

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, OCTOBER 19, 2009 TIME: 7:00PM

## AGENDA

- 6:00PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: PERSONNEL – RSA 91-A II (a)

- 6:30PM – WORK SESSION WITH TRUSTEES OF TRUST FUNDS

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

### PROCLAMATIONS

1. Share the Road – Seacoast Area Bicycle Routes
2. Amedisys Home Health and Hospice

### PRESENTATIONS

1. Fishing Fleet Blue Ribbon Committee Update
2. Cultural Exchange – Jeffrey Cooper (*See attached letter under Section X.B. of the Agenda*)

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

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Coalition Legal Fund
  - Town of Holderness - \$350.00

***(Sample motion – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)***

- B. Acceptance of Public Emergency Response Grant for H1N1 Planning (***Sample motion – move to authorize the City Manager to accept and expend two grants from the New Hampshire Department of Health and Human Services for the purpose of funding the ongoing H1N1 planning and preparedness activities of the Greater Portsmouth Public Health Network (GPPHN). These two grants which total \$83, 456.00 include Phase 2 of the Public Health Emergency Response grant in the amount of \$50,000.00 and Phase 3 of the Public Health Emergency Response grant in the amount of \$33,456.00***)

- C. Acceptance Grant from Primex (***Sample motion – move to approve and accept the grant to the City of Portsmouth***)

## VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article III, Section 7.336 – One Way Streets – Parker Street – Northerly from Tanner Court to Hanover Street
- B. Third and final reading of Ordinance amending Chapter 7, Article II – Taxicabs - Section 7.210 – Permits and Inspections Required by the addition of Item C – Each taxi permitted in the City shall be inspected in the month of June each year for compliance with the requirements in this Ordinance
- C. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Washington Street – both sides from Hancock Street to Howard Street
- D. Third and final reading of Ordinance amending Chapter 5, International Fire Code; Chapter 12, Part I - International Building Code and Part II – International Residential Code; Chapter 15, Part I – International Plumbing Code and Part II – International Mechanical Code

## IX. CONSENT AGENDA

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

- A. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold First Night Portsmouth 2010 on Thursday, December 31, 2009 (***Anticipated action – move to refer to the City Manager with power***)

## X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Karen Morton-Clark, Dare Mighty Things, requesting permission to set up in front of the North Church for Todd and Racing for Recovery on Saturday, November 7, 2009 from 10:00 a.m. – 2:00 p.m. (***Recommended motion – move to authorize the event to take place in the Vaughan Mall***)
- B. Letter from Jeffrey Cooper requesting the authorization of the expenditure of \$2,500.00 from the Ambassador Trust for NH Furniture Masters Cultural Exchange

## XI. 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 and Resolution Amendments:
  - 1.1 First reading of Ordinance amending Chapter 7, Article III, Section 7.336 – One Way Streets – Parker Street – Northerly from Tanner Court to Hanover Street (***Action on this matter should take place under Section VIII of the Agenda***)

2. Third and Final Reading of Proposed Ordinance Amendments and Resolutions:
  - 2.1 Third and Final reading of Ordinance amending Chapter 7, Article II – Taxicabs – Section 7.210 – Permits and Inspections Required by the addition of Item C – Each taxi permitted in the City shall be inspected in the month of June each year for compliance with the requirements in this Ordinance (**Action on this matter should take place under Section VIII of the Agenda**)
  - 2.2. Third and Final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Washington Street – both sides from Hancock Street to Howard Street (**Action on this matter should take place under Section VIII of the Agenda**)
  - 2.3 Third and Final reading of Ordinance amending Chapter 5, International Fire Code; Chapter 12, Part I - International Building Code and Part II – International Residential Code; Chapter 15, Part I – International Plumbing Code and Part II – International Mechanical Code (**Action on this matter should take place under Section VIII of the Agenda**)
3. \*Report Back Re: Proposed Blue Ribbon Committee on Downtown Events (**Action on this matter should take place under the Mayor’s name on the Agenda**)

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

1. Proposed Schedule Re: Zoning Ordinance and Zoning Map and Amendments to Chapter 11 of City Ordinances
2. Proposed Resolutions Requesting Appropriation of Bond Premium
3. Report Back from Planning Board Re: Request of The Music Hall to Rename Chestnut Street
4. Proposed Extension of Parking Lot Agreement with St. John’s Masonic Association
5. Proposed Parking Lot Agreement with Bethel Assembly of God
6. Request of Players’ Ring, Inc. to Renew Their Lease with the City for 105 Marcy Street
7. Southgate Plaza Water Valve Easement

**Informational Items**

1. Events Listing
2. Public Announcement/Press Conference from the Portsmouth Five Year Sustainability Plan Steering Committee

**B. MAYOR FERRINI**

1. Appointment to be Considered:
  - John F. McVay – Appointment to the Peirce Island Committee
2. Resignation – Christine Casa from Safe Routes to School Committee
3. \* Report Back Re: Proposed Blue Ribbon Committee on Downtown Events

**C. ASSISTANT MAYOR BLALOCK**

1. \*City Manager's Evaluation

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]**

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

(\*Indicates verbal report)

**INFORMATIONAL ITEMS**

1. Historic District Commission minutes of the August 5, 2009 and September 2, 2009 meetings
2. The Executive Council minutes of the October 7, 2009 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:** October 16, 2009  
**To:** Honorable Mayor Thomas G. Ferrini and City Council Members  
**From:** John P. Bohenko, City Manager  
**Re:** City Manager's Comments on October 19, 2009 City Council Agenda

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***6:00 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:***

1. **Work Session Re: Trustees of the Trust Funds.** On Monday evening, at 6:30 p.m., the Trustees of the Trust of Funds will meet in a Work Session with the City Council regarding the Prescott Park Arts Festival. Trustees in attendance will be: Lea Aeschliman, Chair, Brad Lown and Phyllis Eldridge. Also in attendance to help facilitate discussion on this matter, will be Peter Torrey, Trustees of the Trust Finance Manager and Ben Anderson, Executive Director of the Prescott Park Arts Festival. For your information [enclosed is a copy of an Agreement](#) between the Trustees of the Trust Funds of the City of Portsmouth and the Prescott Park Arts Festival and a [Memorandum dated September 9, 2008](#), from Robert P. Sullivan, City Attorney regarding history and management of Prescott Park. Robert Sullivan, City Attorney will also be in attendance at this Work Session.

***Proclamation:***

1. **Share the Road Proclamation.** On Monday evening, Mayor Ferrini will present a Proclamation to the Seacoast Area Bike Routes (SABR) to proclaim the City of Portsmouth supports the idea of Sharing the Road between bicyclists and motor vehicles, and encourages all citizens to work together to create a positive environment between drivers and bicyclists.

2. **Amedisys Home Health and Hospice Services Proclamation**. On Monday evening, Mayor Ferrini will present a Proclamation to the Amedisys Home Health and Hospice Services to proclaim the month of November as National Home Care and Hospice month.

### ***Presentations:***

1. **Fishing Fleet Blue Ribbon Committee Update**. On Monday evening, Councilor Esther Kennedy and Erik Anderson, Chair of the Fishing Fleet Blue Ribbon Committee will provide an update to the City Council on the activities of the committee.
2. **Cultural Exchange-Jeffrey Cooper**. See [attached letter from Jeffrey Cooper](#) under Section X.B. of the Agenda.

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

1. **Acceptance of Donations to the Coalition Legal Fund**. [Attached is a copy of a check](#) from the Town of Holderness in the amount of \$350.00, donating funds to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

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

2. **Acceptance of Public Emergency Response Grant for H1N1 Planning**. As you know, the City of Portsmouth -- in partnership with the Portsmouth Area Emergency Planning Team (PAEPT) and the Greater Portsmouth Public Health Network -- have been working to improve emergency response capability and planning during large-scale emergencies such as pandemics, natural disasters, chemical/biological emergencies, etc. To continue this work the Federal government has authorized supplemental appropriations to support federal, state, and local preparedness and response activities in preparation for the upcoming flu season and the H1N1 pandemic.

The H1N1 Preparedness and Emergency Response (PHER) grant funding is being awarded in three phases by the State of New Hampshire Department of Health and Human Services. In August, the City Council accepted Phase I of the PHER grant funds. Phases II and III grants totaling \$83,456 have now become available to accelerate H1N1 planning and response activities.

Phase II of the PHER grant includes \$50,000 to assist with expediting current H1N1 efforts in preparing for a full-scale H1N1 immunization campaign. Phase III of the PHER grant includes \$33,456 to assist with reimbursement of expenses incurred as a result of operating H1N1 community-wide clinics. No local match is required for either grant.

*I would recommend the City Council vote to authorize the City Manager to accept and expend two grants from the New Hampshire Department of Health and Human Services for the purpose of funding the ongoing H1N1 planning and preparedness activities of the Greater Portsmouth Public Health Network (GPPHN). These two grants, which total \$83,456, include Phase II of the Public Health Emergency Response grant in the amount of \$50,000 and Phase III of the Public Health Emergency Response grant in the amount of \$33,456. Action on this matter should take place under Section VII of the Agenda.*

3. **Acceptance of Grant from Primex.** I am pleased to inform you that Primex has awarded the City of Portsmouth \$1,500 (see [attached award letter](#)) to assist the City in improving our risk management efforts. Specifically, the funds will be used to assist with the cost of a Rhino Post Driver for the Department of Public Works.

A Rhino Post Driver is an air operated post driver which is easily operated by one person. Rhino Post Drivers deliver up to 1700 blows per minute. They have one moving part, a reciprocating piston which strikes directly on the Post or Drive Cap. The Drivers have low air consumption rates, are light-weight and hand portable, which is ideal for driving in places that are hard to reach. This piece of equipment will be used in the installation of poles, signs and fence posts. Currently, the City installs these manually using a sledge hammer. The purchase of this piece of equipment should reduce potential shoulder and rotator cuff injuries.

*I would recommend that the City Council approve and accept the grant to the City of Portsmouth. Action on this matter should take place under Section VII of the Agenda.*

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

1. **Consideration of First Reading of Proposed Ordinance Amendment:**

- 1.1 **First Reading of Ordinance amending Chapter 7, Article III, Section 7.336 – One Way Streets – Parker Street – Northerly from Tanner Street to Hanover Street.** As a result of the October 5<sup>th</sup> City Council meeting, under Section VIII of the Agenda, I am bringing back for first reading the [attached proposed Ordinance](#) amending Chapter 7, Article III, Section 7.336 – One Way Streets – Parker Street – Northerly from Tanner Street to Hanover Street. As you are aware, the site plan approved by the Planning Board for the former Kline's Furniture property at 51 Islington Street includes the proposal that Parker Street be changed from one-way traffic circulation to two-way circulation between Islington Street and Tanner Court. One of the Planning Board's site plan stipulations is that this proposed

traffic pattern shall be subject to City Council approval. Also [attached is the letter](#) from Attorney McEachern making the formal request of the Council for amendments presented at the last City Council meeting. In addition, [attached is a memo from Planning Director Rick Taintor](#) describing in more detail the proposed changes to traffic circulation associated with the approved site plan for 51 Islington Street. In short, this memo indicates that access to the new parking lot that will serve 51 Islington Street will be provided from Parker Street, and changing this block of Parker from one-way to two-way traffic circulation will limit the impact of the new development on Tanner Street, Tanner Court and Hanover Street. This matter has been reviewed by the Traffic and Safety Committee and favorably recommended.

*I would recommend the City Council move to pass first reading of the Ordinance and schedule a public hearing and second reading at the November 16, 2009 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.*

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

- 2.1 **Third and Final Reading of Ordinance amending Chapter 7, Article II, Section 7.210 – Taxicabs - Permits and Inspections required by the addition of Item C – Each taxi permitted in the City shall be inspected in the month of June each year for compliance with the requirements in this Ordinance.** As a result of the October 5<sup>th</sup> City Council meeting, under Section VIII is [the attached proposed Ordinance](#) amending Chapter 7, Article II, Section 7.210 – Permits and Inspections required by the addition of Item C – Each taxi permitted in the City shall be inspected in the month of June each year for compliance with the requirements in this Ordinance. This request was under Councilor Eric Spear's name on the Agenda of September 1<sup>st</sup>. As you will recall, the Taxi Commission acting in regular session on Monday, August 17, 2009, voted to request an amendment to the aforementioned Ordinance.

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

- 2.2 **Third and Final Reading of Ordinance amending Chapter 7, Article III, Section 7.330 – NO PARKING – Washington Street.** As a result of the October 5<sup>th</sup> City Council meeting, under Section IX is [the attached proposed Ordinance](#) amending Chapter 7, Article III, Section 7.330 – No Parking - Washington Street. At the September 1, 2009 City Council meeting, the Council approved the Parking Minutes of August 24, 2009 which requested an ordinance change regarding No Parking on Washington Street both sides from Hancock to Howard Street.



*I would recommend that the City Council move to pass third and final reading of the proposed Ordinance, as submitted. Action on this matter should take place under Section VIII of the Agenda.*

- 2.3 **Third and Final Reading of Ordinance amending Chapter 5, International Fire Code; Chapter 12, Part I – International Building Code and Part II – International Residential Code; Chapter 15, Part I –International Plumbing Code and Part II – International Mechanical Code.** As a result of the October 5<sup>th</sup> City Council meeting, under Section VIII of the Agenda are the proposed Ordinance amendments to the Fire Code, Commercial Building Code, Residential Building Code and Plumbing/Mechanical Code Ordinances.

As you are aware, at the October 5<sup>th</sup> City Council meeting, Chief Building Inspector Richard Hopley made a presentation explaining the need to adopt updates to our local model construction codes. These code updates would affect changes to existing City Ordinance Chapters 5, 12 and 15, which are the Fire Code, Commercial Building Code, Residential Building Code and Plumbing/Mechanical Code Ordinances. The aforementioned City Ordinances were last updated in 2003 through the adoption of the national model codes and in 2007 the State of New Hampshire mandated communities adopt the updated 2006 national model codes.

Please note, as indicated at the last City Council meeting due to the size of the Ordinance it has not been reproduced for insertion into the packet.

*I would recommend the City Council move to pass third and final reading of the proposed amendments to the Fire Code, Commercial Building Code, Residential Building Code and Plumbing/Mechanical Code Ordinances, as submitted. Action on this matter should take place under Section VIII of the Agenda.*

3. **Report Back Re: Proposed Blue Ribbon Committee on Downtown Events.** As requested by the City Council, I am recommending that the Mayor establish a Blue Ribbon Committee on Downtown Events with the following membership:

Two representatives from the Economic Development Commission;  
Two representatives from Downtown Businesses;  
One Downtown Resident;  
Two City Council members;  
Two representatives from event organizations (e.g. Pro Portsmouth, Critierium, etc.);  
One representative from the Clergy;  
One Chamber representative; and  
Ex-officio members: City Manager or his designee, Police Chief or his designee, Fire Chief or his designee, Public Works Director or his designee, City Attorney or his designee.

*Action on this matter should take place under the Mayor's name on the Agenda.*

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

1. **Proposed Schedule Re: Zoning Ordinance and Zoning Map and Amendments to Chapter 11 of City Ordinances.** As you know, over the course of the last three years the Planning Board has been working tirelessly with City staff and Rick Taintor to carry out a major revision of the City's Zoning Ordinance. This effort has involved more than four dozen Planning Board work sessions and meetings, which were broadcast on Channel 22, as well as extensive input from key City staff. It should be noted that the last major revision of the Zoning Ordinance was 14 years ago. The Planning Board has now completed its work and, on October 8<sup>th</sup>, following the conclusion of its own public hearing process, the Board voted to recommend the [enclosed Zoning Ordinance and Zoning Map](#) to the City Council for adoption. Please note these materials are located in the [enclosed white binder](#).

It is important to note that the Board's Zoning Ordinance revision project is also the product of extensive collaboration with other City land use boards and committees including the Conservation Commission, Historic District Commission, Committee on Sustainable Practices, Blue Ribbon Committee on Housing and Economic Development Commission. City Councilors also provided important guidance on the draft Zoning Ordinance through the Council's half-day work session with staff in June. At the Council's request, two additional question and answer work sessions were held with City staff in late July and early August regarding the draft Zoning Ordinance.

Since completing a draft of the Zoning Ordinance for public review in the first half of June, the Planning Board has also received valuable input from the general public. This input has come to the Board via four public hearings as well as in writing, by phone and through an online comment form on the City website. All comments received during this public comment phase were compiled by staff and discussed and acted upon by the Planning Board. In many cases the draft ordinance was revised to address comments received, in other cases the Board felt that no action was needed on the comment and, in still other cases, the item was placed on the list for further research and discussion in the coming year.

I believe it's important to note that, as part of the Planning Board's review process, a list of key zoning items that require additional research was developed, and the Board will continue to work on these items over the course of the next year. [A preliminary list is enclosed in the white binder](#) in the form of a memorandum from Planning Director Rick Taintor. The Council may wish to add to the Board's list during this process.

The Planning Board has also been working to make extensive changes to its Site Review Regulations and a draft of the new Site Review Regulations has been completed for some time. The revised Site Plan Review Regulations will ultimately be adopted by the Planning Board, however, due to the close interrelationship of these regulations and the Zoning Ordinance, the new Site Review Regulations need to be adopted by the Planning Board at the same time the Council adopts the Zoning Ordinance. As you know, I

recently provided you a proposed schedule with regard to the City Council's consideration and adoption of the Zoning Ordinance. This schedule is as follows:

First Reading	November 16, 2009
Special City Council Meeting	November 30, 2009
Second Reading & Public Hearing	December 7, 2009
Third Reading & Adoption	December 21, 2009
Effective Date of New Ordinance	January 1, 2010

Assuming the City Council votes on November 16, 2009 to pass first reading and schedule second reading and public hearing for December 7, 2009, as of November 17, 2009 no permit could be issued that is inconsistent with the new Zoning Ordinance. In effect, this would mean the existing Zoning Ordinance and the revised Zoning Ordinance would both be applicable from the second reading posting date of November 17, 2009 until final adoption of the Zoning Ordinance. The proposed schedule anticipates that the Council would vote on December 21, 2009 to adopt the Zoning Ordinance, with an effective date of January 1, 2010 in order to best track with changes to at least one state statute that take effect the first of next year.

We are proposing a special meeting with the City Council on November 30, 2009, if the Council so desires, so that an entire evening can be devoted to this matter. At this meeting Rick Taintor would make a detailed presentation highlighting the proposed revisions to the Zoning Ordinance, followed by questions from the Council.

Also [enclosed in the white binder are the Planning Board-recommended amendments](#) to Chapter 11 of the City Ordinances. The first amendment is to Chapter 11, Article VI: Comprehensive Plan Information (Referrals to Planning Board). Planning Board referrals are currently addressed in the Zoning Ordinance, but should more appropriately be located in Chapter 11 of the City Ordinances; amendments to this section essentially clarify and describe the actual practice with regard to Council referrals to the Planning Board that has been in effect for decades. The second amendment to Chapter 11 concerns Article VIII: Site Plan Review. The proposed amendment to Article VIII would allow for Planning Board review of developments with 3 or more dwelling units as allowed by state law; currently, site plan review is only triggered when developments have 5 or more dwelling units.

*I would recommend the Council schedule first reading of the proposed Zoning Ordinance, as well as the proposed amendments to Chapter 11 of the City Ordinances, for November 16, 2009.*

2. **Proposed Resolutions Requesting Appropriation of Bond Premium.** In June of 2009, Standard & Poor's Rating Group, one of the nation's largest bond rating agencies, upgraded the City of Portsmouth bond rating from AA to AA+. This is the second highest rating obtainable from Standard & Poor's. In increasing the rating, S&P cited the City's good management practices, consistent financial position and moderate-to-low debt burden as positive factors. In addition, Moody's Investors Service affirmed its AA2 bond rating

for the city, citing strong and stable financial operations, a sizable and diverse economic base and the low overall debt burden.

The City was able to take advantage of its excellent bond rating when on June 15, 2009, the City of Portsmouth issued a \$21,000,000 bond. The proceeds of the bond will finance \$5 Million of General Fund capital projects and \$16 Million for the Madbury Water Treatment Plant. In addition to the \$21 million principal, the City received a premium of \$867,624.35 from the winning underwriter at closing. A premium is the amount by which the purchase price of a bond is greater than its par value. Under certain market conditions, in order to enhance the marketability of the bonds, bond underwriters will structure their bids with bond premiums. In this case, the City of Portsmouth received an average net interest rate of 3.76% and a bond premium of \$867,624.35. Under Federal Tax Law and State Statutes, the City is restricted on how to appropriate and use these funds.

RSA 33:3 states that any premium received cannot be used to increase the amount to be spent for the purpose for which the loan was originally incurred. Therefore, the City cannot use this money to increase the costs of the projects set forth for the \$21 Million bond issuance. However, the RSA states *“a city by a vote of 2/3 of the city council may authorize the expenditure for the premiums received for any purpose or purposes for which bonds or serial notes may be issued for an equal or longer period of time.*

The bond premium of \$867,624.35 has been allocated respectively to the Water Fund in the amount of \$659,394.50 and the General Fund in the amount of \$208,229.85.

In accordance with State statute, I recommend that the City Council authorize and appropriate the bond premium to be used from the General Fund and the Water Fund for the State Street Utilities and Road Upgrade project as described below.

The State Street Utilities and Road Upgrade project was driven by the sewer separation work, which includes the replacement of 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. On November 10, 2008, the City Council adopted a resolution authorizing the Sewer Fund to participate in the State’s revolving loan fund program (SRF) up to \$2,200,000 for costs associated with the Sewer portion of this project. This City is also eligible under this program to receive up to 50% of the \$2.2 Million as a grant through the American Recovery and Reinvestment Act (ARRA). Project costs of approximately \$1.9 Million associated with the water fund and the General Fund will be funded through capital outlay in the respective funds.

As this project has a useful life that exceeds the original bond issue from which the premiums were received, and would be eligible for bonding under the Municipal Finance Act, it is in the best interest of the City to utilize the premium of \$867,624.35 to fund portions of the costs associated with the General and Water Funds. The total project cost of \$4,086,893 will be shared between General, Water, and the Sewer Fund.

Attached are two Resolutions relating to: 1) to appropriate the sum of \$659,394.50 for expenses relating the water portion of the State Street Utilities and Road Upgrade Project; 2) to appropriate the sum of \$208,229.85 for expenses relating to the general fund portion of the State Street Utilities and Road Upgrade Project.

*I would recommend the City Council authorize the City Manager to bring forward the two Resolutions for first reading at the November 16, 2009 City Council Meeting.*

3. **Report Back from Planning Board Re: Request of The Music Hall to Rename Chestnut Street.** As you will recall, The Music Hall has requested that the block of Chestnut Street between Congress Street and Porter Street be renamed “Music Hall Way.” The name change would be in conjunction with a proposed street and sidewalk project designed to improve The Music Hall’s visibility and to enhance aesthetics, infrastructure and pedestrian safety.

Chestnut Street was originally three blocks long, running between Congress Street and Court Street. Originally named Prison Lane, it was renamed Elm Street in 1828, and by 1850 was called “Chestnut” Street (Nancy W. Grossman, *The Placenames of Portsmouth*). In the 1970s the block between Porter and State Streets was discontinued and the former right-of-way is now owned by the abutting property owners and used as parking areas. As part of the African Burying Ground project, the block between State and Court Streets is planned to be closed to through traffic, with one travel lane to provide access to the adjoining properties. As a result, the block between Congress and Porter Streets will be the only remaining section of Chestnut Street open to through vehicular travel.

Because the two segments of Chestnut Street are disconnected from each other, there is no public safety need for them to have the same name. Besides The Music Hall, the only other business with an address on this section of Chestnut Street is Prime Buchholz, at 25 Chestnut Street; and the building’s manager has indicated that the company supports the name change.

At its meeting on September 17, 2009, the Planning Board reviewed this request and voted to recommend that the section of Chestnut Street between Congress Street and Porter Street be renamed “Music Hall Way,” subject to the approval of the Public Works Department, the Police Department, and 911. The Planning Department subsequently contacted Director of Public Works Steve Parkinson, Deputy Police Chief Steve Dubois, and 911 Coordinator Gil Emery, and all three have indicated that they have no objection to the name change.

*I would recommend that the City Council move to accept the Planning Board’s recommendation that the section of Chestnut Street between Congress Street and Porter Street be renamed Music Hall Way.*

4. **Proposed Extension of Parking Lot Agreement with St. John’s Masonic Association.** As you are aware, the City of Portsmouth, has had a parking lot usage agreement with the St. John’s Masonic Association which allows for free public access to 69 parking spaces, Monday through Saturday, 6:00 a.m. to 7:30 p.m., at the corner of Middle Street and Miller Avenue. St. John’s has indicated that they are willing to extend this agreement for

another year for the period January 1, 2010 through December 31, 2010 (see [attached proposed](#) agreement). The annual compensation to St. John's for 2010 is \$21,210, an increase of \$210, or 1% above the 2009 agreement. The total compensation equates to \$307.39 per space for the year, or \$.99 per space per day.

The Mason's lot is valuable as a staging area for races and as a satellite lot for various events in the City, especially when multiple events take place simultaneously. This agreement is even more important with the commencement of the construction of the Middle School, which will put more pressure on parking in this area of the City. Again, we believe it would be beneficial for the City to maintain this agreement with St. John's and continue to supply free public parking on the periphery of the downtown area. Further, it should be noted that funds for implementation of this agreement will come from the Parking Impact Fee Fund, which is not part of general taxation.

*I would recommend that the City Council move to authorize the City Manager to enter into a Parking Lot Usage/Maintenance Agreement with St. John's Masonic Association for the period January 1, 2010 through December 31, 2010. Further to compensate St. John's Masonic Association in the amount of \$21,210.00 which shall be taken from the Parking Impact Fee Fund.*

5. **Proposed Parking Lot Agreement with Bethel Assembly of God.** For the past few years, the City of Portsmouth has had an informal arrangement with the Bethel Assembly of God to use its parking lot for special events. Because of the location and the need for additional parking in the periphery of the downtown, the City's Parking Department approached the Bethel Assembly of God to see if they would enter into a formal agreement with the City similar to the St. John's Masonic Association. As a result of discussions with the Bethel Assembly of God, it is proposed that they provide the City 93 parking spaces on a daily basis, except Sunday until 1:00 p.m. A proposed [agreement \(see attached\)](#) would be for a period of ten years from July 1, 2009 through June 30, 2019. In exchange for access to these parking spaces for the next ten years, the City would conduct pavement repair and crack sealing of the lot at a cost not to exceed \$20,000. (This works out to \$2,000.00 per year).

The value of the parking during the course of this agreement will be \$21.50 per space per year. In the event Bethel elects to expand their facility, thus increasing their demand for parking, they may buy out of this agreement at a cost of \$2,000 per year for the remaining years left in the area.

The Bethel lot is heavily utilized during marquee events in the City, such as Market Square Day and the Tall Ships event. In addition to these events, it would be beneficial for the City to have satellite parking available for conferences, construction projects or other events where large quantities of parking are required in the vicinity of the downtown.

*I would recommend that the City Council move to authorize the City Manager to enter into a Parking Lot Usage/Maintenance Agreement with the Bethel Assembly of God for a period of July 1, 2009 through June 30, 2019.*

6. **Request of Players' Ring, Inc. to Renew Their Lease with the City for 105 Marcy Street.** Attached is a letter from Barbara Newton, President of Players' Ring, Inc. requesting that the City Council renew their lease for 105 Marcy Street for three years. Also attached is a proposed lease for that three year renewal. They are also requesting that during the term of this three year renewal that there be a provision to renegotiate a long-term lease based on a plan to provide for the improvement and maintenance of the building. The Players' Ring feels that a long-term lease would be a substantial benefit in light of their considerable investment in the building to date. Some of the improvements included hard wiring of the entire building which cost the Players' Ring \$18,000.00. Most recent, was the replacement of the wooden shingle roof. The total cost of this new roof was \$72,300.00. Of those funds, \$5,000.00 came from the City; \$5,000.00 from the McIninch Foundation; \$15,525.00 from the New Hampshire State Council on the Arts; and the remaining \$46,775.00 was raised by the Players' Ring through Membership Campaigns, donations and fundraisers.

In 2009, they have spent an additional \$5,000.00 on repair and replacement of four external doors. Presently, they are working on the completion of the roof project with the installation of gutters, down spouts and water diversion systems. The New Hampshire State Council on the Arts has granted a \$7,000.00 award towards this project which is estimated to total \$25,162.00. The project will be undertaken in 2010 and they plan to apply for additional funds from the Division of Historic Resources and their "Moose Plate" grants.

They have indicated that any additional grant funds needed will be the responsibility of the Players' Ring. They have also received an estimate on the repair and/or replacement of the windows. This project is expected to cost approximately \$29,000.00. As you can see, the Players' Ring has made a substantial commitment to the maintenance and repair of 105 Marcy Street, with minimal costs to the City of Portsmouth. I, along with the City staff, believe it would be in the best interest of the City to renew the Players' Ring lease for an additional three years, with the provision that they would renegotiate a long-term lease based on their capital improvements plans for the maintenance and repair of this building.

*I would recommend that the City Council move to authorize the City Manager to execute a proposed three year lease renewal between Players' Ring, Inc. and the City of Portsmouth for the use of 105 Marcy Street.*



7. **Southgate Plaza Water Valve Easement.** The 2422 Lafayette Road Associates, LLC has obtained approval from the Planning Board to make improvements to the Southgate Plaza located at 2422 Lafayette Road, next to Water Country. The Planning Board stipulated that the owner provide an easement to the City to allow the City to access and service various water valves and related infrastructure located on the property. The Legal Department has approved the form of the easement.

*I would recommend that the City Council move to authorize the City Manager to accept an easement from 2422 Lafayette Road Associates LLC for purpose of facilitating the City's access to certain water valves and related infrastructure.*

### ***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 5, 2009. As you can see on the listing, I have highlighted those dates that will have two events going on at the same time.
2. **Public Announcement/Press Conference from the Portsmouth Five Year Sustainability Plan Steering Committee.** For your information, [attached is a copy of an invitation](#) from the Portsmouth Five Year Sustainability Plan Steering Committee for a press conference on October 22, 2009, from 7:00 p.m. to 8:00 p.m., in the Eileen Dondero Foley Council Chambers.