

# CITY COUNCIL MEETING

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

- 6:15PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS – RSA: 91-A:2, I (b-c)

## AGENDA

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

### PRESENTATION

1. Portwalk Re: Proposed Underground Municipal Parking Garage

### V. ACCEPTANCE OF MINUTES – OCTOBER 15, 2007

### VI. PUBLIC COMMENT SESSION

### VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING THE BORROWING OF UP TO SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS (\$750,000.00) THROUGH THE ISSUE OF BONDS, NOTES OR THE EXECUTION OF LEASE PURCHASE AGREEMENTS FOR THE ACQUISITION OF ONE FIRE APPARATUS

### VIII. APPROVAL OF GRANTS/DONATIONS

*There are no items under this section of the agenda this evening*

### IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Parking Ordinance (October 1, 2006 – April 30, 2007)

1. Section 7.324: LIMITED PARKING - ONE HOUR

A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than one hour at any time between the hours of 8:00 a.m. and 6:00 p.m., Sundays and Holidays not included, on the following streets and locations:

~~9. Public Library: All areas adjacent to and part of the public land contiguous to the Public Library. (See Map #1)~~

2. Section 7.402: AREAS ESTABLISHED, DESIGNATED, AND DESCRIBED

A. Bridge Street Off-Street Parking Area

1. ~~The first five parking spaces along the Bridge Street side of the lot from Islington Street shall be designated and marked "thirty minutes parking only. (See Map #2)~~

G. Wright Avenue Off-Street Parking Area

The following area to be known as the Wright Avenue Off-Street Parking Area is hereby established for off-street parking of motor vehicles:

That piece of land bounded by State Street on the South, the Memorial Bridge Traffic Island on the East, Daniel Street on the North and the Community Center on the West.

All of said area not otherwise designated by the placement of parking meters shall be limited to parking not to exceed 4 ~~2~~ (four ~~two~~) hours at any one time.

It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked in violation of this Section and said violation may be subject to be removed by towing.

**(See Map #3)**

I. Old Public Library Off-Street Parking Area

All areas adjacent to and part of the public land contiguous to the old Public Library on Islington Street are hereby established for the off-street parking of motor vehicles. All of said area in the Old Public Library off-street parking area is designated as a two-hour parking meter zone. **(See Map #1)**

3. Section 7-A.402: BUS STOPS DESIGNATED

- D. Hanover Street: southerly side of Hanover Street 140 feet east of Fleet Street to a point 285 feet east of Fleet Street ~~from a point located 100 feet west of Market Street to a point 54 feet westerly.~~ **(See Map #4)**

4. Section 7A.406: HORSE DRAWN CARRIAGES

~~A. — There is hereby established an area comprised of one parking space on the westerly side of Pleasant Street adjacent to Congress Street to be marked, "Horse and Carriage Stand, 12 Noon to 12 Midnight". All vehicles parking in that location in contravention of this limitation shall be subject to towing by the City with the costs to be borne by the owner of the vehicle. (See Map #5)~~

5. Section 7A- 408: TAXI STANDS DESIGNATED

The following areas are hereby designated as Taxi stands:

- A. ~~High Street: easterly side, first two parking spaces from Market Square.~~  
Pleasant Street: easterly side, first parallel parking space north of State Street. **(See Map #6)**
- B. Market Street:  
1. westerly side, second parking space from Market Square.  
2. easterly side, first parking space north of Bow Street, from 10:00 p.m. to 6:00 a.m. only. **(See Map #7)**
- C. Hanover Street: southerly side, first parking space west from the bus stop. **(See Map #8)**

6. Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED

Unless otherwise designated below, the following locations are established as exclusive "Truck Loading Zones" on Mondays through Saturdays between the hours of 6:00 a.m. and 7 6:00 p.m. During these times only trucks, vans and other commercial delivery vehicles engaged in loading or unloading of product, merchandise or equipment may park. Such vehicles may park at the designated locations for a period not to exceed 30 minutes. Unless otherwise determined by ordinance, at all other times these zones shall be open parking for all vehicles.  
**(No Map Attached)**

- B. Adoption of Resolution Authorizing the Borrowing of up to Seven Hundred and Fifty Thousand Dollars (\$750,000.00) through the Issue of Bonds, Notes or the Execution of Lease Purchase Agreements for the Acquisition of One Fire Apparatus
- C. Adoption of Eco-Municipality, Designation Resolution – Adoption of Sustainable Community Development Policy

**X. CONSENT AGENDA**

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

- A. Acceptance of Donations to the Coalition Legal Fund
- Town of Hampton Falls - \$1,000.00
  - Town of Sunapee - \$2,500.00

***(Anticipated action – move to approve and accept the donations as listed, to be placed in the Coalition Legal Fund)***

- B. Acceptance of Donation to the Cemetery Committee
- Louise Tallman - \$40.00

***(Anticipated action – move to approve and accept the donation to the Cemetery Committee, as listed)***

- C. Acceptance of Donation to the New Library Fund
- Edmund S. & Maija N. Hibbard - \$250.00 *(Fulfills pledge)*

***(Anticipated action – move to approve and accept the donation to the New Library Fund, as listed)***

- D. Acceptance of Donation to the Fire Department
- Michael A. & Janet D. McCann - \$100.00

***(Anticipated action – move to approve and accept the donation to the Fire Department, as listed)***

- E. Letter from Bill St. Laurent regarding the Ruling of Superior Court Judge for Garage Building ***(Anticipated action – move to accept the letter and place it on file)***

- F. Letter from Madelyn Good regarding the Human Rights Torch Relay Special Event Permit Request ***(Anticipated action - move to refer to the City Manager with power)***

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

- A. Letter from Peter Somssich, Labor Portsmouth Peace Treaty Parade, requesting that the City consider splitting the cost of the police overtime coverage for the event

## **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 and Resolution:
  - 1.1 First reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Parking Ordinance (October 1, 2006 – April 30, 2007)

1. Section 7.324: LIMITED PARKING - ONE HOUR

A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than one hour at any time between the hours of 8:00 a.m. and 6:00 p.m., Sundays and Holidays not included, on the following streets and locations:

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- D. Hanover Street: southerly side of Hanover Street 140 feet east of Fleet Street to a point 285 feet east of Fleet Street ~~from a point located 100 feet west of Market Street to a point 54 feet westerly.~~ **(See Map #4)**

4. Section 7A.406: HORSE DRAWN CARRIAGES

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**(No Map Attached)**

2. Public Hearing/Adoption of Proposed Resolution:

- 2.1 Public Hearing/Adoption of Resolution Authorizing the Borrowing of up to Seven Hundred Fifty Thousand Dollars (\$750,000.00) Through the Issue of Bonds, Notes or the Execution of Lease Purchase Agreements for the Acquisition of One Fire Apparatus **(Action on this matter should take place under Section IX. B. of the Agenda)**

3. Adoption of Proposed Resolution:

- 3.1 Adoption of Eco-Municipality, Designation Resolution – Adoption of Sustainable Community Development Policy (***Action on this matter should take place under Section IX. C. of the Agenda***)

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

1. Portwalk Re: Proposed Underground Municipal Parking Garage
2. Request to Authorize Prepayment of Taxes
3. Report Back Re: Sidewalk Encroachment for 2 Ceres Street
4. Lafayette School Redevelopment
5. Report Back Re: Easement/License for the Westin Hotel, Conference Center and Parking Facility
6. Acceptance of Easement Re: Kevin and Meghan Bowersox, 114 Raleigh Way
7. Request to Extend License Agreement for Trash Compactor on Ceres Street Compactor
8. PSNH Request for Easement

**Informational Items**

1. Report Back Re: Letter from Kenneth Murphy Requesting the Release of any Public Dedication and a Quitclaim Deed to the Easterly Portion of Van Buren Avenue and to the Benefit of Property Located at 5 Adams Avenue (former Murphy Residence)
2. 1<sup>st</sup> Annual Recognition of Service for the City of Portsmouth Boards & Commissions

**B. MAYOR MARCHAND**

1. Appointments to be Considered:
  - Constance Carmody – Appointment to the Citizens Advisory Committee
2. Appointments to be Voted:
  - Lisa DeStefano – Reappointment to the Building Code Board of Appeals
  - Chester Keefe – Reappointment to the Building Code Board of Appeals
  - Jeffrey Landry – Appointment to the Building Code Board of Appeals
  - Carol Lincoln – Appointment to the Board of Library Trustee
  - Carla Marvin – Appointment to the Trees and Public Greenery
3. Resignation – Timothy Fortier – Planning Board
4. \*Reports

**C. COUNCILOR SMITH**

1. Report and Recommendation from the Mayor's Blue Ribbon Cruise Ship Committee
2. Traffic & Safety Committee Action Sheet and Minutes of the October 11, 2007 meeting
3. Parking Committee Action Sheet and Minutes of the October 11, 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. Site Review Technical Advisory Committee minutes of the October 2, 2007 meeting
2. Conservation Commission minutes of the September 12, 2007 meeting
3. Historic District Commission minutes of the September 12, 2007 & October 3, 2007 meetings
4. Zoning Board of Adjustment minutes of the September 18, 2007 meeting
5. Planning Board minutes of the September 6, 2007 meeting

**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:** November 16, 2007  
**To:** Honorable Mayor Steve Marchand and City Council Members  
**From:** John P. Bohenko, City Manager  
**Re:** City Manager's Comments on November 19, 2007 City Council Agenda

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6:15 p.m. – Non-Meeting with counsel.

For information on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

***Presentation:***

1. Portwalk Re: Proposed Underground Municipal Parking Garage (see City Manager's comments for details on this matter).

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

1. **Consideration of First Reading of Proposed Ordinance Amendments:**
  - 1.1 **First Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Parking Ordinance.** Attached are eight proposed changes to Chapter 7 of the Parking Ordinance. These changes were implemented as part of the pilot program by the Parking Committee over the past year.

In summary:

Amend Section 7.324 to address the closure of the library on Islington Street. The parking lot time limit at the old library was changed from one hour to two hours to coincide with the City's metered time limits. (See Map 1 which is under Section IX of the Agenda).

Amend Section 7.402 Section A relative to the Bridge Street Lot. The first five parking spaces in the Bridge Street Lot were designated 30 minute parking for use by Islington Street Library customers. With the library closure, these spaces were changed to coincide with the time limit in the upper section of this parking lot. (See Map 2 which is under Section IX of the Agenda).

Amend Section 7.402 Section G to increase from two hours to four hours the parking time limit in the Wright Avenue Lot to accommodate customers parked while visiting Prescott Park, the Seacoast Repertory Theatre, the Connie Bean Recreation Center and other areas in the downtown. A greater time limit affords visitors the opportunity to use this lot given its location on the downtown periphery. This test began in November 2006 and has been well received by lot users. (See Map 3 which is under Section IX of the Agenda).

Amend Section 7.402 Section I to make available off-street parking at the old public library. With the closure of the library on Islington Street, the parking lot is added to the City's supply of off-street parking areas and designated as a two-hour meter zone. (See Map 1 which is under Section IX of the Agenda).

Amend Section 7-A.402 to adjust the bus stop location on Hanover Street. The bus stop on Hanover Street changed location after installation of the inter-modal facility at the High-Hanover garage. (See Map 4 which is under Section IX of the Agenda).

Amend Section 7A.406 relative to horse drawn carriages. This change removes the horse and carriage stand from Pleasant Street due to inactivity. This section will remain in the ordinance in the event a horse and carriage space is needed in the future. (See Map 5 which is under Section IX of the Agenda).

Amend Section 7A- 408 relative to taxi stand designations. The taxi stand on High Street was moved to Pleasant Street for greater visibility. (See Map 6). One mixed use taxi stand was added to Market Street at Bow Street for patron usage during nighttime hours. (See Map 7). One taxi stand was added to the inter-modal facility at the High-Hanover garage. (See Map 8 which is under Section IX of the Agenda).

Amend Section 7.601 relative to truck loading and unloading. The loading zone end time was changed from 6 pm to 7 pm to correspond with parking enforcement hours and promote equity with downtown metered parking spaces.

*I would recommend that the City Council move to pass first reading for the proposed changes to Chapter 7 of the Parking Ordinance and schedule a public hearing and second reading at the December 3<sup>rd</sup> City Council meeting. Action on this item should take place under Section IX of the Agenda.*

2. **Public Hearing/Adoption of Proposed Resolution:**

- 2.1 **Public Hearing/Adoption of a Resolution Authorizing the Borrowing of up to Seven Hundred and Fifty Thousand dollars (\$750,000.00) through the issue of Bonds, Notes or the Execution of Lease Purchase Agreements for the acquisition of one Fire Apparatus.** As a result of the October 15<sup>th</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for a public hearing and adoption the attached proposed resolution authorizing the borrowing of up to Seven Hundred and Fifty Thousand dollars (\$750,000.00) through the issue of Bonds, Notes or the Execution of Lease Purchase Agreements for the acquisition of one Fire Apparatus. The Fire Commission is requesting that the City approve the emergency purchase of a new fire apparatus to replace Ladder 5 (see attached letter from Paul Wentworth, Chair, Fire Commission).

For your information, the FY2008-2013 Capital Improvement Plan (CIP) identifies a purchase of a Fire Aerial Ladder Truck in FY10 to replace Ladder 5, a 1996 Central States/HME/RK 109' ladder (see attached CIP page 40). Fire Chief LeClaire has reported that Ladder 5 went out for repairs and was found to be damaged beyond reasonable repair costs and is currently out of service. He has indicated that Ladder 5 will need to be replaced as soon as possible and cannot wait until FY10.

In order to move forward with this purchase and not affect the FY08 budget, the Fire Chief has agreed that the purchase of the heavy rescue pumper unit scheduled in the CIP to be purchased in FY08 (see attached CIP page 38), can be purchased at a later date; therefore, reserving the appropriation in the FY08 budget for the first payment for financing the new aerial truck.

As you are aware, bonding resolutions require only two readings and a two-thirds vote is required of the City Council for passage.

*I would recommend the City Council move to adopt the proposed Resolution, as presented. Action on this item should take place under Section IX of the Agenda.*

3. **Adoption of Resolution.**

- 3.1 **Adoption of Eco-Municipality, Designation Resolution – Adoption of Sustainable Community Development Policy.** As you know, the City Council voted on October 15, 2007 to bring back for adoption the attached Eco-Municipality Designation Resolution recommended by the Committee on sustainable Practices. The Eco-Municipality Resolution is part of the Committee's efforts to insure a more sustainable future for the City by re-affirming the City's future commitment to sustainable practices and recognizing the many sustainable practices already put in place by the City. The concept of eco-municipalities originated in Sweden in 1983 and has since been embraced by communities in the United States and other nations around the world. An eco-municipality aspires to develop an ecologically, economically, and socially

healthy community for the long term by using The Natural Step framework for Sustainability as a guide. The Natural Step framework is based on a systems approach, rather than piecemeal efforts, to reduce dependence on fossil fuels and chemicals, reduce activities that harm ecosystems, and meet human needs fairly and efficiently. The Natural Step framework was the approach used in the sustainability training workshops lead by Sarah James for City staff, City board members and the community in 2005 and 2006.

Recent City Council actions regarding sustainability have included joining the International Cities for Climate Protection Campaign and signing the U.S. Conference of Mayors Climate Protection Agreement. Under the leadership of the City Council and the guidance of the Committee on Sustainable Practices, the City also continues to carry out a broad range of sustainability initiatives including the incorporation of LEED principles into the design of the Library, Fire Station and Water Treatment Plant; expansion of the recycling program, which continues to reduce the volume of land-filled waste; initiation of the pilot biodiesel program; completion of the grant-funded greenhouse gas emissions inventory; and installation of energy-efficient motors and drives at the Deer Street Pump Station, which resulted in an \$83,000 PSNH rebate as well as ongoing electricity use reductions and annual cost savings.

*I would recommend the City Council move to adopt the proposed Resolution, as presented. Action on this item should take place under Section IX of the Agenda.*

## **Consent Agenda:**

1. **Acceptance of Donations to the Coalition Legal Fund.** The City has received the following donations to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax:
  - Town of Hampton Falls for \$1,000.00
  - Town of Sunapee for \$2,500.00

*I would recommend the City Council move to approve and accept the donations in the amounts of \$1,000.00 from the Town of Hampton Falls and \$2,500.00 from the Town of Sunapee to be placed in the Coalition Legal Fund. Action on this item should take place under Section X of the Agenda.*

2. **Acceptance of Donation to the Cemetery Committee.** The Mayor's Blue Ribbon Cemetery Committee has received a donation in the amount of \$40.00 from Louise Tallman.

*I would recommend that the City Council approve and accept the donation to the Mayor's Blue Ribbon Cemetery Committee, as listed. Action on this matter should take place under Section X of the Agenda.*

3. **Acceptance of Donation to the New Library Building Fund.** The Portsmouth Public Library Campaign Committee has received a donation from Edmund S. & Maija N. Hibbard in the amount of \$250.00 to the New Library Building Fund, which fulfills their pledge.

*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 X of the Agenda.*

4. **Acceptance of Donation to the Fire Department.** The Portsmouth Fire Department has received a donation in the amount of \$100.00 from Michael A. & Janet McCann.

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

### ***Presentation and Consideration of Written Communications & Petitions:***

1. **Letter from Peter Somssich of the Labor Portsmouth Peace Treaty Parade.** Attached is a letter from Peter Somssich, Co-Chair of the Steering Committee for the Labor Portsmouth Peace Treaty Parade. On behalf of the Committee, Mr. Somssich expressed his appreciation for the City's support of the parade and requests that the City Council consider splitting the cost of the Police overtime for the event, which totals \$1,466.00. If the City Council wishes to act favorably on this request, the \$733.00 could be paid for out of contingency funds.

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

1. **Portwalk Re: Underground Municipal Parking Garage. Portwalk Re: Proposed Underground Municipal Parking Garage.** Attached for your information under the presentation section of the Agenda, is a letter to the Honorable Mayor and Members of the City Council from Dana Levenson, Chair of the Portsmouth Economic Development Commission regarding a public parking opportunity at the development known as Portwalk (a/k/a Parade Mall). At the November 9, 2007 Economic Development Commission meeting, the Portwalk developers presented a concept to the EDC that would allow the City the opportunity to create a second level of underground parking for the benefit of the public. The essence of the proposal is described below.

A second level of parking would be built with 325 spaces that would be owned and financed by the City and open to the public. It should be noted that Portwalk already has approvals for 325 spaces of parking on one level. Total parking available if this proposal went forward would be 650 spaces. (325 of these 650 spaces would be owned and paid for by Portwalk and the additional level of 325 spaces would be owned and paid for by the City of Portsmouth). The garage would be divided into two condominiums, with the City having fee simple ownership of its portion. The City's condominium unit would be

comprised of its parking level and Portwalk would have ownership of its level. Portwalk would also pay the appropriate local property taxes on its portion of the condominium. The public parking spaces on the City's level would be available to the public on a 24-hour, 365-day basis. The hourly rates on the City's level would be established by City Council as are other parking rates throughout the City. The owners of Portwalk would be able to use their 325 spaces for their monthly parkers and also operate their valet business serving the Hilton Garden Inn and the new hotel to be constructed as part of the Portwalk development. The City would manage the entire garage and when Portwalk's spaces were not occupied by monthly or valet users, they would be available to the public at City established rates and the City would retain the revenue.

It should be noted that the 325 spaces that would be gained by this additional underground level is approximately the same number that would result from building a parking garage at the Worth Lot. The original plans for the Worth Lot indicated that there would be 440 spaces; 330 of these would be net new spaces (presently there are 110 surface spaces at the Worth Lot). The opportunity to construct 325 new municipally-owned underground parking spaces relieves the immediate need to fund and construct a parking garage on the Worth Lot. This would give future City Councils the opportunity to consider the Worth Lot location for future parking needs or other re-use options.

As indicated in Mr. Levenson's letter, the EDC believes this is a one time opportunity to construct and operate underground public parking in the Central Business District. They also feel it will insure that employees and patrons of businesses contemplating downtown Portsmouth as a business location will have access to adequate and reasonably priced parking. As I have indicated, this results in the same net number of parking spaces that could have been created at the Worth Lot, generates additional real estate tax revenue and results in a parking facility that will not be visible. With all of this in mind, the Economic Development Commission on November 9<sup>th</sup> unanimously voted to ask the City Council to consider this opportunity. On Monday evening, Dana Levenson, Chairman of the Economic Development Commission, along with Everett Eaton, the Vice Chairman of the Economic Development Commission, will be in attendance to comment briefly on this proposal before a presentation by representatives from Parade Office LLC, the firm that is developing Portwalk. The representatives from Parade Office LLC will be Jeff Johnston and Josh Anderson. They would like to make a presentation similar to the one they made before the EDC on November 9<sup>th</sup>. Subsequent to the presentation, it would be my recommendation that the City Council suspend the rules at which time the Council may wish to consider the following motions:

- 1. Authorize the City Manager to negotiate and bring back for approval an Agreement with Parade Office LLC in accordance with the presentation which has been made to the City Council this evening; and*
- 2. Authorize the City Manager to bring forward for first reading on December 3, 2007, a bond resolution, which authorizes the borrowing of up to \$12.5 Million for the purpose of implementing an Agreement with Parade Office LLC to create 325 spaces of municipally owned parking.*

2. **Request to Authorize Prepayment of Taxes.** Attached is RSA 80:52-a – which allows, upon a vote of the City Council, the opportunity for property owners to make prepayment of property taxes prior to notice of such taxes due. For various reasons, property owners request to make pre-payments of their property taxes.

*I would like to request that the City Council consider a vote to authorize property owners to prepay taxes in accordance with the attached RSA 80:52-a. This requires one vote of the City Council.*

3. **Report Back Re: Sidewalk Encroachment Request for 2 Ceres Street.** As you may recall, at the September 17<sup>th</sup> City Council meeting, the City Council voted to refer to the Planning Board a request for a sidewalk encroachment to allow doors to swing out upon City property at 2 Ceres Street. Attached is a copy of a memorandum from David Holden, Planning Director, outlining the Planning Board’s vote to recommend the City Council grant a license. In addition, attached for your information is the original request of Lisa DeStefano on behalf of the applicant.

*I would recommend the City Council move to accept the Planning Board’s recommendation to grant a license to 2 Ceres Street with the following stipulation:*

- *That the City retains the right to direct the removal of the encroachment in order to preserve the public’s interest.*

4. **Lafayette School Redevelopment.** As you know, with the City Council’s September 17<sup>th</sup> authorization, the City negotiated and entered into an option to lease the Lafayette School to the Portsmouth Housing Authority for redevelopment as senior housing. Redevelopment of the Lafayette School is consistent with the City’s goal with regard to the successful re-use of vacant City buildings, as well as the City’s goal of creating additional affordable housing. As you also know, the Lafayette School building has deteriorated significantly over the roughly ten years it has been vacant, and it is currently “blighted and in need of substantial repair.” Formal designation by the City Council of the Lafayette School as “blighted and in need of substantial repair” will enable this project to receive a higher score under NH Housing Finance Authority’s competitive tax credit program, which is a key funding source for this project.

*I would recommend the City Council vote to designate the Lafayette School building as blighted and in need of substantial repair and recognize that the redevelopment of this building will meet the City’s building re-use and affordable housing goals.*

5. **Report Back Re: Easement/License Plan for the Westin Hotel, Conference Center and Parking Facility.** On October 4, 2007, the Planning Board completed consideration of the aforementioned referral by recommending the acceptance of the proposed Easement/License Plan with the exception of the requested maintenance easement; the Board also recommends one stipulation. The Planning Board did not recommend an easement for building maintenance purposes as this has not been the practice of the City to provide this type of easement and the Board felt no such precedent should be set. For all other licenses and easements, the proposed plan was found acceptable. The attached

Easement/License Plan details all of the easements and licenses that are required in order to construct the facility as it was presented and approved by the Planning Board. The Board's recommendations to the City Council were as follows:

1. That the maintenance easement should be eliminated from the plan and all other easements and licenses should be approved by the Council (see attached plan for supporting documentation); and,
2. That the Legal Department should review and approve all easements and licenses as to content and form and when these are in proper form that the City Manager shall be authorized to have these recorded at the Rockingham County Registry of Deeds.

*I would recommend that the City Council accept the recommendation of the Planning Board as outlined.*

6. **Acceptance of Easement Re: Kevin and Meghan Bowersox, 114 Raleigh Way.**

The City will be undertaking improvements to Raleigh Way in the Atlantic Heights neighborhood. As part of those improvements, the City has requested a minor sidewalk easement of approximately 21 square feet from Kevin and Meghan Bowersox at 114 Raleigh Way. The existing sidewalk is already located over a portion of their premises and this easement will effectively clear the legal title. Attached is a sketch of the easement area.

*I would recommend the City Council move to authorize the City Manager to accept a sidewalk easement from Kevin and Meghan Bowersox.*

7. **Request to Extend the License Agreement for Trash Compactor on Ceres Street.**

For your information, the License Agreement Extension between the City and owners of the Old Ferry Landing, Poco Diablo and the Stockpot restaurants expires on November 30, 2007. The owners of those establishments are requesting to renew their license for the trash compactor on Ceres Street that services their businesses (see attached letter). Attached is a copy of the original License Agreement with the amendment. Please note the amendment provides that: "On or about July 1, 2008 the City Manager is authorized to meet with the licensees to consider possible alternate arrangements for disposal of solid waste by the licensees and to take those actions necessary to bring about future use of the licensed area by the City for public purposes." The Agreement is an annual license that needs to be renewed for the period December 1, 2007 through November 30, 2008.

*I would recommend that the City Council move to authorize the City Manager to extend the License Agreement between the City of Portsmouth and Old Ferry Landing, Inc., Poco Diablo, Inc. and Stockpot, Ltd. for the period December 1, 2007 through November 30, 2008.*

8. **PSNH Request for Easement.** Public Service of New Hampshire (PSNH) has approached the Department of Public Works regarding the need to relocate electrical switch gear that is currently in place in underground vaults in the intersection of Maplewood Avenue and Hanover Street.



The recent development of the Hilton Garden Inn, the proposed development at the Parade Mall site and the future development of the Sheraton Harborside Hotel and Seacoast Media Group sites, has prompted the upgrade of the electrical system to meet future customer demands. In order to meet these energy demands PSNH has indicated that it is necessary to install equipment at strategic locations within this area. The Bridge Street site is one of the only locations available and suited to accommodate this equipment.

PSNH is requesting that the City begin the process of reviewing their request through the appropriate administrative and regulatory review process. The attached exhibit outlines the approximate area of the requested easement.

*I would recommend that this matter be referred to the Planning Board for a report back.*

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

1. **Report Back Re: Letter from Kenneth Murphy Requesting the Release of any Public Dedication and a Quitclaim Deed to the Easterly Portion of Van Buren Avenue and to the Benefit of Property Located at 5 Adams Avenue (former Murphy Residence).** Attached is an aerial photo regarding this matter, which was originally referred to the Planning Board after Kenneth Murphy requested the City Council discontinue a paper street portion of Van Buren Avenue to provide him with a driveway to this home on Adams Avenue. After the matter had been referred to the Planning Board, Mr. Murphy sold the property to another person. Additionally, it was determined by the Public Works Department that the paper street should not be discontinued because a City storm drain had been constructed within the paper street area. In light of the foregoing, the current owner desires only to use the paper street to access her property. She does not desire either a street discontinuance or an easement. The Planning Board concurs that she should be allowed to use the paper street insofar as any member of the public could do so.

Based on the foregoing, the City can handle the matter administratively by granting a driveway permit to the new owner of the Murphy property. No City Council action is necessary.

2. **1<sup>st</sup> Annual Recognition of Service for the City of Portsmouth Boards & Commissions.** At the request of the City Council, the City of Portsmouth will be holding the First Annual Recognition of Service for individuals who have served on Boards and Commissions over the last year. The event will be held on Wednesday, November 28, 2007, in the Eileen Dondero Foley Council Chambers. Light refreshments will be served at 6:30 p.m. in the Portsmouth Room with the Recognition and Awards to former members at 7:00 p.m.
3. **Recount of the 2007 Municipal Election.** For your information, attached is a memorandum from Kelli L. Barnaby, City Clerk regarding the recount being scheduled to take place on Monday, November 19, 2007, beginning at 7:30 a.m., and continuing on Tuesday, November 20<sup>th</sup>, at 7:30 a.m., in the Eileen Dondero Foley Council Chambers.