

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, APRIL 7, 2008 TIME: 7:00PM

- 6:15PM – WORK SESSION – REGARDING PROPOSED PRIME WETLANDS DESIGNATION

AGENDA

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

MAYOR'S AWARD

1. Steve Parkinson, Public Works Director – Top 10 Public Works Directors by the American Public Works Association

PRESENTATION

1. Renaming of Duplicate Streets – Police Department

V. ACCEPTANCE OF MINUTES – MARCH 18, 2008

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. TO RECEIVE PUBLIC INPUT REGARDING THE REVISED REDEVELOPMENT PLAN AND HOMELESS ASSISTANCE APPLICATION FOR A RECREATIONAL REUSE AT THE PAUL A. DOBLE ARMY RESERVE CENTER
- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE II – TAXICABS - SECTION 7.213 (D) – FEES AND TERMS FOR PERMITS/LICENSES BY THE ADDITION OF THE FOLLOWING LANGUAGE: EXCEPT THAT WHEN THE REVOCATION IS DUE TO FAILURE TO MEET VEHICLE INSPECTION, REQUIREMENTS, NO FEE SHALL BE DUE IF THE VEHICLE IS REPAIRED TO THE SATISFACTION OF THE TAXI INSPECTOR WITHIN 24 HOURS OF THE REVOCATION; AND SECTION 7.219 (1) (2) (4) – RATES OF TAXI FARES – (1) INCREASE THE FIRST ONE-EIGHTH (1/8) MILE OR FRACTION HEREOF, FROM \$.35 CENTS TO \$.45 CENTS; (2) INCREASE WAITING TIME FROM \$.25 CENTS TO \$.45 CENTS; (4) INCREASE DISCOUNT TO ANY PASSENGER WHO IS AGE SIXTY (60) OR OVER FROM 10% TO 20%

- C. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.302 – ENFORCEMENT AUTHORITY BY THE ADDITION OF ITEM B TO READ AS FOLLOWS: ANY VEHICLE OR OBJECT PARKED OR PLACED IN VIOLATION OF THIS ORDINANCE SHALL BE CITED FOR SUCH VIOLATION AND MAY BE TOWED AT THE VEHICLE OWNERS EXPENSE AT DIRECTION OF THE ENFORCEMENT AUTHORITY, THE CHIEF OF POLICE OR THE DIRECTOR OF PUBLIC WORKS
- D. ORDINANCE AMENDING CHAPTER 7 BY CREATING A TWO HOUR PARKING AREA ON COURT STREET, A NO PARKING AREA ON COURT STREET, A NO PARKING AREA ON ISLINGTON STREET, A NO PARKING AREA ON ESSEX AVENUE, CREATING A LOADING ZONE ON COURT STREET AND DELETING PROVISIONS INCONSISTENT WITH THE FOREGOING

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation for Overnight Art Event
- Ocean Bank - \$1,000.00
 - Hilton Garden Inn/Parade Mall - \$500.00
 - Nahcotta Gallery - \$500.00

(Sample motion – move to approve and accept the donation for Art-Speak’s Overnight Art Event, as listed)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Ordinance amending Chapter 7, Article II – Taxicabs - Section 7.213 (D) – Fees and Terms for Permits/Licenses by the addition of the following language: Except that when the revocation is due to failure to meet vehicle inspection, requirements, no fee shall be due if the vehicle is repaired to the satisfaction of the taxi inspector within 24 hours of the revocation; and Section 7.219 (1) (2) (4) – Rates of Taxi Fares – (1) Increase the first one-eighth (1/8) mile or fraction hereof, from \$.35 cents to \$.45 cents; (2) Increase waiting time from \$.25 cents to \$.45 cents; (4) Increase discount to any passenger who is age sixty (60) or over from 10% to 20%
- B. Second reading of Ordinance amending Chapter 7, Article III, Section 7.302 – Enforcement Authority by the addition of Item B to read as follows: Any vehicle or object parked or placed in violation of this ordinance shall be cited for such violation and may be towed at the vehicle owners expense at direction of the enforcement authority, the Chief of Police or the Director of Public Works
- C. Second reading of Ordinance amending Chapter 7 by creating a Two Hour Parking Area on Court Street, a No Parking Area on Court Street, a No Parking Area on Islington Street, a No Parking Area on Essex Avenue, creating a Loading Zone on Court Street and deleting provisions inconsistent with the foregoing

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Carol Welsh and Ellen Stockmayer, Pan Mass Challenge, requesting permission to hold the 3rd Annual Pan Mass Challenge Kids Ride on Sunday, September 28, 2008 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Kelly Sicard, Breathe New Hampshire formerly American Lung Association, requesting permission to hold the 23rd Annual Seacoast Bike Tour on Saturday, May 17, 2008 and Sunday, May 18, 2008 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Ginny Griffith, Greater Portsmouth Chamber of Commerce, requesting permission to hold the 13th Annual Harbour Trail Road Race on Saturday, July 12, 2008 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Renewal of Sidewalk Obstruction Licenses with no changes from last year
- Anna Street, LLC – 1 A-frame sign
 - Ashley & Victoria, LLC – 1 A-frame sign
 - Chrisrial & Co. Fine Jewelry – 1 A-frame sign
 - Choozy Shooz – 1 A-frame sign
 - Edible Arrangements – 1 A-frame sign
 - Gulliver's Inc. – 1 A-frame sign
 - Helen Marks – 1 A-frame sign
 - Maine-ly New Hampshire – 1 A-frame sign
 - Portsmouth Gas Light – 2 A-frame signs
 - Prudential Rush Realty – 1 A-frame sign
 - Serendipity – 2 A-frame signs
 - The Stockpot – 1 A-frame sign
 - 3 West Provisions, Inc. – 1 A-frame sign
- (Anticipated action – move to refer to the City Manager with power)***
- E. Acceptance of Donation to the Library Building Fund
- Richard J. Katz - \$100.00 *(Fulfills Pledge)*
- (Anticipated Action – move to approve and accept the donation to the Library Building Fund)***
- F. Request from Doreen Flynn, Body Sense-by Doreen, requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign in front of establishment ***(Anticipated action – move to refer to the City Manager with power)***

- G. Request from Susan Hichey, Scallops, requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign in front of establishment (***Anticipated action – move to refer to the City Manager with power***)
- H. Letter from Christopher Wellington, American Diabetes Association, requesting permission to hold the Step Out Walk to Fight Diabetes on Sunday, October 5, 2008 from 9:00 a.m. – 12:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Charles Lassen, Friends of the South End Neighborhood Association, requesting the formation of a working group to define, and cost, restoration for the re-use of the South Meeting House
- B. Letter from Madelyn Good, New Hampshire Human Rights Torch Relay Coordinator, requesting an exemption for the use of a low amplification generator sound system for a microphone in Market Square on Saturday, April 12, 2008 for the Human Rights Torch Relay event
- C. Letter from Attorney Malcolm McNeill representing Brora, LLC request for a License to Erect a Sign on Public Right-of-Way
- D. Letter from Ted Blank, International Sidewalk Astronomy Night, requesting permission to set up 2 and 4 amateur telescopes in Market Square on Saturday, April 12, 2008 (rain date April 13, 2008) for the 2nd Annual International Sidewalk Astronomy Night
- E. Letter from Mike Young, Rockland Street Baseball (Portsmouth Babe Ruth League), requesting permission to install temporary signage at Leary Field for the 2008 baseball season

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items which require Action under other sections of the Agenda

- 1. Public Hearing:
 - 1.1 Revised Development Plan and Homeless Assistance Application for a Recreational Re-use at the Paul A. Doble Army Reserve Center (***Action on this matter should take place under Section XII. A.1. of the Agenda***)
- 2. Public Hearing/Second Reading of Proposed Ordinance Amendments:
 - 2.1 Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 7, Article II - Taxicabs (***Action on this matter should take place under Section IX of the Agenda***)

- 2.2 Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 7, Article III, Section 7.302 – Traffic Ordinance – Enforcement Authority (**Action on this matter should take place under Section IX of the Agenda**)
- 2.3 Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 7, Section 7.327 – Limited Parking – Two Hours – Court Street; Section 7.330 – No Parking – Court Street, Islington Street, Essex Avenue; and Section 7.603 – Loading and Unloading of Live Parking Vehicles – Court Street (**Action on this matter should take place under Section IX of the Agenda**)

City Manager's Items Which Require Action

1. Proposed Prime Wetlands Designation
2. Adoption on Doble Reserve Center Redevelopment Plan
3. Revocable License Agreement Re: Paul Delisle – Alder Way
4. Request for License Agreement to Martingale Wharf L.P. Re: 99 Bow Street project
5. Request for License Agreement to William Greenier Building Contractor LLC Re: 40 Congress Street
6. Request for License Agreement to Franklin Block Re: 75 Congress Street
7. Report Back Re: Seacoast Mental Health Center Fundraising Proposal

Informational Items

1. Events Listing
2. Report Back Re: Swap Shop Request
3. News Release Re: Yard Waste Collection

B. MAYOR FERRINI

1. Appointments to be Considered:
 - John Gregg – Reappointment to Cable Television & Communications Commission
 - Sharon Morrison – Reappointment to Citywide Neighborhood Steering Committee
 - Karina Quintans – Appointment to Sustainable Practices, Blue Ribbon Committee
 - Frank Daggett – Reappointment to Taxi Commission
 - Jonathan Bailey – Reappointment to Traffic & Safety Committee
 - John Connors – Reappointment to Traffic & Safety Committee
 - Frederick Gray, Jr., - Reappointment to Traffic & Safety Committee
 - Lea Aeschliman – Reappointment to Trustees of Trust Fund
 - Derek Durbin – Reappointment to Zoning Board of Adjustment
2. Appointment to be Voted:
 - Kirsten Barton – Safe Routes to School Committee – Little Harbour School Rep.
3. *Blue Ribbon Committee on Housing

C. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the March 15, 2008 meeting
2. Parking Committee Action Sheet and Minutes of the March 15, 2008 meeting

D. COUNCILOR KENNEDY

1. *HB65 (Port Authority Bill)

E. COUNCILOR SPEAR

1. *Re-use of Building located at 251 Bartlett Street (Creek Athletic Club)
2. *Retirement System – Define Contribution Proposal

F. COUNCILOR PANTELAKOS

1. Granite State Fair Tax Coalition

G. COUNCILOR RAYNOLDS

1. Green Building Report

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

(*Indicates verbal report)

INFORMATIONAL ITEMS

1. Conservation Commission minutes of the February 13, 2008 meeting
2. Historic District Commission minutes of the February 20, 2008 and February 27, 2008 meetings
3. Planning Board minutes of the February 7, 2008; February 14, 2008 and February 21, 2008 meetings
4. Zoning Board of Adjustment Committee minutes of the February 19, 2008 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: April 3, 2008
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on April 7, 2008 City Council Agenda

Work Session:

6:15 p.m.

1. **Proposed Prime Wetlands Designation.** As you know, designation of prime wetlands was a recommendation outlined in the citywide Master Plan adopted in March 2005. Last year, the City contracted with West Environmental, Inc. to prepare the documentation needed to support the designation of prime wetlands under NH RSA 482-A:15, which defines prime wetlands as jurisdictional wetlands that "because of their size, unspoiled character, fragile condition or other relevant factors make them of substantial significance." Pursuant to the applicable DES Wetlands Bureau rules, prime wetlands must meet certain minimum specified criteria.

Once prime wetlands are mapped and delineated in accordance with applicable DES administrative rules, they must be approved by a vote of the City Council and the maps and designations then filed by the City with DES. Prior to final submission to DES some additional map clarifications will be required to finalize the precise boundary locations of the City's prime wetlands. Once on file with the state, dredge and fill permit applications received by DES cannot be approved without a finding by clear and convincing evidence that the proposed development activity will not result in "the significant net loss" of prime wetland values. In addition, DES must notify the municipal governing body, planning board and conservation commission before granting any dredge and fill permit applications affecting prime wetlands.

A copy of the February 2007 Prime Wetland Analysis Report prepared by West Environmental, Inc. is inserted in the inside cover of your packet. This report describes the scientific methodology followed in developing the list of potential prime wetland candidates located in the City and contains the data compiled and analyzed by West Environmental for each of the wetlands analyzed for prime wetland designation.

Both the Conservation Commission (at their April 11, 2007 meeting) and the Planning Board (at their September 20, 2007 meeting) voted in favor of designating prime wetlands in the City as listed in Mr. West's report with the exception of wetland 007 located at Pease International Tradeport. Because the Tradeport is not under the City's land use control, the Conservation Commission and Planning Board concurred that a letter should be sent to the Tradeport from the City Council, urging them to nominate wetland 007 as a prime wetland.

The Planning Board also requested that the Conservation Commission provide an amended local wetland protection ordinance to include protection of vernal pools. Those revisions have been drafted and are currently being reviewed by the Planning Board. Mark West of West Environmental and Environmental Planner/Sustainability Coordinator Peter Britz will be in attendance on Monday evening to make a brief presentation regarding the designation of prime wetlands in the City and to answer any questions the Council may have. This matter is included on the Council's regular agenda with a recommendation that the Council schedule a public hearing regarding the designation of prime wetlands for April 21, 2008.

Action on this matter should take place on the agenda under Section XII A. 1. City Manager's Items Which Require Action.

Presentation:

1. **Renaming of Duplicate Streets.** Last year, Police Chief Michael Magnant and Fire Chief Christopher LeClaire expressed a public safety concern to the City Council with regard to duplicate street names and duplicate sounding street names and asked for a review of this matter with consideration given to renaming certain streets. In short, the concern is that particular street names can be easily misunderstood by the responding police and/or fire units with the result that emergency responders report to the wrong address. At the City Council meeting on April 4, 2007, the Council voted to refer this matter to the Planning Board for a report back and the Planning Board began work on this effort. Recently, a City Council member asked for a presentation regarding the public safety regarding street names and Deputy Chief DiSesa will be at Monday's meeting to make a brief presentation to the Council regarding this matter.

Acceptance of Grants/Donations:

1. **Acceptance of Donations to Art-Speak for Overnight Art Event.** Art-Speak has received the following donations for the Overnight Art Event:
 - \$1,000.00 from Ocean Bank
 - \$500.00 from Hilton Garden Inn/Parade Mall
 - \$500.00 from Nahcotta Gallery

I would recommend that the City Council approve and accept the donations to Art-Speak for the Overnight Art Event, as listed. Action on this matter should take place under Section X of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **Public Hearing:**
 - 1.1 **Revised Development Plan and Homeless Assistance Application for a Recreational Re-use at the Paul A. Doble Army Reserve Center.** As you know, the 3.4-acre Doble Army Reserve Center property on Cottage Street is being made available to the City of Portsmouth under the federal Base Realignment and Closure (BRAC) process (please see attached aerial photo). As required under the BRAC process, City staff prepared a Redevelopment Plan for the Doble property, which was submitted to the Department of the Army and U.S. Housing and Urban Development (HUD) in June 2007 following a public hearing and City Council approval. Councilors may wish to review the webcast and/or minutes from the June 4, 2007 Council hearing regarding the Redevelopment Plan that was approved by the Council and submitted to HUD last June.

The June 2007 Redevelopment Plan outlined the City's desire to redevelop this parcel for a municipal use, which would be either a recreation facility or police station. Subsequently, the Army and HUD indicated the City must specify which of those two municipal uses the site would be used for, and then revise the Redevelopment Plan to provide more details on the selected option. In addition, as required under the BRAC law, HUD requested that we provide additional data on the local homeless population.

As you know, following the Police Department's withdrawal of interest in the Doble property, I directed staff to revise the Redevelopment Plan to reflect recreational reuse of the Doble site. The attached conceptual plan for the recreational reuse of the Doble property includes removal of the existing circa 1958 buildings, and construction of the following:

- Multi-use recreation field (380-foot x 180-foot)
- Tot lot playground
- Bleacher seating

- Snack bar, restroom & storage building (30-foot x 50-foot)
- Parking area to support recreational use

The revised Redevelopment Plan and Homeless Assistance Application is inserted in the inside cover of your packet.

While the City is required per the BRAC process to submit a revised Redevelopment Plan at this time, the earliest anticipated date that the federal government would turn over the property to the City is some time in 2011.

At the regular meeting on March 18th, the City Council voted to schedule tonight's public hearing on the revised Redevelopment Plan and Homeless Assistance Application to be followed by Council action on the adoption of the revised Redevelopment Plan as required under BRAC law. Following Council action, staff would then submit the revised Redevelopment Plan to the Army and HUD for their review and approval.

Action on this matter should take place on the agenda under Section XII A. 2. City Manager's Items Which Require Action.

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

- 2.1 **Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 7, Article II, - Taxicabs.** As a result of the March 18th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached proposed ordinance amendment to Chapter 7, Article II, - Taxicabs.

I would recommend the City Council move to pass second reading and schedule a third and final reading of the proposed ordinance amendment, as presented, at the April 21st City Council meeting. Action on this matter should take place under Section IX of the Agenda.

- 2.2 **Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 7, Article III, Section 7.302 – Traffic Ordinance – Enforcement Authority.** As a result of the March 18th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached proposed amendment to Chapter 7, Article III, Section 7.302 – Traffic Ordinance – Enforcement Authority as recommended by the Parking Committee.

I would recommend the City Council move to pass second reading and schedule a third and final reading of the proposed ordinance amendment, as presented, at the April 21st City Council meeting. Action on this matter should take place under Section IX of the Agenda.

- 2.3 **Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 7, Section 7.327 – Limited Parking – Two Hours – Court Street; Section 7.330 – No Parking – Court Street, Islington Street, Essex Avenue; and Section 7.603 – Loading and Unloading of Live Parking Vehicles – Court Street.** As a result of the March 18th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached proposed amendment to Chapter 7, Section 7.327 – Limited Parking – Two Hours for Court Street; Section 7.330 – No Parking for Court Street, Islington Street and Essex Avenue; and Section 7.603 – Loading and Unloading of Live Parking Vehicles for Court Street as outlined in the ordinance.

As you are aware, the City Council approved the Traffic and Safety minutes of December 3, 2007 and January 14, 2008 which required ordinance changes for Essex Street, Islington Street and Court Street. City Attorney Robert Sullivan and Traffic Engineer Deb Finnigan made additional changes in order to correct any confusion after reviewing the ordinance request and current ordinances for Court Street.

I would recommend the City Council move to pass second reading and schedule a third and final reading of the proposed ordinance amendment, as presented, at the April 21st City Council meeting. Action on this matter should take place under Section IX of the Agenda.

Consent Agenda:

1. **Acceptance of Donation to the New Library Building Fund.** The New Library Capital Campaign Committee has received a donation from Richard J. Katz in the amount of \$100.00 for the New Library Building Fund. This fulfills the 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 VIII of the Agenda.

City Manager's Items Which Require Action:

1. **Proposed Prime Wetlands Designation.** *I would recommend the City Council schedule a public hearing regarding the designation of prime wetlands for April 21, 2008.*
2. **Adoption on Doble Reserve Center Redevelopment Plan.** *I would recommend the City Council adopt the revised April 2008 Redevelopment Plan and Homeless Assistance Application for the Doble Army Reserve Center.*

3. **Revocable License Agreement Re: Paul Delisle, Alder Way.** Alder Way (formerly Cutts Avenue) is a street which intersects the Route 1 By-pass in the vicinity of the so-called Portsmouth Ballroom (formerly Lum's). A number of years ago the City Council voted to limit access and egress from the by-pass to Alder Way by erecting a barricade. Mr. Paul Delisle is the owner of a house at the intersection of Alder Way and Route 1 By-pass at the location of that barricade. See attached aerial map. He is requesting a Revocable License to construct a fence as shown on the diagram attached to the draft Revocable License Agreement enclosed with the agenda packet this evening. If the Council chooses to accommodate Mr. Delisle, he has agreed to the draft form of the License Agreement.

I would recommend the City Council move to authorize to the City Manager to negotiate and execute the license agreement with Paul Delisle in substantial conformance to the proposed license contained in this evening's agenda packet.

4. **Request for License Agreement to Martingale Wharf L. P. Re: 99 Bow Street.** The Planning Board has approved the construction of improvements at 99 Bow Street. The owner, Martingale Wharf L.P., requires a License Agreement in order to utilize the public right of way in front of 99 Bow Street for construction purposes. This major construction project in the downtown will be governed by both a License Agreement and a Construction Management Plan. The License Agreement will regulate the impacts within the public right of way in front of 99 Bow Street.

City Council approval is required for the License Agreement. The Construction Management Plan coordinates communication among the developer, contractor, abutters and the City. It also seeks to minimize negative construction impacts from such events as dust, storm water runoff, deliveries and vibration. The Construction Management Plan is approved by my office with the input of staff, abutters, and the developer. As part of the Construction Management Plan, there will be a public meeting to provide property owners with details of this project.

The License Agreement will impact the sidewalk and travel lane on Bow Street in the area shown in the enclosed Exhibit A and aerial map. In order to maintain two-way traffic on Bow Street, four parking spaces on the South side of Bow Street will be impacted. Those four parking spaces will become part of a temporary twelve-foot travel lane. Detailed plans have been coordinated with the Department of Public Works. The City will be compensated for the loss of the four parking spaces. There are provisions for safe, handicapped-accessible, pedestrian access along Bow Street, also coordinated with the Department of Public Works. The term of the License Agreement is April 8, 2008 – September 30, 2009.

I would recommend the City Council move to authorize the City Manager to negotiate and enter into a License Agreement with Martingale Wharf L.P. for purposes of facilitating construction activities at 99 Bow Street.

5. **Request for License Agreement to William Greenier Building Contractor LLC Re: 40 Congress Street.** Substantial interior renovations are being made to 40 Congress Street (the Odd Fellows Building formerly occupied on the ground floor by Pars Rugs). Greenier Building Contractor LLC seeks a license to continue to use two parking spaces, Monday through Friday only, in front of 40 Congress Street to facilitate construction. See attached aerial view of the two parking spaces in front of 40 Congress Street. Mr. Greenier has been using meter bags to date, but due to the length of time that he seeks to continue to use the spaces, until June 13, 2008, staff requested that he seek a license for continued use of the spaces. The City will be compensated \$40 per day for the loss of the two spaces.

The project at 40 Congress Street entails renovation of the interior to accommodate a bank. There are numerous specialty trades involved; with unloading of materials taking place on a regular basis. In addition, there is no dumpster on site and debris is removed regularly by truck. The term of the proposed License Agreement is April 8, 2008 – June 13, 2008. There will be no encumbrance of the sidewalk.

I would recommend the City Council move to authorize the City Manager to negotiate and enter into a License Agreement with Greenier Building Contractor LLC for purposes of facilitating construction activities at 40 Congress Street.

6. **Request for License Agreement to Franklin Block Re: 75 Congress Street.** Attached is a copy of a letter along with drawings and photographs from The Ben Franklin Block Buildings requesting a license agreement for 75 Congress Street for external project lights. Also, attached is a copy of a memorandum from David Holden, Planning Director, outlining their request and recommending the approval of a License Agreement.

I would recommend the City Council move to authorize the City Manager to enter into a License Agreement with Michael De La Cruz for the purposes of installing these fixtures.

7. **Report Back Re: Seacoast Mental Health Center Fundraising Proposal.** As a result of the March 3rd City Council meeting, I am providing a report back to City Council regarding the Seacoast Mental Health Center's fundraising proposal.

At the request of the City Council, Art-Speak reviewed the proposal by the Seacoast Mental Health Center, dated February 6, 2008, seeking permission to conduct a fundraiser in the City. Art-Speak recommendations are as follows:

- Based on recent successful precedents, including the Lighthouse Kids Lighthouse LobStars fundraiser in 2008, Art-Speak recommends that all painted figures be displayed on private property. This gives the project sponsors and artists better control of the display and will not interfere with any municipal functions on City property.
- Art-Speak applauds the use of local artists for SMHC's Community Bridges fundraising program.

- Art-Speak suggests utilizing the artist roster on the Art-Speak website and other appropriate resources to notify local artists of this project.

Attached is a copy of Art-Speak's report regarding this proposal.

I would recommend the City Council move to accept Art-Speak's recommendation and send a letter to the Seacoast Mental Health Center regarding this matter.

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 18, 2008.
2. **Report Back Re: Swap Shop Request.** As you recall, at the February 11th City Council meeting a request was made to establish a swap shop at the City's Recycling Center. For your information, I have attached a memorandum from Steve Parkinson, Public Works Director and Silke Psula, Solid Waste Coordinator, regarding their examination of this proposal.

As you can see from their report, there are a number of challenges as it relates to this type of activity at a public facility. The biggest obstacle that the City has at present is the space requirements. As you are aware, the City is presently trying to negotiate additional space for the Recycling Center with the Foundation for Seacoast Health. If we are successful with these negotiations, the Recycling Center should be able to expand by an additional 2 acres. When that happens, we could revisit the use of this property for a swap shop.

At this time, the Public Works Director and Solid Waste Coordinator are not recommending to move forward with the swap shop, but it is something that can be revisited at a later date once we are successful with the negotiations with the Foundation. No action is required at this time unless otherwise determined by the City Council.

3. **News Release Re: Yard Waste Collection.** For your information, enclosed is a copy of a news release, dated April 1, 2008, regarding the weekly curbside collection of yard waste.