

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, NOVEMBER 10, 2008 TIME: 7:00PM

AGENDA

- 6:30PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS – RSA 91-A:2, I (b-c)

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

PRESENTATION

1. USS New Hampshire Commissioning Committee Presentation to City

- V. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)*

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARINGS

- A. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN PROGRAM FOR COSTS RELATED TO THE CONSTRUCTION OF THE MADBURY WATER TREATMENT PLANT NOT TO EXCEED TWENTY FIVE MILLION DOLLARS (\$25,000,000.00)
- B. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN PROGRAM FOR COSTS RELATED TO STATE STREET UTILITIES UPGRADE NOT TO EXCEED TWO MILLION TWO HUNDRED THOUSAND DOLLARS (\$2,200,000.00)
- C. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00) FOR ADDITIONAL COSTS FOR THE CONSTRUCTION OF A NEW FIRE STATION TO REPLACE FIRE STATION 2

- VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of New Hampshire Charitable Foundation Grant for Sustainability Intern in the amount of twenty five hundred dollars.
- B. Acceptance of Donation to the New Library Building Fund
 - Phyllis Eldridge - \$3,000.00 *(Fulfills pledge)*

- C. Acceptance of Technical Program Grant “Cross-Agency” project from the Department of Justice to the Police Department in the amount of \$116,913.00

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan Program for Costs related to the Construction of the Madbury Water Treatment Plant not to exceed Twenty Five Million Dollars (\$25,000,000.00)
- B. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan Program for Costs related to State Street Utilities Upgrade not to exceed Two Million Two Hundred Thousand Dollars (\$2,200,000.00)
- C. Adoption of Resolution Authorizing a Bond Issue of up to One Million Five Hundred Thousand Dollars (\$1,500,000.00) for Additional Costs for the construction of a New Fire Station to replace Fire Station 2
- D. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A – Pearl Street – westerly side of Pearl Street after 8:00 a.m. and before 5:00 p.m., Monday through Friday
- E. Third and final reading of Ordinance amending Chapter 7, Article VI, Section 7.601 – Truck Loading/Unloading Zones Established and Section 7.602 – Truck Loading/Unloading Zones (24 Hours)

Section 7.601

Daniel Street:

- northerly side, 123 feet east from Bow Street for a distance of 45 feet
- northerly side, 215 feet east from Bow Street for a distance of 35 feet
- southerly side, 55 feet west from Penhallow Street for a distance of 80 feet

Market Street:

- easterly side, south for a distance of 50 feet, beginning at Commercial Alley
- easterly side, south for a distance of 40 feet, beginning at Bow Street

State Street:

- northerly side, 40 feet east from Pleasant Street for a distance of 20 feet
- southerly side, 20 feet west from Atkinson Street for a distance of 29 feet

Section 7.602

Pleasant Street:

- westerly side, south from State Street a distance of 50 feet

Porter Street:

- northerly side, 15 feet west from Fleet Street for a distance of 40 feet
- southerly side, 145 feet east from Middle Street for a distance of 45 feet

X. CONSENT AGENDA

- A. Letter from Susanne Delaney, Portsmouth Criterium, requesting permission to hold the annual Portsmouth Criterium event on Sunday, September 29, 2009 (***Anticipated action – move to refer to the City Manager with power***)

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Deborah Phillips, Clip Joint Barbershop, requesting renewal of their dumpster license agreement
- B. Letter from Lesley Kimball and Paula Rais, Portsmouth Poet Laureate Program, requesting that the City consider naming a street in the downtown for the City's second Poet Laureate, Robert Dunn and further request permission to plant an apple tree on the grounds of the Public Library (***Sample motion – move to refer to the Planning Board and Trees and Public Greenery Committee for report back***)

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

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

1. Proposed Adoption of Resolutions:
- 1.1 Proposed Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan Program for Costs related to the Construction of the Madbury Water Treatment Plant not to exceed Twenty Five Million Dollars (\$25,000,000.00) (***Action on this matter should take place under Section IX of the Agenda***)
- 1.2 Proposed Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan Program for Costs related to State Street Utilities Upgrade not to exceed Two Million Two Hundred Thousand Dollars (\$2,200,000.00) (***Action on this matter should take place under Section IX of the Agenda***)
- 1.3 Proposed Adoption of Resolution Authorizing a Bond Issue of up to One Million Five Hundred Thousand Dollars (\$1,500,000.00) for Additional Costs for the construction of a New Fire Station to replace Fire Station 2 (***Action on this matter should take place under Section IX of the Agenda***)

2. Third and Final Readings of Proposed Ordinance Amendments:
 - 2.1 Third and Final Reading of Proposed Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Pearl Street (***Action on this matter should take place under Section IX of the Agenda***)
 - 2.2 Third and Final Reading of Proposed Ordinance amending Chapter 7, Article VI, Truck Loading/Unloading Zones and the Addition of a New Provision entitled 7.602 Truck Loading/Unloading Zones (24 Hours) (***Action on this matter should take place under Section IX of the Agenda***)

City Manager's Items Which Require Action

1. Report Back Re: Skateboard & Rollerblading Ordinances
2. Planning Board Report Back Re: Brora LLC's License Request to Erect a Sign within a Public Right-of-Way off the Intersection of Market Street and Portsmouth Boulevard
3. Request to Establish African Burying Ground Trust Fund
4. Reprogramming of U.S. Housing and Urban Development – Economic Development Initiative Grant Funds

Informational Items

1. Events Listing
2. Proposed 2009 City Council Schedule
3. News Release Re: City to Conduct Pre-Construction Work at Chestnut Street
4. Pease Development Authority Public Hearing Re: Grimmel Scrap Contract
5. News Release Re: "New Hampshire's Green Economy: Current Employment and future opportunities"

B. MAYOR FERRINI

1. Request to Joint Establish Work Session Re: Middle School on December 1, 2008 and cancel the Regular City Council meeting for that evening
2. 2008 Holiday Parade and Tree Lighting
3. Appointments to be Considered:
 - Andy Bangs – Reappointment to PEDLP
4. Appointments to be Voted:
 - Joshua Cyr – Appointment to Economic Development Commission
 - Amy Brnger – Reappointment to Board of Library Trustees
 - Elizabeth "Betsy" Shultis – Reappointment to Board of Library Trustees
 - John Ricci – Reappointment to Planning Board
 - John Rice – Reappointment to Planning Board
5. *Reports

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

(*Indicates verbal report)

INFORMATIONAL ITEMS

1. Planning Board minutes of the September 18, 2008 meeting
2. Zoning Board of Adjustment minutes of the August 26, 2008 and September 16, 2008 meetings
3. Information Re: Ports of New Hampshire

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 7, 2008
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on November 10, 2008 City Council Agenda

6:30 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.

Presentation:

1. **USS New Hampshire Commissioning Committee Presentation to City.** Bruce Clark, Chair of the USS New Hampshire Commissioning Committee and Doug Bates, President of the Greater Portsmouth Chamber of Commerce, will be presenting a portrait of the USS New Hampshire to the City.

Acceptance of Grants/Donations:

1. **Acceptance of New Hampshire Charitable Foundation Grant for Sustainability Intern.** The City of Portsmouth has been awarded \$2,500.00 from the New Hampshire Charitable Foundation's Climate Action Fund, which will be matched with local funds. This grant was requested in order to fund a stipend for an intern to assist the City with its ongoing efforts towards greenhouse gas reductions and to assist with community outreach efforts in the area of sustainability.

Specifically, the work tasks identified in this grant include:

- Assisting with the development of a Climate Action Plan. This is an ICLEI (International Council on Local Environmental Initiatives) milestone that describes

the policies and measures that the local government will take to reduce greenhouse gas emissions.

- Working on a sustainability outreach campaign with the goal of encouraging local sustainability efforts. The intern will assist City staff and the Committee on Sustainable Practices to develop outreach materials.
- The intern will assist the Environmental Planner/Sustainability Coordinator to conduct an Energy Star audit for existing City buildings. This will assess how each building rates relative to other similar buildings from an energy efficiency standpoint. By determining the score of a facility, we can begin to target which systems are performing most and least efficiently and use this in local decision making.

I would recommend the City Council move to authorize the City Manager to accept and expend funding in the amount of \$2,500.00 from the New Hampshire Charitable Foundation – Piscataqua Region to fund a sustainability internship stipend and outreach materials. Action of this matter should take place under Section VIII of the Agenda.

2. **Acceptance of Donation to the New Library Building Fund.** The New Library Capital Campaign Committee has received a donation from Phyllis Eldridge in the amount of \$3,000.00 for the New Library Building Fund. This fulfills her 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.

3. **Acceptance of Police Department Grant.** 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 grant:

- a. Technical Program Grant; “Cross-Agency” project. A grant in the amount of \$116,913 has been received from the Department of Justice for an information-sharing project that will link Portsmouth and 12 other law enforcement agencies in the region.

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 grant 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. Public Hearing/Adoption of Bonding Resolutions:

- 1.1 **Public Hearing/Adoption of Resolution Authorizing a Bond Issue of up to Twenty Five Million Dollars (\$25,000,000.00) for the New Madbury Water Treatment Plant.** As a result of the October 20th City Council meeting , under Section VII of the Agenda, I am bringing back for public hearing and adoption a Resolution authorizing a bond issue of up to twenty-five million dollars (\$25,000,000.00) for the new Madbury Water Treatment Plant.

The Madbury Water Treatment Plant was constructed by the Army Corp of Engineers in 1957 to treat water from the Bellamy Reservoir. The facility is at the end of its design life and in the near future will have a difficult time consistently meeting the increasingly stringent water quality standards. The Water Division has spent the last several years researching and pilot testing technologies that will be both capable of meeting the future regulatory requirements as well as producing drinking water in a sustainable manner. To that end, the design, which is 90% complete, incorporates the LEED principles and Energy Star features.

City Staff will be making a presentation prior to the public hearing.

As you are aware, bonding resolutions require a public hearing, 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 authorizing a bond issue of up to twenty-five million dollars (\$25,000,000.00) for the new Madbury Water Treatment Plant. Action on this item should take place under Section IX of the Agenda.

- 1.2 **Public Hearing/Adoption of Resolution Authorizing a Bond Issue of up to Two Million Two Hundred Thousand Dollars (\$2,200,000.00) for State Street Utilities Upgrades).** As a result of the October 20th City Council meeting, under Section VII of the Agenda, I am bringing back for a public hearing and adoption a Resolution authorizing a bond issue of up to two million two hundred thousand dollars (\$2,200,000.00) for State Street utilities upgrades. Please note that the City will be receiving a 30% State Aid Grant or \$660,000.00 reimbursement, which will result in a net cost of \$1,540,000.00 to the ratepayer.

This project is being coordinated with the rehabilitation of the Memorial Bridge. The project will begin with sewer separation work, which includes the replacement of a failing brick sewer line in the street, and includes upgrades to other underground utilities in the street. Streetscape improvements including new brick sidewalk, curbing and period lighting will complete the project. The project area extends from Marcy Street to Pleasant Street. Funding for this project was

identified in the Capital Improvement Plan for bonding in FY08 for \$200,000.00 and FY09 for \$2,000,000.00.

City staff will be making a presentation prior to the public hearing.

As you are aware, bonding Resolutions require a public hearing, 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 authorizing a bond issue of up to two million two hundred thousand dollars (\$2,200,000.00) for State Street utilities upgrades. Action on this item should take place under Section IX of the Agenda.

- 1.3 **Public Hearing/Adoption of Resolution Authorizing a Bond Issue of up to One Million Five Hundred Thousand Dollars (\$1,500,000.00) for the construction of Fire Station 2.** As a result of the October 20th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption a Resolution authorizing a bond issue of up to one million five hundred thousand dollars (\$1,500,000.00) for the construction of Fire Station 2.

This budget authorization is for additional funding of \$1,500,000.00 for the construction of Fire Station 2. The City issued two bonds on June 15, 2008; a bond for \$3,650,000.00 for the construction of Fire Station 2 and a bond for \$1,300,000.00 for the purchase of land to relocate Fire Station 2. See attached memorandum from Fire Chief Christopher LeClaire and Public Works Director Steve Parkinson.

City staff will be making a presentation prior to the public hearing.

As you are aware, bonding Resolutions require a public hearing, 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 authorizing a bond issue of up to one million five hundred thousand dollars (\$1,500,000.00) for the construction of Fire Station 2. Action on this item should take place under Section IX of the Agenda.

2. **Third and Final Reading of Proposed Ordinance Amendments:**

- 2.1 **Third and Final Reading of Proposed Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Pearl Street.** As a result of the October 20th City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached proposed ordinance amending Chapter 7, Article III, Section 7.330 to the No Parking section of Pearl Street. During the City Council meeting of September 15, 2008, the Council

approved the Parking Committee Minutes of August 14, 2008, which requested this ordinance change.

I would recommend the City Council move to pass third and final reading proposed ordinance, as submitted. Action on this item should take place under Section IX of the Agenda.

- 2.2 **Third and Final Reading of Proposed Ordinance amending Chapter 7, Article VI, Truck Loading/Unloading Zones and the Addition of a New Provision entitled 7.602 Truck Loading/Unloading Zones (24 Hours).** As a result of the October 20th City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached proposed ordinance amending Chapter 7, Article VI, Truck Loading/Unloading Zones and the addition of a new provision entitled 7.602 Truck Loading/Unloading Zones (24 Hours). During the City Council meeting of September 15, 2008, the Council approved the Traffic and Safety Minutes of August 14, 2008, which require an ordinance for Truck Loading/Unloading Zones.

Please note that the proposed ordinance goes beyond the request of the Traffic and Safety Committee to include certain other recommendations made by Jon Frederick, Parking Manager. This is pursuant to our policy of gradually improving ordinance Chapter 7 by eliminating ambiguities and provisions of the ordinance which have been superseded.

I would recommend the City Council move to pass third and final reading of the proposed ordinance, as submitted. Action on this item should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Report Back Re: Skateboard & Rollerblading Ordinances.** Attached is a memorandum from City Attorney Robert Sullivan regarding a report back on ordinances relevant to Rollerskates, Skateboards and Similar Devices. *I would recommend that the City Council move to refer this matter to the Traffic and Safety Committee for report back to the City Council.*

2. **Planning Board Report Back Re: Brora LLC's License Request to Erect a Sign within a Public Right-of-Way off the Intersection of Market Street and Portsmouth Boulevard.** As you may recall, at the June 2, 2008 City Council meeting, Attorney Malcolm McNeill, on behalf of his client, Brora LLC, withdrew the original request so that a new sign location, one which was located outside of the one hundred foot wetland buffer, could be identified. This new location was then brought back to the Planning Board for their re-consideration on October 16, 2008. The new site is located some nine feet from the original one. In considering the new location, the Planning Board recommended the same stipulations as before along with the elimination of the one, which required verification that the sign was not placed within a buffer. (It was this condition that occasioned the sign's relocation and second review – see attached exhibit.)

The following text was taken largely from the Planning Board's original report:

Attorney McNeill, on behalf of Brora LLC, seeks approval from the City Council to place a free-standing sign within the public right-of-way at this intersection. As proposed, the sign would be: internally illuminated; supported by a 13 ½ foot by 4 foot structure; with two identical sign faces measuring 10 ½ feet high by 8 feet across; and, 15 inches in depth (see attachment). The Planning Board considered this referral on May 15, 2008 and again on October 16th 2008 and following some discussion recommends the following conditions for the City Council's consideration:

1. That the request should be subject to a municipal license approved by the Legal Department as to content and form, which should be revocable by the City and that if the sign needs to be removed or relocated for any purpose, that it will be done at no cost to the City;
2. That sign dimensions shall be as presented by the applicant in their Council submittal, the sign shall be limited to the three proposed sign panels and with no dimensional changes to these to be allowed, other than for content, without first receiving approval from the City;
3. That the owner shall adhere to the "Dig Safe" process and following the sign's placement, any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works;
4. That the applicant shall be responsible for all electric utility work and all subsequent operational payments subject to review and approval by the Department of Public Works;
5. That the sign should be externally illuminated (not internally as requested) with the lighting fixtures and lamps to be reviewed and approved for use by the Public Works and Inspections Departments (the intent is to minimize energy use and reduce glare by evaluating fixtures and lamps based on their lumens and photo-metric characteristics); and,
6. All existing, non-permitted signs, including real estate signs, shall be removed before this sign is placed.

In making this recommendation, the Planning Board expresses the intent that the sign should have exterior lighting rather than interior illumination. Further, the Planning Board represents that the externally illuminated sign identifying the entrance to Osprey Landing presents a desirable example.

I would recommend the City Council move to accept the Planning Board's recommendation with the aforementioned stipulations and approve the request of Brora LLC for a License Agreement to erect a sign within a public right-of-way off the intersection of Market Street and Portsmouth Boulevard.

3. **Request to Establish African Burying Ground Fund.** As you know, on October 20th, the Council expressed consensus support for the African Burying Ground design recommended by the African Burying Ground Committee and for moving forward with final design. The African Burying Ground Committee is beginning its efforts to raise private funds to implement this design. As part of this effort, the Committee has discussed the importance of establishing a City fund or trust to facilitate City acceptance of private contributions that would be used to construct, maintain and/or support related educational/cultural initiatives related to the African Burying Ground. The African Burying Ground Committee's recommendation and request is that the City investigate establishing a fund or trust to facilitate its fundraising efforts.

I would recommend the City Council move to refer the recommendation from the African Burying Ground Committee to the City Manager for a report back.

4. **Reprogramming of U.S. Housing and Urban Development – Economic Development Initiative Grant Funds.** As you know, the City was awarded \$993,850.00 in Economic Development Initiative (EDI) grant funds from U.S. Housing and Urban Development (HUD) to be used for the construction of the Piscataqua Riverwalk along Bow Street. As you also know, at the City Council's September 15th work session, City staff presented an update on the Riverwalk project and made recommendations on how to proceed given a number of issues including grant "spend by" dates and eligibility requirements, as well as the fact the City has been unable to obtain the easements necessary to carry out this project. The recommendations offered to the Council included:

1. Spend non-federal dollars (approximately \$400,000) to upgrade the City-owned lot to include pedestrian scale lighting, seating, resurfacing, landscaping and drainage improvements as well as sidewalk, curbing and street resurfacing on the public portion of Ceres Street; this work to follow removal of the Poco Diablo restaurant deck.
2. Relocate trash compactor to the property line with Portsmouth Navigation, including constructing a more attractive compactor enclosure and installing power wash and drainage capabilities and landscaping; this work to take place at licensees' expense.
3. Provide the preliminary Riverwalk design plans (deck elevations, pedestrian lighting, surfacing, seating, etc) to each of the Bow Street property owners to be used to guide future, privately-sponsored improvements with the goal of achieving a more cohesive outcome as property owners carry out various upgrades over the years.
4. Formally request that HUD allow the City to expend the EDI funds for another grant eligible project that could be designed, permitted and carried out before the grant termination date of April 2010.

The City Council expressed consensus support for these recommendations at the September 15th work session and asked the City Manager to report back regarding this matter following a meeting with affected Bow Street property owners, which would be held for the purpose of discussing with them the approach outlined above. That meeting,

which included Mayor Ferrini, the City Manager and other City staff, has now taken place. While some property owners expressed disappointment that the pier-built portion of the Riverwalk cannot go forward at this time, there was general support for moving forward in partnership with the City to improve public access in this area through the approach outlined above.

With regard to recommendations #1, #2 and #3, the intent is to upgrade the small City-owned lot through resurfacing, drainage improvements, pedestrian scale lighting, seating and landscaping. This project would also encompass a public-private partnership to fund resurfacing and drainage improvements along the adjacent privately owned alleyway on the river side of the Bow Street commercial buildings. As you know, while the alleyway area is privately owned, the public regularly utilizes it to access the waterfront restaurants and decks in this area. This so-called *Bow Street Public-Private Waterfront Improvements Project* would be funded through already available local dollars as well as UDAG funds. In this way UDAG funds would leverage private dollars to improve this area to the benefit of all.

The staff will work with property owners to develop a schedule for this project. Prior to this work being carried out engineering and permitting needs to be completed, cost estimates developed and UDAG funds appropriated. In addition, the compactor enclosure would need to be relocated on the City parcel to the property line with Portsmouth Navigation. The Poco Diablo restaurant deck would also need to be relocated and work on this was initiated with the support of Mr. DiLorenzo and Poco Diablo proprietor John Golumb. Specifically, a land swap/lot line relocation was completed allowing relocation of the restaurant deck (at private expense) to private property adjacent to the rear of the Bow Street building at the corner of Ceres Street owned by Anthony DiLorenzo.

With regard to recommendation #4, you will recall that the alternative project that was raised at the Council work session was to use the HUD EDI funds to construct the African Burying Ground project. The African Burying Ground Committee's unanimously recommended design plan was presented to the Council last month and the Council expressed their consensus support for the design plan as well as authorization to move forward with final design work. If the Council so chooses, the next step is to obtain grantor approval for the reprogramming of the HUD EDI funds from the Riverwalk to the African Burying Ground project by submitting a formal proposal request. While meeting the grant "spend by" date of April 2010 still remains tight, we believe it can be achieved given how far along in the design and approval process the African Burying Ground currently is.

I would recommend the City Council move to authorize the City Manager to develop and submit a proposal to U.S. Housing and Urban Development, which seeks federal approval to reprogram \$993,850.00 in HUD EDI grant funds from the Piscataqua Riverwalk project to the African Burying Ground project.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on October 20, 2008.
2. **Proposed 2009 City Council Schedule.** Attached is the proposed 2009 City Council Schedule. If you have any questions or concerns, please give my office a call. We would like to have this proposed schedule adopted at the November 24th meeting.
3. **News Release Re: City to Conduct Pre-Construction Work at Chestnut Street.** For your information, attached is a copy of a news release announcing the City will conduct test excavations on Chestnut Street between State Street and Court Street on or about Wednesday, November 12, 2008.
4. **Pease Development Authority Public Hearing Re: Grimmell Scrap Contract.** This is to advise you that the Pease Development Authority will be conducting a public hearing on the Grimmell Scrap contract on Tuesday, November 25, 2008 in the Eileen Dondero Foley Council Chambers at 4:00 p.m. This meeting will be televised and available for rebroadcast on the City Website.
5. **News Release Re: “New Hampshire’s Green Economy: Current Employment and future opportunities”.** For your information, attached is a news release announcing that the Rockingham Economic Development Corporation will host an informational event on Wednesday, November 12, 2008 from 1:00 p.m. to 2:30 p.m., at the Portsmouth Public Library, regarding “New Hampshire’s Green Economy: Current Employment and future opportunities”. This event will be co-hosted with the City of Portsmouth’s Economic Development Commission and the Committee on Sustainable Practices.