

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, JULY 21, 2008 TIME: 6:15PM

- 5:30PM – ANITICIPATED “NON-MEETNG” WITH COUNSEL RE: NEGOTIATIONS – RSA 91-A:2, I (b-c)
- 6:15PM – WORK SESSION REGARDING CONSOLIDATION OF COMMITTEES

## AGENDA

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

### PROCLAMATION

1. National Night Out

- V. ACCEPTANCE OF MINUTES – JUNE 16, 2008

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARING

- A. RESOLUTION PROPOSED BY GRANITE STATE FAIR TAX COALITION

- VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of 2008 Business United for Water Security Grant

- B. Acceptance of Donations to the Coalition Legal Fund

- Town of Sugar Hill - \$500.00
- Town of Carroll - \$1,000.00
- Town of Tuftonboro - \$5,000.00

- C. Acceptance of NHCF Funding for Art-Speak FY09 and release of UDAG matching funds.

- D. Acceptance of Police Department Grants and Donations
- 1) NH Highway Safety Agency for DWI Hunter Patrols & Sobriety Checkpoints Grant - \$10,513.80
  - 2) NH Highway Safety Agency for Portsmouth DWI Patrols Grant - \$4,870.10
  - 3) PAL Basketball Program from the Portsmouth Police Ranking Officers' Association - \$100.00
  - 4) PAL Basketball Program from Boynton, Waldron, Doleac, Woodman & Scott, P.A. Donation - \$400.00
  - 5) Police Explorer Cadets Donations:
    - Fuller Foundation, Inc. - \$2,000.00
    - Charitable Division of the Rotary Club of Portsmouth - \$1,300.00
    - Piscataqua Savings Bank - \$250.00
    - Portsmouth Auxiliary Police Association - \$250.00
    - Nancy Novelline Clayburgh - \$50.00
  - 6) Sergeant Cory MacDonald's participation in Harvard University's "Driving Government Performance" Donations:
    - J.P. Nadeau - \$2,900.00
    - AXL, Inc. - \$1,000.00
    - J.P. Nadeau, Jr. - \$750.00
    - G.A. Caldicott - \$250.00
    - Mutualink, Inc. - \$100.00

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article VII, Section 7.702 – Truck Traffic Prohibited – Maplewood Avenue: from Central Avenue to Woodbury Avenue
- B. Third and final reading of Ordinance amending Chapter 1 by the creation of an Article XVIII entitled Payment by Credit Card Pursuant RSA 80:52-c

## X. CONSENT AGENDA

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

- A. Acceptance of Donations to Art-Speak for Overnight Art Event
  - McHenry Architecture - \$500.00
  - McLane Law Firm - \$100.00

***(Anticipated action – move to approve and accept the donations to Art-Speak for the Overnight Art Event, as listed)***

- B. Acceptance of Donations to Art-Speak
- Flat Bread Pizza - \$500.00
  - Anonymous cash donations - \$124.00

***(Anticipated action – move to approve and accept the donations to Art-Speak, as presented, and any remaining funds are restricted for use to the general Overnight Art category of Art-Speak’s operating budget.)***

- C. Letter from Eric Weinrieb, Portsmouth Rotary Club, requesting permission to hold the Annual Thunder Chicken 5k Road Race on Thursday, August 7, 2008 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from G.S. Mouflouze requesting permission to place a plate/plaque on the second of the city owned bench in Market Square ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Jay Diener, Seacoast Half Marathon, requesting permission to hold the 3<sup>rd</sup> Annual Seacoast Half Marathon on Sunday, November 9, 2008 ***(Anticipated action – move to refer to the City Manager with power)***
- F. Request from Lauren Mensinger, L Studio, 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 Meredith Stolper, Loaf and Ladel, 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. Request from Barbara Theodore, Olde Port Properties, 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)***
- I. Request from Cliffe Arrand, Pesce Blue Restaurant and Bar, 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)***
- J. Letter from Cori and Bob McGrath requesting permission to install a bench in memory of James Walden in the downtown area ***(Anticipated action – move to refer to the City Manager with power)***

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

- A. Letter from Dr. Mitchell Shuldman, School Board Chair, requesting the City Council refer the issue of developing a timeline for acquiring the property to the left of the Portsmouth Middle School to City Attorney Sullivan for report back

- B. Letter from Nick Diana, City Puppies, requesting permission to set up a small pop-up tent for a photo shoot for a new book, City Puppies: Portsmouth Edition in Vaughan Mall on August 2<sup>nd</sup>, 3<sup>rd</sup>, 9<sup>th</sup> and 10<sup>th</sup> between 8:00 a.m. – 3:00 p.m.

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

### **A. CITY MANAGER**

#### **City Manager's Items Which Require Action Under Other Sections of the Agenda**

1. Consideration of First Reading of Proposed Ordinance Amendments and Resolutions:
  - 1.1 First Reading of proposed Ordinance to amend Chapter 7, Article VII, Section 7.7.02 – Truck Traffic Prohibited – Maplewood Avenue (**Action on this matter should take place under Section IX of the Agenda**)
2. Public Hearing:
  - 2.1 Public Hearing regarding Resolution Proposed by Granite State Fair Tax Coalition (**Action on this matter should take place under Section XII. C. of the Agenda**)
3. Third and Final Reading of Proposed Ordinance Amendments and Resolutions:
  - 3.1 Third and Final Reading of Ordinance amending Chapter 1, by the creation of an Article XVIII entitled – Payment by Credit Card Pursuant to RSA 80:52-c (**Action on this matter should take place under Section IX of the Agenda**)

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

1. Renewal of Memorandum of Understanding between Art-Speak and City of Portsmouth
2. Proposed Revised Joint Development Agreement Re: Westin Project
3. Resolution Re: Rescission of the Fifteen Million Dollars (\$15,000,000.00) Borrowing Authorization for the Westin Project
4. Request from Town of New Castle Re: Fuel Depot
5. Report Back Re: Request of Portsmouth City Soccer Club to Hang Banners at Leary Field
6. Report Back Re: New Adventure Entertainment, LLC's (John Dussi) Request for Approval of Lighting and Awnings at 172 Hanover Street
7. Request to Exempt City-Owned Land from Shoreland Protection Act

8. Request for USS New Hampshire Commissioning Celebration
9. Proposed Date Re: Boards and Commissions Annual Recognition Night

**Informational Items**

1. Events Listing

**B. MAYOR FERRINI**

1. Appointment to be Voted:
  - Christine Woodman Casa to the Safe Routes to School Committee as the Dondero School Representative
2. Resignations
  - Mike Murray – Economic Development Commission
  - Robin McIntosh – Economic Development Commission
  - Thomas Bolko – Peirce Island Committee
  - Charles Oxford – Portsmouth Housing Authority
3. Appointments to be Considered:
  - Steve Miller – Reappointment to the Conservation Commission
  - Barbara McMillan – Reappointment to the Conservation Commission
  - Allison Tanner – Reappointment to the Conservation Commission
  - Brian Wazlaw – Reappointment to the Conservation Commission
  - Nancy Beach – Reappointment to the Cable Commission
  - Richard Katz – Reappointment to the Historic District Commission
3. \*Reports

**C. COUNCILOR PANTELAKOS**

1. Granite State Fair Tax Coalition Resolution

**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 May 1, 2008; May 14, 2008 and June 11, 2008 meetings
2. Historic District Commission minutes of the May 14, 2008 and June 4, 2008 meetings

3. Planning Board Commission minutes of the April 24, 2008; May 1, 2008; May 8, 2008; and May 15, 2008 meetings
4. Site Review Technical Advisory Committee minutes of the June 3, 2008; June 10, 2008; July 1, 2008 and July 8, 2008 meetings
5. Zoning Board of Adjustment minutes of the May 20, 2008 and May 27, 2008 meetings
6. Letter from Marjorie Fernald regarding Middle School

**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:** July 17, 2008  
**To:** Honorable Mayor Thomas G. Ferrini and City Council Members  
**From:** John P. Bohenko, City Manager  
**Re:** City Manager's Comments on July 21, 2008 City Council Agenda

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***5:30 p.m. – Non-meeting with counsel.***

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

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***Work Session:***

*6:15 p.m.*

1. **Consolidation of Committees.** On Monday evening at 6:15 p.m., the City Council will hold a work session regarding the Consolidation of Committees. For your information, I have attached the following:
  - 1) Report Back from the June 16, 2008 City Council meeting.
  - 2) Memorandum dated July 1, 2008 from Rus Wilson Recreation Director regarding staff hours.
  - 3) E-mail dated June 18, 2008 from Councilor Chris Dwyer regarding questions about committees.
  - 4) Letter dated June 13, 2008 from Attorney Peter J. Loughlin, Member of the Mayor's Blue Ribbon Trees & Greenery Committee.
  - 5) Letter dated July 2, 2008 from Franklin S. Roth, Member of the Mayor's Blue Ribbon Dog Committee.

## ***Acceptance of Grants/Donations:***

1. **Acceptance of 2008 Business United for Water Security Grant.** The City has been awarded a grant of up to \$4,500.00 from the New Hampshire Department of Environmental Services for the installation of an emergency generator at Haven Well at the Pease Tradeport. This grant will be funded by the Business United for Water Security Grant program, and it is for labor costs only. The total labor costs for the installation of the emergency generator is \$7,106.00 with a total project cost of \$45,268.00.

The Department of Environmental Services has approved an award of \$4,500.00 for the above mentioned drinking water security upgrades, subject to approval by the Portsmouth City Council and the State of New Hampshire Governor and Executive Council.

*I would recommend the City Council move to accept funds and enter into and approve a grant agreement with New Hampshire Department of Environmental Services in the amount of \$4,500.00 to the City of Portsmouth and to authorize the City Manager, to execute this grant agreement and any documents, which may be necessary, on behalf of the City. Action on this matter should take place under Section VIII of the Agenda.*

2. **Donations to the Coalition Legal Fund.** Attached are copies of checks from the Town of Sugar Hill in the amount of \$500.00; Town of Carroll in the amount of \$1,000.00 and the Town of Tuftonboro in the amount of \$5,000.00, donating funds to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

*I would recommend the City Council move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section VIII of the Agenda.*

3. **Acceptance of NHCF Funding for Art-Speak FY09 and Release of UDAG Matching Funds.** As you will recall, at the May 5, 2008 City Council meeting, the Council voted to provide \$10,000.00 of Urban Development Action Grant (UDAG) funding to Art-Speak for its FY09 operating budget. In addition, the Council voted to *match dollar for dollar outside money brought in from Art-Speak up to an additional \$10,000.00 from UDAG funds.*

Art-Speak has secured an additional \$20,000.00 for the Art-Speak FY09 operating budget from the New Hampshire Charitable Foundation (NHCF) Piscataqua Region (see attached letter). Art-Speak would like to ask the City Council to accept the \$20,000.00 in NHCF funds for Art-Speak, and to release the additional UDAG matching funds of \$10,000.00 to Art-Speak.

*I would recommend the City Council move to approve and accept the NHCF Funding in the amount of \$20,000.00 for Art-Speak FY09 and release \$10,000.00 of the UDAG matching funds. Action on this matter should take place under Section VIII of the Agenda.*

4. **Acceptance of Police Department Grants & Donations.** Attached under Section VIII of the Agenda is a memorandum from Gerald W. Howe, Chairman of the Portsmouth Police Commissioners, and Michael J. Magnant, Police Chief, requesting that the City Council approve the following grants and donations:
- a. A grant in the amount of \$10,513.80 from the New Hampshire Highway Safety Agency for DWI Hunter Patrols & Sobriety checkpoints to remove impaired drivers from our roadways.
  - b. A separate grant in the amount of \$4,870.10 from the New Hampshire Highway Safety Agency for Portsmouth DWI Patrols.
  - c. A donation in the amount of \$100.00 from the Portsmouth Police Ranking Officers' Association in support of the PAL basketball program.
  - d. A donation in the amount of \$400.00 from Boynton, Waldron, Doleac, Woodman and Scott, P.A. in support of the PAL basketball program.
  - e. Donations in support of our Police Explorer Cadets as follows:
    - \$2,000.00 from the Fuller Foundation, Inc.
    - \$1,300.00 from the Charitable Division of the Rotary Club of Portsmouth
    - \$250.00 from the Piscataqua Savings Bank
    - \$250.00 from the Portsmouth Auxiliary Police Association
    - \$50.00 from Nancy Novelline-Clayburgh
  - f. Donations in support of Sergeant Cory MacDonald's successful candidacy for participation in Harvard University's "Driving Government Performance" as follows:
    - \$2,900.00 from J. P. Nadeau
    - \$1,000.00 from AXL, Inc.
    - \$750.00 from J. P. Nadeau, Jr.
    - \$250.00 from G. A. Caldicott
    - \$100.00 from Mutualink, Inc.

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-35 for City Council approval and acceptance.

*I would recommend that the City Council approve and accept the grants and donations to the Portsmouth Police Department, 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 and Resolutions:**
  - 1.1. **First Reading of proposed Ordinance to amend Chapter 7, Article VII, Section 7.702 – Truck Traffic Prohibited – Maplewood Avenue.** Attached

under Section IX of the Agenda is a copy of a proposed ordinance to amend Chapter 7, Article VII, Section 7.702 –Truck Traffic Prohibited for Maplewood Avenue from Central Avenue to Woodbury Avenue. This ordinance amendment is recommended by the Traffic and Safety Committee as reflected in their meeting minutes of May 8, 2008, which were approved by the City Council at the June 2, 2008 meeting.

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

2. **Public Hearing.**

- 2.1 **Public Hearing regarding Resolution Proposed by Granite State Fair Tax Coalition.** Attached under Section VII of the agenda is a request from Councilor Laura Pantelakos regarding a public hearing on a resolution proposed by the Granite State Fair Tax Coalition. *If the City Council chooses to take action on this matter, it may be done under Councilor Laura Pantelakos' name.*

3. **Third and Final Reading of Proposed Ordinance Amendments and Resolutions:**

- 3.1 **Third and Final Reading of Ordinance amending Chapter 1, by the creation of an Article XVIII entitled – Payment by Credit Card Pursuant to RSA 80:52-c.** As a result of the June 16th City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached proposed Payment by Credit Card Ordinance. As you may recall during a budget work session, the Finance Director indicated that she would like to commence a pilot program to utilize credit cards for the payment of water and sewer bills. If this pilot program is successful, we would like to expand payment of parking fines and other city related payments. In order to accept credit cards, state statute RSA 80-52-c requires the following:

“The legislative body, by ordinance adopted in accordance with RSA-39, may authorize the municipality’s treasurer or other appropriate municipal official to accept payment of local taxes, charges generated by the sale of utility services, or other fees by use of a credit card. Any municipality adopting such an ordinance may add to the amount due, in addition to any penalties and interest payable, a service charge for the acceptance of the card. The municipality, at the time of billing shall disclose the amount of the service charge.”

*I would recommend that the City Council move to pass third and final reading on the proposed ordinance that would authorize these credit card payments in accordance with state law. Action on this mater should take place under Section IX of the Agenda.*

## ***Consent Agenda:***

1. **Acceptance of Donations to Art-Speak for Overnight Art Event.** Art-Speak has received the following donations for the Overnight Art Event:

- \$500.00 from McHenry Architecture
- \$100.00 from McLane Law Firm

*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.*

2. **Acceptance of Donations to Art-Speak.** Art-Speak has received the following donations to pay for the repairs to the Giant Red Ant Sculpture:

- \$500.00 from Flat Bread Pizza
- \$124.00 in anonymous cash donations

Art-Speak has requested that any remaining funds are restricted for use to the general Overnight Art category of Art-Speak's operating budget.

*I would recommend that the City Council approve and accept the donations to Art-Speak, as presented, and any remaining funds are restricted for use to the general Overnight Art category of Art-Speak's operating budget. Action on this matter should take place under Section X of the Agenda.*

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

1. **Renewal of Memorandum of Understanding between Art-Speak and City of Portsmouth.** Attached is a memorandum from the Art-Speak Coordinator requesting a renewal of the Memorandum of Understanding (MOU) between the City and Art-Speak for the period July 1, 2008 through June 30, 2009.

As you will recall on April 21, 2008, Art-Speak gave its annual report on arts and culture in the City. This report addressed the requirements that Art-Speak must satisfy as outlined in the MOU such as:

- 1) Promote appreciation, awareness, participation, and dialogue in the support of arts and culture in the City of Portsmouth;
- 2) Serve in an advisory capacity for all City government departments;
- 3) Provide an annual state-of-the-City cultural report;
- 4) Convene an annual arts and cultural forum;
- 5) Provide business and cultural exchanges; and

- 6) Provide regional and state cultural collaboration opportunities.

Recently, the City Council authorized \$10,000.00 in UDAG funds to offset the Art-Speak Coordinator's contractual services. Art-Speak has matched this award by a grant from the NH Charitable Foundation as well as with smaller donations for projects such as Overnight Art. As stated in its annual report, Art-Speak is committed to raising additional public and private funds to meet all terms of the agreement.

By supporting the activities of Art-Speak, the City of Portsmouth has led the way in New Hampshire in advocating for and leveraging the power of the creative sector of our economy and become a model for other communities. Attached is a copy of the MOU extension for your information. The Art-Speak Board of Directors has approved the extension request.

*I would recommend that the City Council authorize the City Manager to renew the MOU between Art-Speak and the City of Portsmouth from July 1, 2008 through June 30, 2009.*

2. **Proposed Revised Joint Development Agreement Re: Westin Project.** In accordance with the several Superior Court determinations which have been made in the aforementioned matter, and in order to implement City Council policies with respect to the HarborCorp project, it is now necessary to:

- 1) Eliminate all legal obligations of the City to either purchase or operate the parking garage which will be constructed by HarborCorp on its Deer Street property and;
- 2) Rescind the borrowing resolution which would have enabled purchase of that garage for Fifteen Million Dollars (\$15,000,000.00).

Accordingly, I am requesting the City Council take two actions. First, I am requesting the Council authorize me to renegotiate the Joint Development Agreement, which was entered between the City and HarborCorp LLC on December 14, 2005 in the manner proposed by the Superior Court. Secondly, I am requesting the Council rescind the borrowing resolution, which will take place under the next agenda comment.

*I would recommend the City Manager is hereby authorized to negotiate and execute an amendment to the Joint Development Agreement dated December 14, 2005, between the City and HarborCorp LLC so as to remove from that Joint Development Agreement any obligation of the City to build, purchase or operate the parking facility to be constructed pursuant to that Agreement, while still retaining the obligation of HarborCorp to construct and operate the conference center contemplated by that Agreement.*

3. **Resolution Re: Rescission of the Fifteen Million Dollars (\$15,000,000.00) Borrowing Authorization for the Westin Project.** Attached is a copy of a proposed Resolution entitled "Rescinding Certain Borrowing Authority". This is a straightforward rescission of the borrowing authority created by the City Council on December 19, 2005 for the purpose of purchasing the parking garage. This Resolution may be adopted by a single vote of the Council without public hearing.

Adoption of this Resolution in the manner described would have the effect of eliminating any authority for the City administration to borrow the money to buy the parking garage and would also remove Fifteen Million Dollars (\$15,000,000.00) of authorized debt from the financial records of the City.

*Therefore, I would recommend the City Council approve the Resolution rescinding certain borrowing authority with regard to Resolution #13-2005 adopted by the City Council on December 19, 2005.*

4. **Request from Town of New Castle Re: Fuel Depot.** Steve Parkinson, Public Works Director, has reviewed a request from the Town of New Castle to purchase fuel from the City of Portsmouth at the Public Works Department fueling facility (see attached letter). At the present time, the Public Works Department supplies fuel, both gasoline and bio-diesel, to all City agencies including Police, Fire, School and the Portsmouth Housing Authority. Approximately, 78,000 gallons of bio-diesel and 99,000 gallons of gasoline are distributed on an annual basis. Each agency is billed on a monthly basis for usage based upon the computer system that dispenses the fuel to their respective vehicles. Each vehicle is issued a unique key, which activates the pump for the type of fuel required and documents the total gallons dispensed to the vehicle.

Cost is based upon the average delivery price for the month. I do not believe that the amount of usage by Town of New Castle vehicles will impact the City of Portsmouth operations and recommend approval. Billing to the Town of New Castle should include an additional charge of \$.10 per gallon, above and beyond the cost of the fuel, to cover operating costs of the City of Portsmouth in providing the 24 hour/day fueling facility.

*I would recommend the City Council move to authorize the City Manager to enter into a memorandum of understanding with the Town of New Castle to allow for the use of the Fuel Depot.*

5. **Report Back Re: Request of Portsmouth City Soccer Club to Hang Banners at Leary Field.** Attached is a memorandum from Planning Director David Holden, which provides a report back to the City Council from the Planning Board regarding the Portsmouth City Soccer Club's request for permission to offer local businesses the opportunity to hang banners at Leary Field during the soccer season.

*I would recommend the City Council accept the Planning Board's report back regarding this matter and approve the request with the following conditions recommended by the Planning Board:*

- 1) That this proposal should be considered as a pilot type program;*
- 2) That it should be authorized for no longer than one season;*
- 3) That the trial period should commence in the 2008 season;*

- 4) *That as part of this trial, there will be no “tagging” activities conducted by this club;*
- 5) *That no more than 5 sign blanks shall be erected on the outfield fence, each with the dimension of 3 feet by 5 feet and with the height and location of each to be determined by the City;*
- 6) *That the Club shall place no signs earlier than August 15<sup>th</sup> and these signs shall be removed no later than November 15<sup>th</sup>;*
- 7) *All sign facings shall be in or towards the playing field; and,*
- 8) *All sign backings shall be white in color, all lettering/logos shall be of a dark green color, and any lettering shall share the same style and font.*

6. **Report Back Re: New Adventure Entertainment, LLC's (John Dussi) Request for Approval of Lighting and Awnings at 172 Hanover Street.** Attached is a memorandum from Planning Director David Holden, which provides a report back to the City Council from the Planning Board regarding New Adventure Entertainment, LLC's request for permission to place lighting fixtures and awnings, which will extend over the public sidewalk along the face of their 172 Hanover Street building.

*I would recommend the City Council accept the Planning Board's report back regarding this matter and authorize the City Manager to enter into a license agreement with Northern Tier Real Estate Acquisition and Development, LLC (formerly New Adventure Entertainment, LLC) for the purposes of installing the requested lighting fixtures and awnings.*

7. **Request to Exempt City-Owned Land from Shoreland Protection Act.** As you know, the State Comprehensive Shoreland Protection Act has recently been amended. The new amendments, went into effect as of July 1<sup>st</sup>, require that a new Shoreland Permit be secured for work within the 250-foot shoreland buffer (please see attached Summary of Standards sheet describing the Shoreland Protection Act). While the intent of these amendments is to enhance shoreland protection, there is the potential for projects to be held up while permits are secured. This Act has a provision in it which allows for municipalities to exempt all or part of the protected shoreland if the municipality finds that “special local urbanization conditions exist in the protected shoreland for which the exemption is sought”. Since Portsmouth has been developed for such a long time, the rights-of-ways and existing uses on City owned parcels will often be in conflict with the requirements of this Act. Therefore, staff believes an exemption for all rights-of-way and City-owned parcels that fall within the 250-foot jurisdiction of the Shoreland Protection Act should be sought (please see attached map). The purpose of this request is to reduce the administrative burden on the City and the State and insure that municipal projects are executed in a timely manner.

It is anticipated that normal road maintenance projects, sewer and water infrastructure upgrades and other unanticipated municipal operations will regularly require work in the 250’ protected shoreland. The area for which an exemption is sought includes portions of

the developed shoreline along the Piscataqua River, the two tidal Mill Ponds (North and South) the Back Channel, Little Harbor, and Sagamore Creek. These areas include municipally owned lots and City rights-of-way. If the City Council wishes to move forward in this manner, the City will submit a formal exemption request to the Commissioner of the NH Department of Environmental Services.

*I would recommend the City Council move to authorize the Mayor to make a formal request to the NH Department of Environmental Services seeking exemption from the Comprehensive Shoreland Protection Act for City rights-of-way and City-owned parcels, and authorize the City Manager to take any further action, which may be necessary to secure the exemption.*

8. **Requests for USS New Hampshire Commissioning Celebration.** Attached are copies of two letters from Chamber of Commerce President Doug Bates in his capacity of Vice-Chair of the USS New Hampshire Commissioning Committee. The letters include information about events, decorations, media relations and fundraising associated with the USS New Hampshire commissioning in October. Some of the items mentioned in the letter involve city participation and City Council action including:

- 1) Permission and logistics for a parade from the Middle School to Market Square from 9:00-9:45 AM on the commissioning day (Saturday, October 25, 2008)
- 2) Coordination of logistics ( i.e. parking, signage, etc.) for people wishing to view the commissioning from Four Tree Island, Prescott Park and other vantage points in the city.
- 3) Coordination of logistics for placement of a Jumbotron on Four Tree Island or Prescott Park for close-up viewing of the commissioning ceremony.
- 4) Permission to hang banners on poles in the city.
- 5) Permission to park vehicles at Portsmouth High School and the Masonic Temple.
- 6) Formal adoption of the submarine by the City of Portsmouth.
- 7) Use of city parks for event fundraising with area non-profits.
- 8) Media correspondence and relations and letter from Mayor in official commissioning program.

*I would recommend that the City Council refer the aforementioned items to the City Manager for a report back at the August 4<sup>th</sup>, 2008 City Council meeting.*

9. **Proposed Date Re: Boards and Commissions Annual Recognition Night.** As a result of the June 16<sup>th</sup> City Council meeting, the City Clerk has reviewed the City Council's Meeting Schedule for 2008 and is proposing December 8, 2008, which is the second Monday, for the Boards and Commissions Annual Recognition Night.

*If this date meets with the City Council's approval, I am recommending that the City Council move to establish the Boards and Commission Annual Recognition Night for Monday, December 8, 2008. Details to follow.*

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

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on June 16, 2008.