

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 19, 2007 TIME: 7:00PM

AGENDA

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

**INTRODUCTION OF STUDENTS PARTICIPATING IN STUDENT GOVERNMENT DAY,
APRIL 11, 2007**

ELISA LOESER	MAYOR MARCHAND
TIM WELCH	ASSISTANT MAYOR FERRINI
KATIE ACHILLES	COUNCILOR GRASSO
KRISTEN AMATO	COUNCILOR DWYER
KELLI JOHNSON	COUNCILOR RAYNOLDS
CASSAUNDRAL DELVALLE	COUNCILOR PANTELAKOS
JOSH BUNKER	COUNCILOR WHITEHOUSE
MEGHAN TONER	COUNCILOR SMITH
GAMBLE MORRISON	COUNCILOR HYNES
ALEX LEITH	CITY MANAGER
KRISTEN SCOTT	CITY ATTORNEY
ERIN HAYER	CITY CLERK

PROCLAMATIONS

- 1. Music in Our Schools Month
- 2. Youth Art Month

V. ACCEPTANCE OF MINUTES – MARCH 5, 2007

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 10, SECTION 10-102 – DEFINITION: FLOOR AREA RATIO; SECTION 10-304 (A) BUSINESS – TABLE 10 DIMENSIONAL REQUIREMENTS; AND SECTION 10-304 BY THE ADDITION OF A NEW (E) AND (F) FOR CENTRAL BUSINESS A DISTRICT (CBA). THIS ORDINANCE PROPOSES CHANGES TO CERTAIN DIMENSIONAL REQUIREMENTS IN CENTRAL BUSINESS A. THOSE CHANGES INCLUDE A 40 FOOT HEIGHT LIMITATION WITHIN 10 FEET OF A STREET RIGHT OF WAY AND THE ESTABLISHMENT OF VARIABLE FLOOR AREA RATIOS AFFECTING MAXIMUM LOT COVERAGE REQUIREMENTS

VIII. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Donation to the New Library Building Fund
- Pax World Management Corp. - \$5,000.00 (*For the Naming of the Children's Story Time Room*) (*Additional pledge to be paid annually 2008 and 2009 totaling \$10,000.00*)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeiture and Separability - increasing fines listed under Item A and F of Section 7.901 - Penalties
- B. First reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits sub-section B – Speed Limit 20 MPH by the addition of Peirce Island Road
- C. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A by the addition of Peirce Island Road: both sides of the street from most easterly access of the City pool to the access/egress of the sewer treatment plant
- D. Second reading of Ordinance amending Chapter 10, Section 10-102 – Definition: Floor Area Ratio, Section 10-304 (A) Business – Table 10 Dimensional Requirements; and Section 10-304 by the addition of a New (E) and (F) for Central Business A District (CBA). This Ordinance proposes changes to certain dimensional requirements in Central Business A. Those changes include a 40 foot height limitation within 10 feet of a street right of way and the establishment of variable floor area ratios affecting maximum lot coverage requirements
- E. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Maplewood Avenue by the addition from the US Route 1 Bypass northbound off ramp to Prospect Street
- F. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.321 (G) – Snow Emergency Parking Ban; Section 7.324 – Limited Parking – One Hour by the deletion of Chatham Street: southerly side from Summer Street to Winter Street; Section 7.326 – Limited Parking – 15 Minutes by the addition of Hanover Street: northerly side, first two spaces east of High Street; northerly side, two spaces 246 feet west from the intersection of High Street; Section 7.327 – Limited Parking – Two Hours – by the addition of Church Street: easterly side, two spaces 26 feet south of State Street; Section 7.330 – No Parking – Hanover Street by the addition of the southerly side from Market Street to a point 285 feet east of Fleet Street; and Section 7.403 to be entitled Length of Vehicles – Vehicles Parking in Off-Street Parking Areas shall not exceed 19 feet in length

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Tammy Jordan Cary, Sexual Assault Support Services, requesting permission to hold the 15th Annual SASS Walk on Sunday, April 29, 2007 at 1:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Stacy Baker Chilicki, Seacoast Repertory Theatre, requesting permission to hold the 41st Annual Bow Street Fair on Saturday, July 21, 2007 and Sunday, July 22, 2007 from 10:00 a.m. to 5:00 p.m. In addition, requesting that Bow Street be blocked to all vehicle traffic starting at midnight on Friday, July 20, 2007 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Renewal Requests for Sidewalk Obstruction Licenses from the following businesses with no changes from last year
- Anna Street, LLC – 1 A-frame sign
 - Ashley & Victoria – 1 A-frame sign
 - Attrezzi LLC – 1 A-frame sign
 - Bagel Works – 4 Tables, 12 Chairs and 1 A-frame sign
 - Belle Peppers – 2 Tables and 4 Chairs
 - Betty LaBranche Agency – 1 A-frame sign
 - Blue Athletic, Inc. – 1 A-frame sign
 - Breaking New Grounds, Inc. – 15 Tables and 42 Chairs
 - Buyer's Brokers of the Seacoast – 1 A-frame sign
 - Ceres Bakery – 4 Benches
 - Choozy Shooz – 1 A-frame sign
 - Cobble Hill – 1 A-frame sign
 - Colby's Breakfast & Lunch – 1 A-frame sign
 - Corks & Curds, LLC – 1 A-frame sign
 - Edible Arrangements – 1 A-frame sign
 - Fat Belly's – 1 A-frame sign
 - Geno's Coffee Shop – 1 A-frame sign
 - Izzy's Frozen Yogurt – 1 Bench
 - Leo Auger Real Estate – 1 A-frame sign
 - Lucky 7 Gallery – 1 A-frame sign
 - Maine-ly New Hampshire – 1 A-frame sign
 - Making Faces – 1 A-frame sign
 - Me & Ollies Café – 6 Tables, 18 Chairs and 1 A-frame sign
 - Muddy River Smokehouse – 1 A-frame sign
 - 02 Yoga Studios – 1 A-frame sign
 - Paradiza – 1 A-frame sign
 - Poco's – 1 Bench and 1 A-frame sign
 - Popovers on the Square, LLC – 10 Tables and 38 Chairs
 - Portsmouth Athenaeum – 1 A-frame sign
 - Prudential Rush Realty – 1 A-frame sign

- Puttin' on the Glitz – 1 Bench
- Rosa's Restaurant – 2 A-frame signs
- Six Degrees A Unique Salon – 1 A-frame sign
- Starbucks Coffee – 4 Tables and 8 Chairs
- Stonewall Kitchen – 1 A-frame sign
- The One Hundred Restaurant – 1 A-frame sign
- The Press Room – 1 A-frame sign
- 3West Provisions, Inc. (FKA Portsmouth Provisions) – 1 A-frame sign
- Tugboat Alley – 1 Bench
- Water Monkey – 2 A-frame signs

(Anticipated action – move to refer to the City Manager with power)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Dr. Robert J. Lister, Superintendent of Schools Re: Replacement of Little Harbour School sign located on Clough Drive
- B. Letter from Peter Bresciano requesting that the City of Portsmouth take appropriate action to see that the New Hampshire Retirement Fund divest state and local monies from companies that do business with terrorist-sponsoring governments
- C. Letter from Perry Silverstein regarding 10 Commercial Alley Building Addition requesting permission to work in the public right of ways, landscaping changes in the public right of way and an easement from the City of Portsmouth for the foundation and overhangs under and over the public right of way
- D. Letter from Peter Somssich requesting permission to hold a Labor Day / Peace Treaty Parade on Saturday, September 15, 2007

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items which require Action under other sections of the Agenda

- 1. Consideration of First Reading of Proposed Ordinance Amendments:
 - 1.1 First Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeiture and Separability – increasing fines listed under Item A and F of Section 7.901 – Penalties (***Action on this matter should take place under Section IX of the Agenda***)
 - 1.2 First Reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits sub-section B – Speed Limit 20 MPH by the addition of Peirce Island Road (***Action on this matter should take place under Section IX of the Agenda***)

- 1.3 First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A by the addition of Peirce Island Road: both sides of the street from most easterly access of the City pool to the access/egress of the sewer treatment plant (**Action on this matter should take place under Section IX of the Agenda**)
2. Public Hearing/ Second Reading of Proposed Ordinance Amendments:
 - 2.1 Public Hearing/Second Reading Amending Chapter 10, Section 10-102 – Definition: Floor Area Ratio, Section 10-304 (A) Business – Table 10 Dimensional Requirements; and Section 10-304 by the addition of a New (E) and (F) for Central Business A District (CBA). This Ordinance proposes changes to certain dimensional requirements in Central Business A. Those changes include a 40 foot height limitation within 10 feet of a street right of way and the establishment of variable floor area ratios affecting maximum lot coverage requirements (**Action on this matter should take place under Section IX of the Agenda**)
3. Third and Final Reading of Proposed Ordinance Amendments:
 - 3.1 Third and Final Reading Amending Chapter 7, Article III, Section 7.330 – No Parking – Maplewood Avenue (**Action on this matter should take place under Section IX of the Agenda**)
 - 3.2 Third and Final Reading Amending Chapter 7, Article III, Sections 7.321 (G) – Snow Emergency Parking Ban; Section 7.324 – Limited Parking – One Hour – Chatham Street; Section 7.326 – Limited Parking – 15 Minutes – Hanover Street; Section 7.327 – Limited Parking – Two Hours – Church Street; Section 7.330 – No Parking – Hanover Street; and Section 7.403 to be entitled Length of Vehicles (**Action on this matter should take place under Section IX of the Agenda**)
4. Letter from Dr. Robert J. Lister, Superintendent of Schools Re: Replacement of Little Harbour School sign located on Clough Drive (**Action on this matter should take place under Section XI of the Agenda**)

City Manager's Items Which Require Action

1. Request to Adopt the Capital Improvement Plan (CIP) FY2008-2013
2. Report Back Re: Regulation of Amusement Parks/Outdoor Recreation in the Industrial & General Business Districts
3. Legislative Delegation Meeting with City Council

Informational Items

1. City Council Work Session Re: Adolescent Needs in the Middle School and Smart Growth and the Construction of Schools
2. Defining Education Adequacy Forum
3. Request for Proposals for an Outdoor Sculpture at the Central Fire Station

B. MAYOR MARCHAND

1. Appointments to be Voted:
 - Thomas Heany, Portsmouth Housing Authority
 - Charles LeMay, Zoning Board of Adjustment
 - Thomas Grasso, Alternate to the Zoning Board of Adjustment
 - Elena Maltese, Alternate to the Historic District Commission
2. *Reports

C. ASSISTANT MAYOR FERRINI

1. Term Limits

D. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the March 8, 2007 meeting
2. Parking Committee Action Sheet and Minutes of the March 8, 2007 meeting

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

(*Indicates verbal report)

INFORMATIONAL ITEMS

1. Historic District Commission minutes of the January 3, 2007 and February 7, 2007 meetings
2. Site Review Technical Advisory Committee minutes of the February 27, 2007 meeting
3. Letter from Tibor Toth, Epping Auto Salvage expressing their opposition to the closing of the Port to Grimm Industries as proposed by the Pease Development Authority

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: March 15, 2007
To: Honorable Mayor Steve Marchand and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on March 19, 2007 City Council Agenda

Note:

- **Student Government Day.** Please note on Monday evening students from the high school participating in Student Government Day will be sitting with the City Council. See attached list which is included on the agenda. Other dates include Thursday, April 5, 2007 with City Council members meeting at the high school with students at 9:30 a.m., and finally, Student Government Day on Wednesday, April 11, 2007 from 9:00 a.m. to 1:00 p.m.

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Acceptance of Grants/Donations:

1. **Acceptance of Donation to the New Library Building Fund.** Attached is a copy of a check from Pax World Management Corp. in the amount of \$5,000.00 to the New Library Building Fund for the naming of the Children's Story Time Room. An additional pledge will be paid annually in 2008 and 2009 totaling \$10,000.00.

I would recommend that the City Council approve and accept the donation to the New Library Building Fund as listed. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. Consideration of First Reading of Proposed Ordinance Amendments:

- 1.1 **First Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability.** Attached under Section IX of the agenda is a proposed ordinance amendment to Chapter 7, Article IX, Section 7.901 – PENALTIES, FORFEITURES AND SEPARABILITY of the ordinances of the City of Portsmouth as recommended by the Parking Committee. The proposed amendment shall read as follows (deletions from existing language stricken; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.901: PENALTIES

- A. Any person violating any of the provisions of this Chapter or any rule or regulation made by the Chief of Police pursuant thereto, except the rules and regulations found in Section 7.105 and except those rules referenced in paragraph B, C, D, E, F and G of this provision, shall be subject to a fine or not more than ~~\$100~~ **\$300** upon conviction therefore in the Portsmouth District Court.
- F. Notwithstanding any other provision of this Ordinance, the owner or operator of a vehicle unlawfully parked in areas designated as reserved for parking for the walking disabled pursuant to Section 7.1200 shall forfeit to the City of Portsmouth within forty-eight (48) hours of such violation ~~\$100~~ **\$250**. In the event that the payment of the forfeiture is not made within thirty (30) days of the violation, then the forfeiture shall be in the amount of ~~\$150~~ **\$300**. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than ~~\$150~~ **\$300** upon conviction therefore in the Portsmouth District Court.

I would recommend the City Council move to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the April 4th City Council meeting. Action on this item should take place under Section IX of the Agenda.

- 1.2 **First Reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 - SPEED LIMITS.** Attached under Section IX of the agenda is a proposed ordinance amendment to Chapter 7, Article XI, Section 7.1100 – SPEED LIMITS sub-section B of ordinances of the City of Portsmouth by the addition thereto of the following as recommended by the Traffic & Safety Committee.

Section 7.1100 – Speed Limits

B Speed Limit: 20 MPH
Peirce Island Road

I would recommend the City Council move to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the April 4th City Council meeting. Action on this item should take place under Section IX of the Agenda.

- 1.3 **First Reading of Ordinance amending Chapter 7, Article III, Section 7.330 - NO PARKING.** Attached under Section IX of the agenda is a proposed ordinance amendment to Chapter 7, Article III, Section 7.330 – NO PARKING sub-section A of ordinances of the City of Portsmouth as recommended by the Traffic & Safety Committee. The proposed amendment shall read as follows (deletions from existing language stricken; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.330: NO PARKING

- A. Parking shall be prohibited at all times in the following described streets and locations:
90. Peirce Island Access Road:
- a) northerly side, from a point 270 feet east of the intersection of Marcy Street and Mechanic Street easterly for a distance of 900 feet; and southerly side from a point 364 feet east of the intersection of Marcy Street and Mechanic Street easterly for a distance of 806 feet.
 - b) **both sides of the street from most easterly access to the City pool to the access/egress of the sewer treatment plant.**

I would recommend the City Council move to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the April 4th City Council meeting. Action on this item should take place under Section IX of the Agenda.

2. **Public Hearing/Second Reading of Proposed Ordinance Amendments:**

- 2.1 **Public Hearing/Second Reading Ordinance Amending Chapter 10, Chapter 10, Section 10-102 – Definition: Floor Area Ratio; Section 10-304 (A) Business - Table 10 Dimensional Requirements; and Section 10-304 –New (E) and (F) for Central Business A District (CBA).** As you know, on November 13, 2006, the City Council voted to amend the Zoning Ordinance to pass first reading on a change to maximum building height within the CBA District from a 50-foot maximum to a 40-foot maximum; schedule a public hearing and second reading on the proposed ordinance to the January 8, 2007 Council meeting (note that on January 8th the City Council voted to continue the

public hearing on this ordinance); and refer the matter to the Planning Board for a report back.

The Planning Board held a number of work sessions on this matter, including a joint session with the City Council. See the attached memorandum from David Holden, Planning Director. The Planning Board has recommended to the Council as follows:

- With regard to the ordinance that has the effect of changing maximum the building height from 50 feet to 40 feet within the Central Business A District, the Planning Board has recommended the Council take no further action.
- Alternatively, the Planning Board recommends Council adoption of the alternative dimensional regulations within the CBA District, which passed first reading on February 12, 2007 and is now before the Council for a March 19th public hearing and second reading. These regulations outline alternative design options regarding minimum open space requirements, floor area ratio requirements, and upper-story step-backs within the Central Business A District (please see attached proposed ordinance).

I would recommend the City Council move to pass second reading and hold third and final reading at the April 4th City Council meeting on the attached ordinance as presented. Action on this matter should take place under Section IX of the agenda.

3. **Third & Final Reading of Proposed Ordinance Amendments:**

- 3.1 **Third & Final Reading Amending Chapter 7, Article III, Section 7.330 – NO PARKING -Maplewood Avenue.** As a result of the March 5th City Council meeting, under Section IX of the agenda, I am bringing back for third and final reading the attached proposed amendment to Chapter 7, Article III, Section 7.330 – No Parking – Maplewood Avenue pursuant to the Traffic and Safety Action Sheet dated January 12, 2007.

I would recommend the City Council move to pass third and final reading as presented. Action on this matter should take place under Section IX of the agenda.

- 3.2 **Third & Final Reading Amending Chapter 7, Article III, Section 7.321 (G) – Snow Emergency Parking Ban; Section 7.324 – Limited Parking – One hour – Chatham Street; Section 7.326 – Limited Parking – 15 Minutes – Hanover Street; Section 7.327 – Limited Parking – Two Hours – Church Street; Section 7.330 – No Parking – Hanover Street; and Section 7.403 to be entitled Length of Vehicles.** As a result of the March 5th City Council meeting, under Section IX of the agenda, I am bringing back for third and final reading the attached proposed ordinance amending Chapter 7, Article III, various sections as outlined.

I would recommend the City Council move to pass third and final reading as presented. Action on this matter should take place under Section IX of the agenda.

4. **Letter from Dr. Robert J. Lister, Superintendent of Schools Re: Replacement of Little Harbour School sign located on Clough Drive.** Attached under Section XI of the agenda is a letter from Dr. Robert J. Lister, Superintendent of Schools, requesting the City Council approve a proposal to replace the Little Harbour School sign located on Clough Drive. Also, attached is a memorandum from David Holden, Planning Director, regarding the Planning Board's favorable recommendation of February 15, 2007. *Therefore, I would recommend the City Council move to accept the recommendation of the Planning Board for the replacement of the sign located on Clough Drive. Action on this matter should take place under Section XI of the agenda.*

City Manager's Items Which Require Action:

1. **Request to Adopt the Capital Plan (CIP) FY 2008-2013.** As you recall, in January, the City Council conducted a work session regarding the proposed Capital Improvement Plan for FY2008-2013. In addition, in accordance with 7.7 of the City Charter, the City Council conducted a public hearing on this proposed Capital Plan on Monday, March 5, 2007. At both of these meetings, a presentation of the proposed Capital Plan was made by the City staff. Also, copies of the Plan were made available to the public, as well as put on file with the City Clerk's Office and the Public Library. Further, the CIP for FY2008-2013 is available on the City's website.

As I indicated at the public hearing, the City Council is required, in accordance with 7.8 of the City Charter, to adopt the Capital Plan before the City Manager submits the proposed FY08 budget to the City Council. I anticipate that I will be transmitting my proposed FY08 budget to you on or about April 6, 2007.

At the public hearing on March 5, 2007, there were 3 areas of concern brought up.

- 1) A request by Councilor Chris Dwyer to add \$25,000.00 in FY08 for project BI-SD-09: Elementary School Upgrades. For your information, I have attached Councilor Dwyer's memorandum on this project amendment, as well as a replacement page that reflects this change in the event the City Council votes in favor of this proposal. Funding for the \$25,000.00 will come from the capital contingency line item, which would mean the total of \$1.5 million dollars proposed for FY08 general fund would remain the same.
- 2) After substantial review with City staff and taking into consideration neighborhood concerns and looking at the history of the TSM-CITY-51: ROADWAY: Woodbury Avenue Traffic Calming Project, I am recommending the City Council amend the Capital Improvement Plan and include \$1 million dollars in the FY08 budget for proposed traffic calming improvements to Woodbury Avenue. I would recommend these improvements be funded through bonding. As you can see from the attached amortization schedule, the bonding of \$1 million would be paid over ten years and the impact to the FY08 budget would be \$22,500.00 or less than \$.01 on the tax rate. The average repayment over the ten years or \$.03 impact on the tax rate in future years. I have also attached a copy of the replacement page that would reflect this amendment. In further review of this matter, it is the belief of City staff and myself that we cannot wait

to 2012 or later to address this problem. It would be my intent to start these traffic calming improvements sometime in FY08 if approved.

- 3) As you recall, there were two individuals that made comments regarding project IS-IT-02 Television Studio. These are funds that have been requested by the Cable Commission for upgrades to current equipment, and the Commission recommends that these funds remain in the Capital Improvement Plan.

Just as a reminder, please bring your Capital Improvement Plan with you. Also, for your convenience, I have provided you with a copy of the CIP summary, which is on the inside cover of your packet.

Therefore, I would recommend the City Council adopt the Capital Improvement Plan including the aforementioned amendments outlined in items 1 and 2.

2. **Report Back Re: Regulation of Amusement Parks/Outdoor Recreation in the Industrial & General Business Districts.** As you will recall, on October 23, 2006, the City Council met in a work session with the Planning Board to discuss various land use issues as they relate to the implementation of the City's new Master Plan. As a result of the October 23rd work session with the Planning Board, Assistant Mayor Ferrini requested that City staff provide a zoning ordinance amendment that would have the effect of regulating amusement parks/outdoor recreation within the Industrial & General Business districts. On December 4, 2006, the City Council voted to refer this matter to the Planning Board for a report back. The Planning Board has considered this matter and voted to report back a recommendation to Council to adopt the attached amendment to the Zoning Ordinance. The attached memo from Planning Director David Holden provides further background on this matter. *I would recommend the City Council vote to accept the Planning Board's report back on this matter and schedule first reading on the proposed ordinance change for April 4, 2007.*
3. **Legislative Delegation Meeting with City Council.** Representative Powers, Chairman of the City's Legislative Delegation, has advised me that "Crossover Day", which is the day that House Bill's are sent to the Senate and Senate bills are sent to the House, will take place on Thursday, April 12th. He is suggesting that subsequent to Crossover Day the City Council meet with the Legislative Delegation prior to its regular City Council meeting on April 16th. I would suggest the City Council meet with the Legislative Delegation at 6:00 p.m. in a work session. It would be anticipated that this work session will be approximately one hour. *Therefore I would recommend the City Council move to meet with the Legislative Delegation on Monday, April 16th at 6:00 p.m.*

Informational Items:

1. **City Council Work Session Re: Adolescent Needs in the Middle School and Smart Growth and the Construction of Schools.** Attached is an agenda for the City Council Work Session scheduled for Wednesday, March 28, 2007 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers, regarding adolescent needs in the middle school and smart growth and the construction of schools.

2. **Defining Education Adequacy Forum.** At the March 13th Portsmouth Legislative Delegation meeting with the City Council, Senator Martha Fuller Clark suggested that the Council join her in early April in hosting a forum regarding the issue of defining education adequacy.

She had suggested the dates of April 3rd or April 10th. For your information, April 3rd is Passover and April 10th is a scheduled School Board meeting. She has requested that I poll the Council on which date would be preferred.

The Senator would like to have the opportunity to report to -- and receive input from -- the residents of Portsmouth, New Castle and Greenland on the adequacy definition that will by then have been passed by the House and sent to the Senate. As you know, how adequacy is defined by the Legislature will impact its cost as the New Hampshire Supreme Court has said that the State must pay for whatever the Legislature defines as an adequate education.

Senator Fuller Clark also has requested that the forum be televised live on Channel 22 for the benefit of our residents.

3. **Request for Proposals for an Outdoor Sculpture at the Central Fire Station.** For your information, the City has formally issued a Request for Proposals from professional artists to design, execute and install an outdoor sculpture outside of the Central Fire Station, with preference given to New Hampshire residents or artists who have a studio in New Hampshire. I have attached the RFP for your information.

Along with being formally advertised, it will be promoted through the Community Newsletter, by the New Hampshire State Council on the Arts, and by Art-Speak. A news release also will be issued to announce the RFP. I have enclosed a draft copy of the release, as well.

Additional details can be found within the RFP.