<sup>rd</sup> annual AIRWalk fundraiser on Saturday, October 17, 2015 from 9:00 a.m. to 11:00 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- C. Letter from Caroline Piper, Fairy House Tour, requesting permission to close Washington Street to motor vehicle through traffic between Court and Hancock Streets on Saturday and Sunday, September 26 and 27 from 9:30 a.m. to 4:00 p.m. **(Anticipated action – move to refer to the City Manager with power)**
- D. Letter from Shamera Simpson, March of Dimes, requesting permission to hold the 2015 Seacoast March for Babies in Portsmouth, Sunday, May 31, 2015 **(Anticipated action – move to refer to the City Manager with power)**
- E. Request for License from Robert Withington/Laura Carrigan, owners of Withington and Co. Antiques / Laura Carrigan Designs 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 Robert Withington/Laura Carrigan, owners of Withington and Co. Antiques / Laura Carrigan Designs 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**

## XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Bert Cohen, Chair, Blue Ribbon Committee on Sustainable Practices recommendation for the Council to proceed with a first reading of the proposed Single-Use Carryout Plastic Bag Ordinance

- B. Letter from Sandra Yarne, Seacoast Peace Response, requesting permission to hold a Penny Poll in Market Square on April 15<sup>th</sup> from 11:30 a.m. to 1:00 p.m. and place a plywood structure which measures 36” in height by 66” in width on the sidewalk
- C. Letter from Nancy Pape, NH Conference United Church of Christ, requesting permission to hold a May Day Celebration for immigrant rights at Market Square on Friday, May 1, 2015 from 5:00 p.m. – 6:30 p.m.

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

### **A. CITY MANAGER**

#### **Items Which Require Action Under Other Sections of the Agenda**

- 1. Public Hearing and Adoption of Resolution:
  - 1.1 Public Hearing/Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements (**Action on this item should take place under Section IX of the Agenda**)
- 2. Second Readings for Proposed Ordinance:
  - 2.1 Second Reading of Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services (*Postponed from the March 16, 2015 City Council meeting*) (**Action on this item should take place under Section IX of the Agenda**)

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

- 1. Request to Renew Seacoast Growers’ Association (Farmers’ Market) Proposed 2015 License Agreement
- 2. Applications for Sidewalk Cafés Providing Alcohol Service – city-owned sidewalks:
  - a) State Street Saloon
  - b) Popovers on the Square
  - c) Ri Ra Portsmouth
  - d) The District
- 3. Applications for Sidewalk Cafes providing Alcohol Service – private sidewalks:
  - a) British Beer Company
  - b) The BRGR Bar
- 4. Annual Renewal of Boarding House Permits:
  - a) 278 Cabot Street
  - b) 350 – 352 Hanover Street
- 5. Sawtelle Family Donation Gift of the Carlton Theodore Chapman Painting Entitled: *Bonhomme Richard Capturing the Serapis*

6. Request for Road Closures for African Burying Ground Events
7. Request for Approval Re: Town of Rye Water Agreement

### **Informational items**

1. Events Listing
2. News Release Re: African Burying Ground Reburial Events and Update
3. Master Plan Kick-off Meeting for April 15, 2015
4. Report Back Request of Councilor Eric Spear Re: Proposed Charter Amendment Allowing for Election of the Mayor
5. Handicap Parking Time Limit Implementation

### **B. MAYOR LISTER**

1. Appointments to be Considered:
  - Reappointment of Ronald Poulin to the Cable Television and Communications Commission
  - Reappointment of MaryAnn Blanchard to the Conservation Commission
  - Reappointment of Gibson “Mike” Kennedy to the Portsmouth Housing Authority
  - Reappointment of Kathryn Lynch to the Recreation Board
2. Reappointment of Peter Loughlin to the Pease Development Authority Portsmouth/Newington representative until March 31, 2018
3. Resignation of Elissa Hill Stone from the Conservation Commission

### **C. ASSISTANT MAYOR SPLAINE**

1. Statement of Support on Marriage Equality
2. Uber / Ride-Sharing / Transportation Services Ordinance

### **D. COUNCILOR SHAHEEN**

1. \*Request to have the Police Chief and the Police Commission at the April 20<sup>th</sup> City Council meeting to Review Response to the Heroin Epidemic

### **E. COUNCILOR KENNEDY**

1. \*Transportation Center

### **F. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Action Sheet of March 12, 2015 (***Sample motion – move to approve and accept the Action Sheet of the Parking & Traffic Safety Committee meeting of March 12, 2015***)

### **G. COUNCILOR MORGAN**

1. \*Testimonies to the NH Legislature on policy issues
2. \*Helicopters

## **H. COUNCILOR SPEAR**

1. Report Back Re: Election of Mayor and Council Candidates Proposed Charter Amendment
2. \*Two Way Street (***Sample motion – move to refer to the Parking & Traffic Safety Committee for a Study to be done on this matter***)

## **I. COUNCILOR THORSEN**

1. \*Casino's
2. Transportation Services Ordinance Policy Analysis
3. New Parking Garage

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

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

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

*\*Indicates Verbal Report*


## **INFORMATIONAL ITEMS**

1. \*Notification that the minutes of the October 8, 2014, October 27, 2014, November 12, 2014 and February 11, 2015 meetings of the Conservation Commission are now available on the City's website
2. \*Notification that the minutes of the February 17, 2015 meeting of the Zoning Board of Adjustment are now available on the City's website
3. \*Notification that the minutes of the July 17, 2014, August 21, 2014 and February 19, 2015 meetings of the Planning Board are now available on the City's website
4. \*Notification that the minutes of the March 4, 2015 meeting of the Site Review Technical Advisory Committee 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:** April 2, 2015  
**To:** Honorable Mayor Robert J. Lister and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on April 6, 2015 City Council Agenda

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**6:00 p.m. Non-meeting with counsel regarding Potential Acquisition of Real Estate & Potential Settlement of Litigation – RSA 91-A:2, I (b)**

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. **Middle Street Bike Lanes.** After a presentation from Juliet Walker, Transportation Planner, about three design alternatives currently being considered, the City Council will be asked for their support to proceed with a preferred alternative. Approval of a preferred alternative will enable the City to proceed to the preliminary engineering design phase of the project to develop specific design details. Additional public outreach will occur as part of the preliminary engineering design phase as well. [In the front pocket of the City Council packet, you will find the paper copies of the PowerPoint presentation.](#)

*I recommend that the City Council endorse the preferred Option B, which is called "Protected and Buffered Bike Lanes" as outlined in the presentation.*

2. **Update on Route 7 COAST.** Councilor Shaheen has inquired about the discontinuance of the Cooperative Alliance for Seacoast Transportation (COAST) Route 7. Rad Nichols, Executive Director of (COAST) will be present to answer questions regarding this matter. Juliet Walker, Transportation Planner, will discuss this matter immediately following the Middle Street Bike Lanes.

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

1. **Acceptance of Donation to the African Burying Ground from TD Bank.** Recently, the City was awarded a \$10,000 grant from TD Bank to be used for the African Burying Ground events and reburial ceremony planned for May 2015. This donation has been provided to fund costs associated with events planned for the project completion rather than for the construction of the memorial park. As a result, it will be deposited in a City account rather than in the African Burying Ground Trust, which has been established as a repository for construction and maintenance funds. Therefore, this contribution needs to be accepted by the City Council prior to expenditure.

This \$10,000 grant is in addition to substantial support TD Bank has provided both as an abutter and funder. Another \$20,000 in contributions have been granted by TD Bank to the African Burying Ground Trust as part of the project's campaign.

*I recommend the City Council move to accept and expend a \$10,000 grant from TD Bank for costs associated with the events marking the project's completion in May 2015. Action on this matter should take place under Section VIII of the Agenda.*

2. **Acceptance of Community Development Block Grant Funds.** The U.S. Department of Housing and Urban Development has informed the City that a Community Development Block Grant (CDBG) in the amount of \$505,162 will be made available to Portsmouth for FY 2015-2016. This amount represents a decrease of less than 1% from last year. These funds are used to carry out a variety of housing rehabilitation and accessibility projects and other eligible community development and public improvements as well as assistance to public service agencies. The Community Development Department, working in conjunction with the City's Citizens Advisory Committee, has held a series of public hearings and meetings over the last several months to solicit input and prioritize projects with regard to the expenditure of these funds. The next public hearing will be held on Tuesday April 21, 2015 at 6:30 p.m. in Conference Room A at Portsmouth City Hall.

*I recommend the City Council move to accept and expend a Community Development Block Grant (CDBG) in the amount of \$505,162 from the U.S. Department of Housing and Urban Development. Action on this matter should take place under Section VIII of the Agenda.*

## ***Items Which Require Action Under Other Sections of the Agenda:***

1. **Public Hearing/Adoption of Resolution.**
  - 1.1 **Public Hearing/Adoption of Proposed Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000) for Costs related to Little Harbour Elementary School Facility Improvements.** As a result of the March 16<sup>th</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the [attached proposed Resolution authorizing a Bond Issue and/or Notes of up to Five Million Dollars \(\\$5,000,000\) for Costs](#)



related to Little Harbour Elementary School Facility Improvements. Attached is a letter from Leslie Stevens, Chair of the Portsmouth School Board requesting the City Council approve a bond issue of up to Five Million Dollars (\$5,000,000) to undertake the construction improvements for the Little Harbour Elementary School. This will allow the School Department to bid the project before the beginning of FY 2016 (July 1, 2015). This was discussed at your Work Session with the School Department.

*I recommend the City Council move to adopt the proposed Resolution authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000) for Costs related to Elementary School Facility Improvements, at your April 6, 2015 City Council meeting, as presented. (A Bonding Resolution requires two readings and a public hearing with two-thirds vote of the City Council.) Action on this matter should take place under Section IX of the Agenda.*

## 2. **Second Reading for Proposed Ordinance.**

- 2.1 **Second Reading of Proposed Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services (Postponed from the March 16, 2015 City Council Meeting).** As a result of the March 16<sup>th</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for second reading the [attached proposed Ordinance amending Chapter 7, Article II](#) replacing the existing Taxi Ordinance with a new Ordinance entitled Transportation Services. The [attached Ordinance](#) is the form that went to first reading at the March 2, 2015 City Council meeting which were brought back to the Council at second reading on March 16, 2015.

At first reading of the captioned ordinance on March 2, 2015, the Council requested that two potential amendments to the form of the Ordinance which went to first reading be brought to the Council at second reading on March 16, 2015.

*The two motions which would satisfy the requests are as follows:*

- 1) *MOVE that the following sentence be added at the end of the first paragraph of Section 7.208 FARE REGULATION which shall read as follows:*

*“In no situation shall the fare for any single transportation service beginning and ending within the City of Portsmouth exceed the total sum of \$25.00.”*

*(Explanation not part of the motion: The maximum fare contained in this proposed amendment was based on input requested from Great Bay Taxi based upon the cost of a taxi ride under the current ordinance commencing at the Kittery town line and continuing to the Rye town line which is 5.1 miles, \$21.95.)*

- 2) *MOVE that Section 7.202 VEHICLE REGISTRATION of the proposed ordinance by the addition of the following sentence after the words "...Transportation Services" and before the words "There shall be a fee..." which shall read as follows:*

*"The placard shall be displayed in such a manner as to be plainly visible from the exterior of the vehicle by any potential customer"*

In addition, please be advised at the Taxi Commission meeting of March 18, 2015, the Commission determined to recommend a third amendment to be considered by the City Council at second reading of the ordinance. Specifically, at the request of the City Clerk, the Commission wishes to modify the proposed Ordinance so that it is clear that both the vehicle registration and operator licenses which would be required under the proposed new Ordinance are renewable annually on May 1<sup>st</sup>, rather than on the date of issuance as currently written. Therefore, it would be appropriate if some member of the Council would propose the following motions:

- 3) *MOVE that the phrase, "on its date of issuance" in Section 7.207 ANNUAL RENEWAL: be deleted and replaced with "May 1<sup>st</sup>".*

In addition to the foregoing, there was some interest on the part of the Council at second reading to remove limousine services from application of the proposed ordinance. If a member of the Council desired to make a motion to accomplish that result, one option would be the following:

- 4) *MOVE that the following new paragraph be added to Section 7.201 TRANSPORTATION SERVICES:*

*However, this ordinance shall not apply to the following:*

- a. Limousine Services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions;*
- b. Limousine Services, whose operation is limited to the transport of passengers by prior appointment from locations within the City of Portsmouth to destinations located outside of the City or the reverse.*

*None of the forgoing potential amendments has yet been the subject of Council action.*

*And further, authorize the City Manager to bring back for third and final reading the proposed Ordinance at the April 20, 2015 City Council meeting, as amended.*

*Action on this matter should take place under Section IX of the Agenda.*

## ***Consent Agenda:***

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

- Robert Withington / Laura Carrigan, owner of Withington and Co. Antiques / Laura Carrigan Designs for property located at 207 Market Street.

*I 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 this License Agreement for this request. Action on this item should take place under Section X of the Agenda.*

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

1. **Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2015 License Agreement.** The Seacoast Growers' Association has requested renewal of their License Agreement (see attached letter). Attached is a draft of the proposed 2015 License Agreement with the Seacoast Growers' Association to allow a Farmers' Market at the municipal complex. The Agreement contains some minor language changes from last year's Agreement in order to maintain consistency between this Agreement the Seacoast Growers' Association Bylaws (see attached) and the actual operation of the Farmers' Market. Also, attached is a copy of the parking map.

The Seacoast Growers' Association has been conducting their Farmers' Market at the municipal complex for over ten years. If this draft agreement meets with the approval of City Council, I would ask that you authorize me to enter into the proposed Agreement between the Seacoast Growers' Association and the City of Portsmouth for a License Agreement to conduct their Farmers' Market for 2015. I've requested that a representative of the Seacoast Growers' Association be in attendance on Monday evening to answer any questions you may have regarding this matter.

*I recommend the City Council move to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2015, as presented.*

2. **Applications for Sidewalk Cafes providing Alcohol Service.** As you are aware, in 2012, the City Council adopted City Council Policy 2012-02 titled "Policy Regarding Use of City Property for Sidewalk Café's providing Alcohol Service", a copy of which is attached. That policy allows restaurants to apply for an Annual Service Agreement to occupy a defined portion of City sidewalk space for the purpose of creating a sidewalk café with the ability to serve alcohol. The policy outlines the criteria for both the application and the operations of the sidewalk café's and calls for a 6 month term, typically running from mid-April through mid-October. The policy limits the number of sidewalk café's in the City to six (6).

Last year, five Area Service Agreements were issued for public Sidewalk occupancy. To date, we have received applications for State Street Saloon, Popovers, Ri-Ra and The District. Surf has indicated that they will be submitting an application, however, it had not been received at closing time for preparing the City Council packet. City staff representatives from Police, Fire, Public Works, Building Inspection, Health, and Code Enforcement have reviewed the applications of Popovers, State Street Saloon, Ri-Ra and The District and found the applications complete and recommend issuance of the Area Service Agreements in accordance with City Council Policy 2012-02.

The Council will recall that the fee for the use of the public “Area” subject to the Area Service Agreement is \$10.00 per square foot, with a minimum season’s fee of \$2,000 and no proration of the fee. The Agreements may be suspended at the sole discretion of the City on an administrative basis and revoked in their entirety by vote of the City Council. Hours of operation are until 10:30 p.m. Monday through Saturday and until 10:00 p.m. on Sunday, with no smoking allowed in the “Area” at any time. Use of the “Area” may be precluded, modified or made subject to special conditions to accommodate municipal events. The sidewalk café Area will be separated from the public pedestrian space by black decorative metal fence. The table below includes applications received to date along with the areas and associated fees:

<b>Establishment</b>	<b>Location</b>	<b>Area</b>	<b>Fee</b>
State Street Saloon	268 State Street	340	\$3,400
Popovers	8 Congress St	570	\$5700
Ri Ra Portsmouth	22 Market Square	447	\$4,470
District	103 Congress	467	\$4,670

- a) **Application for Sidewalk Café providing Alcohol Service from State Street Saloon.** I am bringing forward for City Council action the [attached Area Service Agreement for State Street Saloon](#) for the 2015 season. City staff has reviewed State Street Saloon’s application and are recommending its approval as presented. Please note that the “Area” to be used by State Street, along with a table-chair layout, is included as an attachment to the Agreement. The particulars of this application are as follows:

- 5 4-top tables
- 20 chairs
- Area: 340 square feet
- Area Service Fee: \$3,400

*I would recommend the City Council Authorize the City Manager to enter into an Area Service Agreement with State Street Saloon for outdoor Alcohol service on City land for the 2015 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service.*

- b) **Application for Sidewalk Café providing Alcohol Service from Popovers on the Square.** I am bringing forward for City Council action the [attached Area Service Agreement for Popovers on the Square](#) for the 2015 season. City staff has reviewed Popovers' application and are recommending its approval as presented. Please note that the "Area" to be used by Popovers, along with a table-chair layout , is included as an attachment to the Agreement. The particulars of this application are as follows:

10 4-top tables  
1 outside container full enclosed for garbage and recycling  
38 chairs  
Area: 570 square feet  
Area Service Fee: \$5,700

*I would recommend the City Council Authorize the City Manager to enter into an Area Service Agreement with Popovers on the Square for outdoor Alcohol service on City land for the 2015 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service.*

- c) **Application for Sidewalk Café providing Alcohol Service from Ri Ra.** I am bringing forward for City Council action the [attached Area Service Agreement for Ri Ra](#) for the 2014 season. City staff have reviewed Ri Ra's application and are recommending its approval as presented. Please note that the "Area" to be used by Ri Ra, along with a table-chair layout, is included as an attachment to the Agreement. The particulars of this application are as follows:

5 4-top tables  
4 2-top tables  
28 chairs  
Area: 447 square feet  
Area Service Fee: \$4,470

*I would recommend the City Council Authorize the City Manager to enter into an Area Service Agreement with Ri Ra for outdoor Alcohol service on City land for the 2014 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service.*

- d) **Application for Sidewalk Café providing Alcohol Service from The District.** I am bringing forward for City Council action the [attached Area Service Agreement for The District](#) located at 103 Daniel Street for the 2015 season. City staff has reviewed The District's application and are recommending its approval as presented. Please note that the "Area" to be used by District, along with a table-chair layout is included as an attachment to the Agreement.

The particulars of this application are as follows:

17 top tables  
34 chairs

Area: 467 square feet  
Area Service Fee: \$4,670

*I would recommend the City Council Authorize the City Manager to enter into an Area Service Agreement with The District for outdoor Alcohol service on City land for the 2015 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service.*

3. **Applications for Sidewalk Cafes providing Alcohol Service-private sidewalk.** The City has received two applications for sidewalk cafes that are proposed for private sidewalk that runs along Portwalk Way. While these proposed locations are completely contained on private property, they are adjacent to the sidewalk area that the City has an easement over. The operation of these areas will require review for health and life-safety compliance and it was therefore determined that the City should review and issue a license for the operation. Because the operation occurs on private property and not on City property, as the other Sidewalk Café licenses, there is no associated fee with this action.

- a) **Application for Sidewalk Café providing Alcohol Service from British Beer Company.** I am bringing forward for City Council action the [attached Area Service Agreement for British Beer Company located at Portwalk Place](#) for the 2015 season. City staff has reviewed British Beer Company's application and are recommending its approval as presented. Please note that the ["Area" to be used by British Beer Company, along with a table-chair layout, is included as an attachment to the Agreement.](#) The particulars of this application are as follows:

3 4-top tables  
6 2-top tables  
24 chairs  
Area: 882 square feet

*I would recommend the City Council Authorize the City Manager to enter into an Area Service Agreement with British Beer Company for outdoor Alcohol service for the 2015 season subject to City operating conditions contained in Council Policy No. 2012-02.*

- b) **Application for Sidewalk Café providing Alcohol Service from The BRGR Bar.** I am bringing forward for City Council action the [attached Area Service Agreement for The BRGR Bar located at 34 Portwalk Place](#) for the 2015 season. City staff has reviewed The BRGR application and are recommending its approval as presented. Please note that the ["Area" to be used by The BRGR Bar, along with a table-chair layout, is included as an attachment to the Agreement.](#) The particulars of this application are as follows:

8 4 top tables  
4 2 top tables  
40 chairs  
Area: 440 square feet

*I would recommend the City Council Authorize the City Manager to enter into an Area Service Agreement with The BRGR Bar Company for outdoor Alcohol service for the 2015 season subject to City operating conditions contained in Council Policy No. 2012-02.*

4. **Annual Renewal of Boarding House Permits.** As you are aware, annually, the City Council considers and takes action on the renewal of Boarding House Permits.

a) **278 Cabot Street.** Pursuant to Article VIII: Boarding Houses, Section 9.804: Permit Renewal, I have [attached a draft Permit for the boarding house located at 278 Cabot Street](#). This facility was inspected on March 18, 2015 by the Code Enforcement Officer and Health Officer and recommended for the reissue of the permit.

*I would recommend that the City Council move to approve the Boarding House permit for 278 Cabot Street for a one year permit to expire April 6, 2016.*

b) **350-352 Hanover.** Pursuant to Article VIII: Boarding Houses, Section 9.804: Permit Renewal, I have [attached a draft Permit for the boarding house located at 350-352 Hanover Street](#). This facility was inspected on March 18, 2015 by the Code Enforcement Officer and Health Officer and recommended for reissue of the permit.

*I would recommend that the City Council move to approve the Boarding House permit for 350-352 Hanover Street for a one year permit to expire April 6, 2016.*

5. **Sawtelle Family Donation Gift of the Carlton Theodore Chapman Painting Entitled: Bonhomme Richard Capturing the Serapis.** As you may be aware, in January 2012, the City entered into an Artwork Loan Agreement with the Jean E. Sawtelle Revocable Trust to accept on loan the painting entitled *The Bonhomme Richard Capturing the Serapis*, for public display in the City Council Chambers from January 9, 2012 and September 30, 2016. The Trust agreed to maintain insurance on the painting during the loan period.

Recently, the Sawtelle family contacted the City to offer the painting to the City as a permanent gift. In accordance with the City's Public Art Acquisition policy, the City Manager referred the request to Art-Speak for review and recommendation. Art-Speak recommended that the City accept the painting and, as suggested in the city's policy, discuss with the family an appropriate stewardship fee not to exceed 10% of the value of the painting for acceptance and maintenance of the painting. Art-Speak further recommended that the City invest the stewardship funds in the City's Public Art Trust established for future expenses related to care and conservation of public artwork.

Staff has discussed the recommendation with the estate representative for the Sawtelle family. In response, the family has suggested that the stewardship fee be requested from a NH Charitable Foundation which was established by the Sawtelles for such purposes.

*I recommend the City Council move to authorize the City Manager to request stewardship funds from a NH Charitable Foundation and to negotiate and execute the Deed of Gift and necessary Internal Revenue Service donation forms needed to accept the gift.*



6. **Request for Road Closures for African Burying Ground Events.** As you know, last week, the City and the African Burying Ground Committee announced plans for the Reburial Ceremony marking the completion of the African Burying Ground and Memorial Park as well as related events over the days between May 20<sup>th</sup> and May 23<sup>rd</sup>. In two separate mailings earlier this month, abutters were notified about the resumption of project construction as well as the schedule of events marking the project completion.

The African Burying Ground Committee is requesting road closures to facilitate attendance and safety at the following events (below). The African Burying Ground Ancestral Vigil at New Hope Baptist Church will not require a road closure. The planning for the ceremony and associated events, including these road closure requests, have been coordinated in detail with the Public Works, Police, and Fire Departments.

❖ **On-site event with artist and sculptor Jerome Meadows with Middle School Students**

- Date: Wednesday May 20<sup>th</sup>
- Closure: Chestnut Street (between Court and State Streets) travel lane
  - Duration: 8:45 a.m. to 10:00 a.m.

❖ **Reburial Ceremony at African Burying Ground**

- Date: Saturday May 23<sup>rd</sup>
- Closure: Chestnut Street (between Court and State Streets) travel lane
  - Duration: 6:00 a.m. to 8:00 p.m.
- Closure: Right hand lane on State Street from Middle Street to Fleet Street
  - Duration: 8:30 a.m. to 10:15 a.m.
- Closure: Court Street from Rogers Street to Fleet Street
  - Duration: 8:30 a.m. to 10:30 a.m.

It should be noted that these closures for the events above are in addition to temporary construction-related closures of the Chestnut Street travel lane that will be necessary as construction work resumes at the site over the next several weeks. More information about the events can be found at [www.africanburyinggroundnh.org](http://www.africanburyinggroundnh.org).

*I recommend the City Council refer these road closure requests to the City Manager with power.*



7. **Request for Approval Re: Town of Rye Water Agreement.** The Rye Water District has approved the “Water Supply Agreement” to wholesale water to the Portsmouth Water Division at Breakfast Hill Road in Greenland. This will allow Portsmouth to provide public water to an area of Greenland that the Portsmouth water system does not currently have water available through its own pipe network. The terms of the agreement are that Portsmouth will pay the same rate for water supplied by Rye as the Rye Water District pays Portsmouth for wholesaled metered water it currently receives from the Portsmouth system. The Agreement was executed on February 17, 2015 subject to ratification by the Council.

*I recommend the City Council move to ratify the “Water Supply Agreement” with the Rye Water District, as presented.*

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

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on March 16, 2015. In addition, this can be found on the City’s website.
2. **News Release Re: African Burying Ground Reburial Events and Update.** For your information, [attached is a news release](#) regarding the African Burying Ground Reburial Events and Update.
3. **Master Plan Kick-off Meeting for April 15, 2015.** The City of Portsmouth Planning Department is holding a Master Plan Kick-off meeting at 3S Artspace on Wednesday April 15<sup>th</sup>, 6:00 p.m. The City has hired Boston-based planning and design firm NBBJ to help update the Master Plan – a decennial document to guide development in the City. A 6:30 p.m. presentation by the City officials and representatives, and NBBJ will highlight major initiatives, followed by refreshments and open conversation amongst residents and officials to discuss thoughts, visions and ideas as the City begins the Master Plan process. Portsmouth Listens will be present to recruit participants for their upcoming study circles to deliberate on what worked and what didn’t work in our last plan, and what our City’s vision should be for 2025.
4. **Report Back Request of Councilor Eric Spear Re: Proposed Charter Amendment Allowing for Election of the Mayor.** [Attached under Councilor Eric Spear’s name is a memorandum from City Attorney Robert Sullivan](#) out the proposed “proper language for a Referendum allowing for Election of Mayor; (1) Candidate would choose either to run for Mayor or run for Council; (2) The statutory authority and responsibility of the Mayor would remain unchanged and, (3) this would take effect 2017.”
5. **Handicap Parking Time Limit Implementation.** For your information, [attached is a memorandum from Eric Eby, Parking and Transportation Engineer](#), regarding the handicap parking time limit implementation that was passed by the Parking and Traffic Safety Committee at their February meeting.