

CITY COUNCIL MEETING

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

AGENDA

- 5:45PM – CITY COUNCIL PHOTOGRAPH
- 6:00PM – 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

PROCLAMATION

1. Human Rights Amnesty International Group 550 – Peter Somssich

V. ACCEPTANCE OF MINUTES – NOVEMBER 16, 2009

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. RESOLUTION APPROPRIATING THE SUM OF SIX HUNDRED FIFTY-NINE THOUSAND, THREE HUNDRED NINETY-FOUR DOLLARS AND FIFTY CENTS (\$659,394.50) FOR EXPENSES RELATING TO THE WATER PORTION OF THE STATE STREET UTILITIES AND ROAD UPGRADE PROJECT
- B. RESOLUTION APPROPRIATING THE SUM OF TWO HUNDRED EIGHT THOUSAND, TWO HUNDRED TWENTY-NINE DOLLARS AND EIGHTY-FIVE CENTS (\$208,229.85) FOR EXPENSES RELATING TO THE GENERAL FUND PORTION OF THE STATE STREET UTILITIES AND ROAD UPGRADE PROJECT
- C. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE AND ZONING MAP BY DELETING IT IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 10
- D. ORDINANCE AMENDING CHAPTER 11, ARTICLE VIII, SECTION 11.801 TO REDUCE THE THRESHOLD FOR SITE PLAN REVIEW OF MULTI-FAMILY RESIDENTIAL UNITS FROM FIVE (5) TO THREE (3) UNITS
- E. ORDINANCE AMENDING CHAPTER 11, ARTICLE VI – COMPREHENSIVE PLAN INFORMATION BY DELETING IT IN ITS ENTIRETY AND INSERTING IN ITS PLACE A NEW ARTICLE VI – REFERRALS TO PLANNING BOARD

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation for Bench in Memory of Carl Collins
- Peter Donovan - \$1,500.00

(Sample motion – move to approve and accept the donation for a bench in memory of Carl Collins, as listed)

- B. Acceptance of Donation to the Coalition Legal Fund
- Town of Newbury - \$2,000.00

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

- C. Acceptance of Donation to the Library Capital Campaign

- Stephen and Susan Tober - \$1,000.00 *(Fulfills contribution)*

(Sample motion – move to approve and accept the donation, as listed to be placed in the Library Capital Campaign Fund)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Appropriating the Sum of Six Hundred Fifty-Nine Thousand, Three Hundred Ninety-Four Dollars and Fifty Cents (\$659,394.50) for Expenses relating to the Water Portion of the State Street Utilities and Road Upgrade Project
- B. Adoption of Resolution Appropriating the Sum of Two Hundred Eight Thousand, Two Hundred Twenty-Nine Dollars and Eighty-Five Cents (\$208,229.85) for Expenses relating to the General Fund Portion of the State Street Utilities and Road Upgrade Project
- C. Second reading of Ordinance amending Chapter 10 – Zoning Ordinance and Zoning Map by deleting it in its entirety and replacing it with a new Chapter 10
- D. Second reading of Ordinance amending Chapter 11, Article VIII, Section 11.801 to Reduce the Threshold for Site Plan Review of multi-family residential units from five (5) to three (3) Units
- E. Second reading of Ordinance amending Chapter 11, Article VI – Comprehensive Plan Information by deleting it in its entirety and inserting in its place a new Article VI – Referrals to Planning Board
- F. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.336 – One Way Streets – Parker Street – Northerly from Tanner Court to Hanover Street

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Donald Allison, Eastern 20 Mile Race, requesting permission to hold the annual Eastern States 20 Mile Road Race on Sunday, March 28, 2010 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Midge Nelson, Seacoast Rotary Club, President-Elect, requesting permission to hold the “Turkey Trot” on Thanksgiving Day 2010 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Sarah Curtin, American Foundation for Suicide Prevention, requesting permission to hold the 6th Annual Out of the Darkness Community Walk on Saturday, September 25, 2010 (***Anticipated action – move to refer to the City Manager with power***)
- D. Letter from Marsie Silvestro and Paula Nikonow, A Safe Place, requesting permission to hold the Keep Your Paws to Yourself Dog Walk on Saturday, April 24, 2010 (***Anticipated action – move to refer to the City Manager with power***)
- E. Acceptance of Donations for Art-Speak
- Jamie Calderwood \$20.00
 - Cash \$20.00
 - Nancy Novelline Clayburgh \$20.00
 - Richard Candee \$50.00
 - Elisabeth Robinson \$50.00
 - Sheila & John Shea \$50.00
 - Mike Kenslea \$100.00
 - Elaine & Shel Krasker \$100.00
 - Leanne Spees \$100.00
 - Peter Michaud \$150.00
 - McHenry Architecture \$250.00
 - M. Christine Dwyer \$1,000.00

(Sample motion – move to accept and approve the donations to Art-Speak for operations, as presented)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letters regarding Proposed Zoning Ordinance Changes:
- *Barbara Webber*
 - *Tom and Zelita Morgan*
- B. Letter from Rodney Rowland, Strawberry Banke, requesting the loan of the John Blunt painting for their upcoming gallery exhibit, Painting Portsmouth to be held from May 1, 2010 to October 31, 2010

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

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

1. Public Hearing and Adoption:
 - 1.1 Public Hearing and Adoption of Proposed Resolutions for Expenses relating to the Water portion of the State Street Utilities and Road Upgrade Project; and for Expenses relating to the General Fund Portion of the State Street Utilities and Road Upgrade Projects (**Action on this matter should take place under Section IX of the Agenda**)
2. Public Hearing/Second Reading of Proposed Ordinance Amendments and Resolutions:
 - 2.1 Second Reading of Ordinances Amending Chapter 10-Zoning Ordinance and Zoning Map and Chapter 11, Articles VI and VIII (**Action on this matter should take place under Section IX of the Agenda**)
3. Third and Final Reading of Proposed Ordinance Amendments and Resolutions:
 - 3.1 Third and Final Reading 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 IX of the Agenda**)

City Manager's Items Which Require Action

1. Approval of Non-Profit Corporation for Public Access
2. Request to Reschedule a Parking Garage Work Session
3. Proposed Policy on Acquisition of Public Art
4. Report Back on Request to Rename a portion of Woodbury Avenue between Market Street and the Newington Town line to "Market Street"
5. Report Back on Request from 172 Hanover Street for Placement and Illumination of a Temporary Sign on the Vaughan Mall and Reconsideration of the Planning Board's recommendation for a Projecting Sign
6. Report Back on Request from Charles A. Griffin, Esq. for Richard B. Duddy and Sue Ellen Duddy regarding Release of a portion of McClintock Avenue (paper street)
7. Request for a License from The Old Stove Bake Shoppe at 18 Ladd Street to install a projecting sign
8. Request for a License from Traditional Wood Works, Inc. at 207 Market Street to install a projecting sign

9. Request to Dispose of Surplus Vehicles

Informational Items

1. Events Listing
2. Public Hearing on Community Development Block Grant
3. COAST Promotes Shopping Locally this Holiday Season
4. Request to Rename a Private Road off Sagamore Avenue as "Workman's Cove" or "Workman's Road"
5. News Release Re: Holiday Parade Grand Marshals
6. Press Release Re: Mayor's Blue Ribbon Committee Seeks Input on Downtown Events

B. MAYOR FERRINI

1. Appointments to be Voted:
 - Catherine Ennis – Appointment to the Conservation Commission
 - Eduardo DelValle – Appointment to the Recreation Board

C. COUNCILOR NOVELLINE CLAYBURGH

1. Motion to Reconsider November 16, 2009 City Council Action Re: Percent for Arts Appropriation in the amount of \$36,939.00 (***Sample motion – move to suspend the rules in order to reconsider the action of the City Council at the November 16, 2009 meeting regarding percent for Arts Appropriation in the amount of \$36,939.00) (Please note: This requires a two-thirds vote of the Council)***)

D. COUNCILOR DWYER

1. *JBC Update Re: Middle School

E. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the November 12, 2009 meeting
2. Parking Committee Action Sheet and Minutes of the November 12, 2009 meeting

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 September 9, 2009 and October 14, 2009 meetings
2. Zoning Board of Adjustment minutes of the September 15, 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: December 3, 2009
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on December 7, 2009 City Council Agenda

5:45 p.m. – City Council Photograph.

A group photograph will be taken of the City Council Members, City Clerk, City Manager and City Attorney.

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.

Acceptance of Grants/Donations:

1. **Acceptance of Donation Re: Bench in Memory of Carl Collins.** The City received a donation in the amount of \$1,500.00 from Peter Donovan, to support the purchase and installation of a bench with a memorial plaque for Carl Collins.

I would recommend that the City Council approve and accept the donation for a bench in memory of Carl Collins, as listed. Action on this matter should take place under Section VIII of the Agenda.

2. **Acceptance of Donation to the Coalition Legal Fund.** Attached is a copy of a check from the Town of Newbury in the amount of \$2,000.00 donating funds to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

I would recommend 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 VIII of the Agenda.

3. **Acceptance of Donation to the New Library Building Fund.** The New Library Capital Campaign Committee has received a donation from Stephen L. and Susan S. Tober in the amount of \$1,000.00 for the New Library Building Fund. This fulfills their pledge.

I would recommend that the City Council approve and accept the donation to the New Library Building Fund, as listed. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **Public Hearing and Adoption.**

- 1.1 **Public Hearing and Adoption of Proposed Resolutions for Expenses relating to the Water portion of the State Street Utilities and Road Upgrade Project; and for Expenses relating to the General Fund Portion of the State Street Utilities and Road Upgrade Projects.** As a result of the November 16th City Council meeting, under section VII of the Agenda, I am bringing back for public hearing and adoption the attached proposed two Resolutions relating to: 1) to appropriate the sum of \$659,394.50 for expenses relating to 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.

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. The 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 \$4,086,893.00 will be shared between General, Water, and the Sewer Fund.

I would recommend the City Council move to adopt the following motions:

- *Move to adopt the Resolution in the sum of \$659,394.50, as submitted.*
- *Move to adopt the Resolution in the sum of \$208,229.85, as submitted.*

Action on this matter should take place under Section IX of the Agenda.

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

2.1 **Second Reading of Ordinances Amending Chapter 10-Zoning Ordinance and Zoning Map and Chapter 11, Articles VI and VIII.** As you know, on November 16, 2009 the Council voted to pass first reading amending Chapter 10 Zoning Ordinance and Zoning Map and Chapter 11, Articles VI and VIII and schedule second reading and public hearing for December 7th.

As a result of the work session conducted on Monday, November 30, 2009, the City Council will commence the public hearing process on Monday evening as follows:

- Open the public hearing on Monday evening which will run for 90 minutes.
- Mayor to keep the public hearing open and resume on Monday, December 14th at 6:30 p.m., in the Eileen Dondero Foley Council Chambers.
- If needed, the Mayor on December 14th will keep the public hearing open to resume on Tuesday, December 15th at 6:30 p.m., in the Eileen Dondero Foley Council Chambers.

Later on in the agenda, the City Council will need to postpone action on second reading of Chapter 10 Zoning Ordinance and Chapter 11 of the City Ordinances until Monday, December 14th or the close of the public hearing.

Also, as part of the November 30 work session, the Mayor indicated that he would like to focus the December 14th public comments on the following major issues that were identified at the work session:

- Downtown Parking Standards
- Islington Street Zoning
- Gateway District
- Continuing Care Retirement Community

The public could speak on any issue at the December 7th hearing, but this approach will allow the public more time to speak in-depth on these four issues and to plan ahead accordingly. The Mayor will make an announcement regarding this approach prior to the opening of the December 7th public hearing.

As you know, the Zoning Ordinance is the product of three years of work by the Planning Board, Conservation Commission, Historic District Commission and City staff, involving more than four dozen Planning Board work sessions and meetings. The Zoning Ordinance and map was unanimously recommended to the City Council for adoption by vote of the Planning Board on October 8th.

In addition to the City's land use boards, it is important to note that the Zoning Ordinance is also the product of collaboration with the Committee on Sustainable Practices, the Blue Ribbon Committee on Housing, and the Economic Development Commission. City Councilors provided important guidance during the drafting of the Zoning Ordinance as well, through a half-day work session in June and two additional question and answer work sessions this summer.

Development of the Zoning Ordinance also involved extensive opportunities for public input. The Planning Board has tried to insure a transparent process, which has included posting the Zoning Ordinance on the City website, making copies available at the Planning Department, Library and City Clerk's office, issuing multiple press releases, and broadcasting on Channel 22 all work sessions, meetings and public hearings. Comments were received via an online website comment form, phone, email, letter, and at multiple public hearings. All public comments received 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 and, in other cases, items were placed on a list for further research. The Board will continue to work on these items over the course of the next year.

The Zoning Ordinance recommended by the Planning Board contains substantial revisions due, in large part, to the fact that the last major revision of the Zoning Ordinance was some 14 years ago.

[Attached](#) under Section IX of the Agenda are the 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 have 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.

Also, [enclosed is a copy of the draft Site Review Regulations](#), which will be adopted by the Planning Board simultaneously with the Council's adoption of the Zoning Ordinance.

I would recommend the Council move the following motions:

- *Move to continue the public hearing until December 14th regarding Chapter 10 of the Zoning Ordinance and Zoning Map by deleting it in its entirety and replacing it with a new Chapter 10.*
- *Move to continue the public hearing until December 14th regarding Chapter 11, Article VIII, Section 11.801 to reduce the Threshold for Site Plan Review of multi-family residential units from five (5) to three (3) Units.*
- *Move to continue the public hearing until December 14th regarding Chapter 11, Article VI - Comprehensive Plan Information by deleting it in its entirety and inserting in its place a new Article VI-Referrals to Planning Board.*
- *Move to postpone second reading until December 14th regarding Chapter 10 of the Zoning Ordinance and Zoning Map by deleting it in its entirety and replacing it with a new Chapter 10.*
- *Move to postpone second reading until December 14th regarding Chapter 11, Article VIII, Section 11.801 to reduce the Threshold for Site Plan Review of multi-family residential units from five (5) to three (3) Units.*
- *Move to postpone second reading until December 14th regarding Chapter 11, Article VI - Comprehensive Plan Information by deleting it in its entirety and inserting in its place a new Article VI-Referrals to Planning Board.*

Action on this matter should take place under Section IX of the Agenda.

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

- 3.1 **Third and Final Reading of Ordinance amending Chapter 7, Article III, Section 7.336 – One Way Streets – Parker Street – Northerly from Tanner Court to Hanover Street.** As a result of the November 16th 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

7.336 – One Way Streets – Parker Street – Northerly from Tanner Court 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 October 19th 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 third and final reading of the Ordinance, as submitted. Action on this matter should take place under Section IX of the Agenda.

Consent Agenda:

1. **Acceptance of Donations for Art-Speak.** Art-Speak requests that the following unrestricted donations, totaling \$1,910.00 be accepted by the City Council for Art-Speak’s operations. These funds are donations resulting from Art-Speak’s Annual Appeal letter.

➤ Jamie Calderwood	\$20.00
➤ Cash	20.00
➤ Nancy Novelline Clayburgh	20.00
➤ Richard Candee	50.00
➤ Elisabeth Robinson	50.00
➤ Sheila & John Shea	50.00
➤ Mike Kenslea	100.00
➤ Elaine & Shel Krasker	100.00
➤ Leanne Spees	100.00
➤ Peter Michaud	150.00
➤ McHenry Architecture	250.00
➤ M. Christine Dwyer	1,000.00

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

City Manager's Items Which Require Action:

1. **Approval of Non-Profit Corporation for Public Access.** As you will recall at the November 16th City Council meeting, the Cable Commission made a presentation regarding development of a public access non-profit corporation. In response to the concerns raised by Councilor Eric Spear and Councilor Chris Dwyer, Cable Commission Chairman John Gregg and Assistant City Attorney Suzanne Woodland proposed changes to the draft by-laws of Portsmouth Public Media. Specifically, the Mission and Vision statement within the draft by-laws would be amended to include arts and entertainment. In addition, the draft by-laws would be amended to make clear that a person may not simultaneously sit on the Board of Portsmouth Public Media and the Cable Commission (see attached proposed revisions). Also, attached for informational purposes are the previously provided draft start-up documents including draft By-laws, a draft Producer Agreement and an outline of a process to select an initial Board of Directors.

As you are aware, the Cable Commission has been exploring the development of a public access channel and an educational channel for the benefit of the Portsmouth community for the last several years. This effort began with the Cable Commission's ascertainment hearing process in which the Cable Commission received public comment in favor of education and public access. That effort continued during the Comcast negotiation process and resulted in the new Franchise Agreement providing the City with the opportunity to have a channel for public access and another channel for educational programming should the City so desire.

On August 3, 2009, the City Council authorized the establishment of a charitable trust in which to hold funds for the support of public access. That trust has been established. The next step in the development of public access is the establishment of a non-profit organization and the City Council's affirmation that the non-profit could use the channel negotiated in the recent Comcast contract.

The purpose of the proposed non-profit organization is to establish, operate, and promote non-commercial public access television and Internet media. To that end, the proposed mission and vision are described as follows:

Mission Statement: To make the sharing of local news, views, information, arts and entertainment readily accessible to residents and non-profit and business organizations of Portsmouth.

Vision Statement: To be regarded as a vibrant, appreciated source of local news, views information, arts and entertainment that:

- Airs programs reflecting the interests of a broad range of individual residents, local businesses and non-profit organizations;
- Involves all members of the community – diverse ages, socio-economic status and technological abilities;

- Employs multiple methods of producing and delivering content in order to simplify the ability of producers to create, and viewers to access, content; and,
- Embraces available and emerging technology for efficiency of operations.

John Gregg and Suzanne Woodland will be available to respond to questions on Monday evening.

I would recommend the City Council move the following motions:

1. *Move to authorize the Cable Commission to continue to work towards the establishment of a non-profit organization, which would include a mayoral appointment, to promote non-commercial public access television and internet media. (The Cable Commission will bring forward at a later meeting the slate of proposed initial directors for the City Council's ratification.)*
 2. *Move to authorize the City Manager to make available to the non-profit organization, when it is so-organized, a public access channel for its use.*
2. **Request to Reschedule a Parking Garage Work Session.** As you will recall at your meeting of November 16th, the City Council established a work session with the Portsmouth Housing Authority regarding a proposed parking garage on land owned by the Portsmouth Housing Authority adjacent to the Feaster Apartments building. [Attached is a letter](#) from Ruth Griffin, Chair of the Portsmouth Housing Authority, requesting that the work session be postponed to January 2010 because of scheduling conflicts.

I would recommend that the City Council move to reschedule the work session prior to the regular meeting on Tuesday, January 19, 2010 or establish a special work session for January 25, 2010.

3. **Proposed Policy on Acquisition of Public Art.** [Attached please find a draft policy](#) on City acquisition of public art through donation, acquisition or commission. The proposed policy was developed at my request by Art-Speak following an anonymous donor's offer to fund the City's acquisition of one of the Overnight Art pieces displayed during the last Overnight Art event. The Art-Speak Public Art Committee developed the draft policy after extensive review of other cities' public art acquisition policies.

I am requesting that the City Council consider adopting the proposed policy on acquisition of public art at the December 21st City Council meeting.

4. **Report Back on Request to Rename a portion of Woodbury Avenue between Market Street and the Newington Town line to "Market Street".** As you may recall at the July 20, 2009 City Council meeting, the Council referred a request to rename the northern end of Woodbury Avenue to "Market Street" to the Planning Board for report back. The portion of the road proposed for renaming is the commercial area between Market Street and the Newington town line, and the properties that would be affected by the requested name change are currently numbered 1303 and 1420-1981 Woodbury Avenue. [Attached](#)

is a copy of a memorandum from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding this matter. The Planning Board voted to recommend to the City Council that they do not change the street name.

I would recommend the City Council move to accept the Planning Board's recommendation to not approve the street name change, and instead investigate State and local signage, as well as contacting GPS software companies about modifying the driving directions which they provide to addresses on the commercial portion of Woodbury Avenue.

5. **Report Back on Request from 172 Hanover Street for Placement and Illumination of a Temporary Sign on the Vaughan Mall and Reconsideration of the Planning Board's Recommendation for a Projecting Sign.** As you may recall at the September 1, 2009 City Council meeting, the City Council accepted the recommendation of the Planning Board to recommend against approval for the placement and illumination of a temporary sign on the Vaughan Mall and reconsideration of the Planning Board's recommendation for a projecting sign at 172 Hanover Street. Attached is a copy of a memorandum from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding a request submitted on September 9, 2009 from Ted Mountzuris of The Page Restaurant for property located at 172 Hanover Street, to allow the placement and illumination of a "temporary" sign on the Vaughan Mall and also to reconsider the previous request to permit the projecting sign over the Hanover Street sidewalk.

I would recommend the City Council move to accept the recommendation of the Planning Board to defer any action on this matter until the outstanding issues have been addressed.

6. **Report Back on Request from Charles A. Griffin, Esq. for Richard B. Duddy and Sue Ellen Duddy regarding Release of a portion of McClintock Avenue (paper street).** As you may recall, at the August 17, 2009 City Council meeting, the Council referred the request from Charles A. Griffin, Esquire on behalf of Richard B. Duddy and Sue Ellen Duddy regarding the release of the paper street portion of McClintock Avenue to the Planning Board for report back. Attached is a copy of a memorandum from Rick Taintor, Planning Director outlining the Planning Board's recommendation to grant the request to release any interest the City may have in this parcel of land.

I would recommend the City Council move to accept the recommendation of the Planning Board to grant the request to release any interest the City may have in this parcel of land and authorize the City Manager to execute the necessary documents.

7. **Request for a License from The Old Stove Bake Shoppe at 18 Ladd Street to install a projecting sign.** Attached is a copy of a memorandum from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding a request from The Old Stove Bake Shoppe for property located at 18 Ladd Street, to install a projecting sign. This request was received by the Planning Department on October 13, 2009, and was reviewed by the Planning Board on November 19, 2009. In accordance with City Council Policy #2009-4, the Planning Board has reviewed this request and recommends the following action:

- 1) The license shall be approved by the Legal Department as to content and form;
- 2) Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
- 3) Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.

I would recommend the City Council move to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of The Old Stove Bake Shoppe to install a projecting sign at 18 Ladd Street and further authorize the City Manager to execute a License Agreement for this request.

8. **Request for a License from Traditional Wood Works, Inc. at 207 Market Street to install a projecting sign.** Attached is a copy of a memorandum from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding a request from Traditional Wood Works, Inc., for property located at 207 Market Street, to install a projecting sign. This request was received by the Planning Department on October 14, 2009, and was reviewed by the Planning Board on November 19, 2009. In accordance with City Council Policy #2009-4, the Planning Board has reviewed this request and recommends the following action:

- 1) The license shall be approved by the Legal Department as to content and form;
- 2) Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
- 3) Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.

I would recommend the City Council move to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Traditional Wood Works, Inc. to install a projecting sign at 207 Market Street and further authorize the City Manager to execute a License Agreement for this request.

9. **Request to Dispose of Surplus Vehicles.** The City currently has seven surplus vehicles for disposal ([see attached list](#)). In the past, we have sold the surplus vehicles through a sealed bid process to the highest bidder. According to City Ordinance Section 1.505, property valued at \$500.00 or more must receive approval from the City Council prior to bidding.

I would recommend the City Council move to authorize the City Manager to dispose of surplus vehicles and other equipment by the sealed bid process.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on November 16, 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 Hearing on Community Development Block Grant.** For your information, [attached is a news release and agenda](#) regarding a public hearing on the Community Development Block Grant Program, to be held on Thursday, December 10, 2009, at 6:00 p.m., in Conference Room A.
3. **COAST Promotes Shopping Locally this Holiday Season.** For your information, [attached is a news release](#) from the Cooperative Alliance for Seacoast Transportation regarding riding COAST for free on Saturday, December 19th for holiday shoppers this last Saturday before Christmas.
4. **Request to Rename a Private Road off Sagamore Avenue as "Workman's Cove" or "Workman's Road".** For your information, [attached is a copy of a letter](#) from Harrison Alan Workman to name a private road off Sagamore Avenue, as well as, a memorandum from Rick Taintor, Planning Director, outlining the action taken regarding this matter.
5. **News Release Re: Holiday Parade Grand Marshals.** For your information, [attached is a news release](#) regarding the “Mayor Names Parade Grand Marshals”.
6. **Press Release Re: Mayor’s Blue Ribbon Committee Seeks Input on Downtown Events.** For your information, [attached is a press release](#) regarding the “Mayor’s Blue Ribbon Committee Seeks Input on Downtown Events”.