

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, FEBRUARY 1, 2010 TIME: 6:15PM

## AGENDA

- 5:45PM – ANTICIPATED “NON-MEETING” WITH COUNSEL REGARDING NEGOTIATIONS – RSA 91-A:2, I (b-c)
- 6:15PM – WORK SESSION REGARDING SUSTAINABLE PRACTICES RECOMMENDATIONS

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

### PRESENTATION

1. Comprehensive Annual Financial Report (CAFR) - Melanson, Heath & Company, P. C. Auditors' Financial Report for the Year Ending June 30, 2009 (Annual Audit)

### V. ACCEPTANCE OF MINUTES – JANUARY 4, 2010 AND JANUARY 19, 2010

### VI. PUBLIC COMMENT SESSION

### VII. PUBLIC HEARINGS

- A.1. ORDINANCE AMENDING CHAPTER 7 – VEHICLES, TRAFFIC PARKING OMNIBUS ORDINANCES (*First Ordinance*)
- A.2. ORDINANCE AMENDING CHAPTER 7 – VEHICLES, TRAFFIC PARKING OMNIBUS ORDINANCES (*Second Ordinance*)
- B. ORDINANCE AMENDING CHAPTER 6, ARTICLE XIII, SECTION 6.1307 – PROHIBITED CONDUCT – VENDOR FROM MOTOR VEHICLE

### VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Wellness Grant from Health Trust's Health Program - \$3,754.00
- B. Acceptance of Grant to the Portsmouth Police Department from the Office of Justice – Violence Against Women and Victim/Witness Advocate Position - \$28,000.00
- C. Acceptance of Grant to the Portsmouth Police Department from the Office of Justice – Violence Against Women Act for specialized officer training - \$7,860.00

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption to \$33,182.00 for single and \$40,933.00 for married and total assets may not exceed \$110,611.00 whether single or married
- B. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption to \$33,182.00 for single and \$40,933.00 for married and total assets may not exceed \$110,611.00 whether single or married
- C. First reading of Resolution Authorizing a Bond Issue of up to One Million Eight Hundred Thousand Dollars (\$1,800,000.00) for FY10 Citywide Facilities, Streets, Sidewalks and Bridge Improvements
- D. First reading of Resolution Authorizing a Bond Issue of up to Five Hundred Thousand Dollars (\$500,000.00) for FY10 School Facilities Improvements
- E.1. Second reading of Ordinance amending Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (*First Ordinance*)
- E.2. Second reading of Ordinance amending Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (*Second Ordinance*)
- F. Second reading of Ordinance amending Chapter 6, Article XIII, Section 6.1307 – Prohibited Conduct – Vendor from Motor Vehicle

## X. CONSENT AGENDA

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

- A. Letter from Jeanine Sylvester, Redhook Brewery, requesting permission to hold the 13<sup>th</sup> Annual Runner's Alley/Redhook Brewery on May 30, 2010 at 11:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events:
  - Children's Day, Sunday, May 2, 2010, Noon – 4:00 p.m.
  - 33<sup>rd</sup> Annual Market Square Day Festival & 10k Road Race, Saturday, June 12, 2010
  - 8<sup>th</sup> Annual Summer in the Street Music Series, Saturday evenings from 5:00 – 9:30 p.m. on June 26<sup>th</sup>, July 10<sup>th</sup>, July 17<sup>th</sup>, July 24<sup>th</sup>, July 31<sup>st</sup> and August 7<sup>th</sup> (rain date August 14<sup>th</sup>)(***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Robert Sutherland Jr., St. John's Lodge, requesting permission to hold the 5k "Out of Hibernation" Road Race on Saturday, April 24, 2010 at 9:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)

- D. Letter from Robert Sutherland Jr., St. John's Lodge, requesting permission to march in observance of St. John's Sunday at (Queen Chapel) St. John's Church on Sunday, June 27, 2010 at 9:00 a.m. (**Anticipated action – move to refer to the City Manager with power**)

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

- A. Letter from Peter G. Weeks, PGW Real Estate Consulting, on behalf of property owners on Sagamore Grove requesting consideration of the rezoning of the following lots on Map 201 Lots 3, 4, 5, 6, 7, 8 to Mixed Residential Business (MRB) or Single Residence B (SRB) (**Sample motion – move to refer to the Planning Board**)
- B. Letter from Bill St. Laurent regarding the relocation of monuments in dedication to veterans that died in battle during WW I

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

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

- 1. Consideration of First Reading of Proposed Ordinance Amendments and Resolutions:
  - 1.1 First Reading of Elderly & Disabled Exemptions (**Action on this item should take place under Section IX of the Agenda**)
  - 1.2 First Reading of Resolutions for Proposed Bonding Re: Citywide and School Facilities Improvements (**Action on this item should take place under Section IX of the Agenda**)
    - a) Resolution for bond authorization of up to \$1,800,000 for FY10 Citywide Improvements
    - b) Resolution for bond authorization of up to \$500,000 for FY10 for School Facilities Improvements:
- 2. Public Hearing/Second Reading of Proposed Ordinance Amendments and Resolutions
  - 2.1 Public Hearing/Second Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (**Action on this item should take place under Section IX of the Agenda**)
  - 2.2 Public Hearing/Second Reading of Proposed Ordinance Amendments to Chapter 6, Article XIII, Section 6.1307 – Prohibited Conduct – Vendor from Motor Vehicle (**Action on this item should take place under Section IX of the Agenda**)

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

1. Approval of Employment Agreement for Assistant Fire Chief Steve Achilles
2. Resolution Re: Rescission of the Twelve Million Five Hundred Thousand Dollars (\$12,500,000.00) Borrowing Authorization for an Underground Parking Facility
3. Proposed Adoption of Flag Policy #2010-01
4. Martingale Wharf LP, Request to Participate in Compactor Agreement
5. Proposed Parking Lease and Management Agreement for Portwalk Project Lot 3

### **Informational Items**

1. Events Listing
2. Reminder Re: 2010 Retreat/Goal Setting
3. News Release Re: Kelli Barnaby, City Clerk
4. Cultural Commission Board Member Update
5. Economic Development Commission Agenda and Minutes

### **B. MAYOR FERRINI**

1. \*Reports

### **C. COUNCILOR DWYER**

1. \*Joint Building Committee Report

### **XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

(\*Indicates verbal report)

### **INFORMATIONAL ITEMS**

1. Conservation Commission minutes of the December 9, 2009 meetings
2. Planning Board minutes of the December 17, 2009 meeting
3. Zoning Board of Adjustment minutes of the November 17, 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:** January 28, 2010  
**To:** Honorable Mayor Thomas G. Ferrini and City Council Members  
**From:** John P. Bohenko, City Manager  
**Re:** City Manager's Comments on February 1, 2010 City Council Agenda

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***5:45 p.m. – Non-meeting with counsel.***

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

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***Work Session:***

***6:15 p.m.***

1. **Sustainable Practices Recommendations.** On Monday evening, the Committee on Sustainable Practices, as well as City staff, will make a presentation to the City Council, regarding pay-as-you-throw and zero waste. [Attached are copies of proposed polices for Zero Waste Public Events and Pay-As-You-Throw Trash Program.](#)

***Presentation:***

1. **Comprehensive Annual Financial Report (CAFR) - Melanson, Heath & Company, P.C. Auditors' Financial Report for the Year Ending June 30, 2009 (Annual Audit).** [Attached on the inside cover of your packet is a copy of the City's Comprehensive Annual Financial Report \(CAFR\),](#) which includes the financial statements for the fiscal year ending June 30, 2009 (Annual Audit). The Fiscal Year 2009 Audit was prepared by the firm of Melanson, Heath & Company, P.C. Also, [enclosed is the Management Letter](#) for the year ending June 30, 2009, prepared by our auditor. On Monday evening, Scott McIntyre from Melanson, Heath & Company will be in attendance to make a presentation on the aforementioned items.

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

1. **Acceptance of Wellness Grant from Health Trust's Health Program.** The City of Portsmouth has been awarded a \$3,754 grant from the HealthTrust's Health Promotion WELLDollars Health and Safety Grant Program to be used towards the City's wellness efforts.

By offering a wellness program for City employees, it is our goal to reduce health risk factors and create a healthier lifestyle for our employees. To realize this goal, the City, through its Wellness Program, will provide health and safety programs to its employees in an effort to improve the quality of their lives.

The City also feels that, with the rising cost of health care, as well as the financial implications to the Community, of lost time on the job, a comprehensive wellness program is our best chance of reducing cost to the Community and having a physically fit work force through proactive injury prevention.

*I would recommend the City Council move to accept the Wellness Grant in the amount of \$3,754.00 from the Trust's Health Promotion WELLDollars Grant Program. Action on this matter should take place under Section VIII of the Agenda.*

2. **Acceptance of Police Department Grants.** [Attached under Section VIII of the Agenda is a memorandum](#), dated January 21, 2010, from Gerald W. Howe, Chairman of the Portsmouth Police Commissioners, and Police Chief David J. Ferland, requesting that the City Council approve the following grants:

- a. A grant in the amount of \$28,000 from the Office of Justice Programs. This award is from the Violence Against Women Act Grant, and partially supports our important Victim/Witness Advocate position.
- b. A second grant in the amount of \$7,860 from the Office of Justice Programs, Violence Against Women Act; this award will provide funding for specialized officer training on sexual assaults, domestic violence, stalking, and elder abuse.

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-36 for City Council approval and acceptance.

*I would recommend that the City Council approve and accept the grants to the Portsmouth Police Department, as listed. Action on this matter should take place under Section VIII of the Agenda.*

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

### **1. Consideration of First Reading of Proposed Ordinance Amendments and Resolutions:**

- 1.1 **First Reading of Elderly & Disabled Exemptions.** As a result of the January 19<sup>th</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the [attached proposed Resolutions](#) amending Elderly and Disabled Exemption Income and Asset Limits.

Annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions pursuant to RSA 72:39-b and RSA 72:37-b and makes recommendations as to these levels.

Last year, the City Council adopted resolutions #9-2009 and #10-2009 which increased the income and asset levels for both the elderly and disabled exemptions by 3% from the previous year. The current elderly and disabled exemption income levels are \$32,589 for a single taxpayer, \$40,201 for married taxpayers, and an asset limit of \$108,634.

If qualified, for elderly taxpayers, the exemption off the assessed value of the property is as follows:

- Age 65 to 74           \$125,000
- Age 75-79             \$175,000
- Age 80 +              \$225,000

If qualified, for disabled taxpayers, the exemption off the assessed value of the property is \$100,000.

This year the November to November CPI of the Boston-Brockton-Nashua November consumer price index (CPI) is 1.82%. There will be no increase in Social Security benefits payable in January 2010, nor will there be an increase in SSI payments.

If the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers by the November to November CPI of 1.82%, this would increase the limits (rounded up) as follows:

- Single           \$ 33,182 (increase of \$593)
- Married         \$ 40,933 (increase of \$732)
- Asset Limit   \$110,611 (increase of \$1,977)

This adjustment would be for assessments as of April 1, 2010 for the 2010 tax year or FY11.

The Assessor's Office mails a notification annually to all elderly and disabled persons who currently receive this exemption to update their applications. All new applicants must submit an application and required documentation by April 15<sup>th</sup> of each year.

It would be my suggestion that the City Council adjust these exemptions by the November to November CPI of 1.82% including asset limitations. I have [attached for your information the tax impact](#) of the elderly and disabled exemptions for FY10.

*I would recommend the City Council move to make the following two separate motions:*

- 1) Move to pass first reading and schedule a public hearing and adoption of the Resolution for Elderly Exemptions, as submitted, at the February 16, 2010 City Council meeting. (Resolution requires two readings and a majority vote.) Action on this matter should take place under Section IX of the Agenda.*
- 2) Move to pass first reading and schedule a public hearing and adoption of the Resolution for Disabled Exemptions, as submitted, at the February 16, 2010 City Council meeting. (Resolution requires two readings and a majority vote.) Action on this matter should take place under Section IX of the Agenda.*

- 1.2 **First Reading of Resolutions for Proposed Bonding Re: Citywide and School Facilities Improvements.** As a result of the January 19<sup>th</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for first reading Resolutions for proposed bonding regarding citywide and school facilities improvements.

As you may be aware, within the FY10 Capital Improvement Plan, there are projects that require bonding authorization from the City Council in order for the projects to take place. The following list identifies two separate resolutions.

- a) **Resolution for bond authorization of up to \$1,800,000 for FY10 Citywide Improvements.**
  - Municipal Complex Boiler Replacement - \$400,000: (*page 81 of CIP FY10-15*) The existing boilers at the Municipal Complex were installed in the early 1960's and are well past their expected life cycle. Each boiler was designed to run originally on bunker oil and was converted to natural gas sometime before the City took over the facility. This project will replace these boilers with more energy efficient and properly sized units



for today's use. There are energy credits from the utility companies available for this work which will offset the installation cost.

- Route 1A/Sagamore Creek Bridge Replacement - \$1,000,000: (*page 112 of CIP FY10-15*) The bridge is now well past its intended 50 year design life and is currently posted for a 6 ton load limit. The City conducted a bridge assessment that revealed moderate to severe deterioration in certain bridge components. Some interim work is required to the superstructure in advance of replacement. Design is now underway with construction scheduled to begin November 2010.
- McDonough Street Area Improvements - \$400,000: (*page 115 of CIP FY10-15*) This project is at the request of the Islington Creek Neighborhood Association to have new sidewalks and traffic calming measures installed throughout the McDonough Street area. This project will enhance safety for the residents and others who travel through this area on foot, by bicycle and motor vehicle. The work will include water, sewer, storm drainage, paving, curbing and associated landscaping constructed in a phased approach starting in FY 10.

**b) Resolution for bond authorization of up to \$500,000 for FY10 for School Facilities Improvements:** (*Page 54 and 55 of CIP FY10-15*) This project funds the School Department's bi-annual Facility Capital Improvements. Scheduled work includes replacing the bleachers at the Athletic Complex and replacing the remaining pitched roof at the Dondero School.

*I would recommend that the City Council move the following motions:*

- 1) *Move to pass first reading and schedule a public hearing and adoption of the proposed Bond Resolution for Citywide Improvements in the amount up to \$1,800,000 at the February 16, 2010 Council meeting.*
- 2) *Move to pass first reading and schedule a public hearing and adoption of the proposed Bond Resolution for School Facilities Improvements in the amount of up to \$500,000 at the February 16, 2010 City Council meeting.*

*Please note that Bonding Resolutions require two readings and a public hearing and two-thirds vote of the City Council. Action on this item should take place under Section IX of the Agenda.*

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

2.1 **Public Hearing/Second Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances.** As a result of the January 19<sup>th</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the following attached proposed Ordinance amendments:

A.1 Ordinance Amending Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (First Ordinance).

A.2 Ordinance Amending Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (Second Ordinance).

On March 20, 2000 the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Parking Ordinance, which authorized the Parking Committee to modify city parking regulations as appropriate. This Ordinance revision has made the City more responsive to the changing parking needs of the downtown.

Before this procedure was approved, it required three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. The process from when a request was received to when the sign was changed often took 3 months or longer to complete.

Under this procedure, the process is streamlined. The Parking Committee takes formal action, presents the action to the City Council in the form of monthly meeting minutes, and implements the action only after the City Council adopts the meeting minutes. The public hearing process is still accomplished, but only after the action has been in place for one year, or less, as the Council deems appropriate. This way, the Council and the public have the benefit of seeing how the recommended parking change worked before formally adopting it.

This procedure also benefits the City by fostering a continuing dialogue and analysis of downtown parking issues. The Parking Committee meets monthly to monitor on-street and off-street parking utilization data and operations. The recommended actions that result from these meetings are made in the context of a comprehensive review of current parking conditions.

[Attached under Section VII of the Agenda](#) are numerous proposed changes to Chapter 7, Vehicles, Traffic Parking Omnibus Ordinances as recommended by the Parking Committee. This year the omnibus consists of two ordinances. The first makes a series of amendments to parking provisions. The second, lengthier ordinance, amends the parking meter sections of the ordinances to accommodate

such modern technologies such as pay and display. [Attached](#) are diagrams showing the changes to the ordinance.

Prior to the public hearing, there will be a detailed PowerPoint presentation on the proposed changes.

*I would recommend that the City Council move the following motions:*

*A.1 Move to pass second reading and schedule third and final reading of the proposed Ordinance Amending Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (First Ordinance), at the February 16<sup>th</sup> City Council meeting.*

*A.2 Move to pass second reading and schedule third and final reading of the proposed Ordinance Amending Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (Second Ordinance), at the February 16<sup>th</sup> City Council meeting.*

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

2.2 **Public Hearing/Second Reading of Proposed Ordinance Amendments to Chapter 6, Article XIII, Section 6.1307 – Prohibited Conduct – Vendor from Motor Vehicle.** As a result of the January 19<sup>th</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached proposed ordinance](#) to amend Chapter 6, Article XIII, Section 6.1307 – Prohibited Conduct – Vendor from Motor Vehicle, as recommended by the Parking Committee and the Vending Committee. By way of summary, this ordinance change would:

- prohibit vending from municipal parking spaces;
- allow the Parking Committee to designate up to three locations for vending; and
- set up a process by which the opportunity to use designated “vending locations” would be placed out to bid.

As you know, mobile vendors may presently vend from parking spaces, limited only by the duration of the established limit for the particular parking space (for example, a two-hour limit for a metered space). Under the present ordinance, multiple mobile vendors could set up in any of the downtown areas. (Fresh Local, an existing mobile food vendor, has voluntarily limited its vending location to a specific location on State Street.) The City has in the last six months seen an increasing number of applications for canteen trucks/mobile vendors. Should there be an increase in vending from parking spaces, the municipal purpose of maintaining such spaces to supply parking for the benefit of local businesses and residents would be undermined.

Both the Vending Committee and the Parking Committee have been looking at this issue of vending from municipal parking spaces for over a year. In September of 2009, the two committees met and on the evening of September 30 they held a public hearing. In November, the two committees met jointly again, with the Parking Committee finalizing its recommendations at its December 10, 2009 meeting.

*I would recommend the City Council move to pass second reading and schedule third and final reading of the proposed ordinance amendments to Chapter 6, Article XIII at the February 16, 2010 City Council meeting. Action on this item should take place under Section IX of the Agenda.*

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

1. **Approval of Employment Agreement for Assistant Fire Chief Steve Achilles.**  
Subsequent, to the non-meeting with counsel, I am requesting that the City Council act on the employment agreement between the Portsmouth Fire Commission and Assistant Fire Chief Steve Achilles.

*Therefore, I would recommend that the City Council approve the employment agreement between the Portsmouth Fire Commission and Assistant Fire Chief Steve Achilles.*

2. **Resolution Re: Rescission of the Twelve Million Five Hundred Thousand Dollars (\$12,500,000.00) Borrowing Authorization for an Underground Parking Facility.**  
**Attached is a copy of a proposed Resolution** entitled "Rescinding Certain Borrowing Authority". This is a straightforward rescission of the borrowing authority created by the City Council on December 17, 2007 for the purpose of purchase of a fee interest in a portion of an underground parking facility containing not less than 325 public parking spaces. This resolution may be adopted by a single vote of the Council without public hearing.

Adoption of this Resolution in the manner described would have the effect of eliminating any authority for the City administration to borrow the money for the aforementioned project and would also remove Twelve Million Five Hundred Thousand Dollars (\$12,500,000) of authorized debt from the financial records of the City.

*Therefore, I would recommend the City Council approve the Resolution rescinding certain borrowing authority with regard to Resolution #19-2007 adopted by the City Council on December 17, 2007.*

3. **Proposed Adoption of Flag Policy #2010-01.** As a result of the Economic Development Commission's presentation on January 19, 2010, I am recommending the adoption of proposed Flag Policy #2010-01. [Attached is a copy of the report](#) from the EDC, along with the new policy.

*I would recommend the City Council move to adopt proposed Flag Policy #2010-01 as recommended by the Economic Development Commission.*

4. **Martingale Wharf, LP Request to Participate in Compactor Agreement.** [Attached is a letter](#) from John Ricci, Managing Partner of Martingale Wharf, LP, requesting that the City Council approve their participation in the use of the Ceres Street compactor. As you can see from Mr. Ricci's letter, he has been in contact with the other three users of the compactor and they have no objections to Martingale Wharf being included in the use.

*I would recommend the City Council authorize me to negotiate a License Agreement and add Martingale Wharf, LP to the use of the compactor on Ceres Street.*

5. **Proposed Parking Lease and Management Agreement for Portwalk Project Lot 3.** As I indicated in the City Council Work Session on January 19<sup>th</sup>, the developers of the Portwalk project are interested in leasing to the City Lot 3 of the Portwalk project for municipal parking. [See attached aerial map](#). As you may be aware, under the zoning regulations, the City has the right to operate a surface parking lot in a downtown area if it is owned or leased by the City. [Attached is a letter from Jeff Johnston](#) on behalf of the Portwalk project offering the conditions of the lease to the City. These conditions are outlined as follows:

1. Lease of 200 +/- surface parking spaces ([see attached plan](#)).
2. Parking lot to be constructed and paid for Portwalk, including parking equipment familiar to the City.
3. Target opening date May 2010.
4. Ten Year lease. In order to construct the future phases of the project, the Owner may terminate this lease anytime after the second year of this lease with three months notice.
5. The lot would be leased to the City at no cost. All operating expenses that the City would incur would be paid by Portwalk.
6. The City would receive a management fee to be negotiated.
7. The parking rates for hourly and monthly parking would be consistent with existing City rates. The Owner of the lot has requested that a flat rate be made available for validated parking for the two hotels.

8. The operations of the surface parking lot would be 24 hours 7 days a week with public access through a barrier gate via payment system monitored by intercom and closed circuit TV by the attendance at the High Hanover garage.

9. Portwalk would pay property taxes on Lot 3.

I have asked that Jeff Johnston be in attendance at Monday evening's meeting, to answer any questions you might have regarding this matter.

*The City Staff and I are requesting that the City Council authorize the City Manager to negotiate and execute a Lease Agreement with Portwalk for a municipal surface parking lot.*

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

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on January 19, 2010.
2. **Reminder Re: 2010 Retreat/Goal Setting.** Just a reminder that the 2010 Retreat/Goal Setting is on Friday, February 5, 2010 starting at 11:30 a.m. in the Levenson Room at the Portsmouth Library. [Attached is a draft agenda.](#)
3. **News Release Re: Kelli Barnaby, CMC, City Clerk.** I am pleased to announce that Kelli Barnaby, CMC, City Clerk, has been included in the Presidential Who's Who 2010 Edition for the level of success she has reached as a City Clerk. [Attached is a copy of a letter and news release](#) from Presidential Who's Who Among Business and Professional Achievers. Please join me in congratulating Kelli on her accomplishment.
4. **Cultural Commission Board Member Update.** For your information, below is an update regarding changes to the Board of Directors of the City's Cultural Commission, d/b/a Art-Speak.

#### **New Board member as of December 2009:**

- Diane Cabell, Esq., Corporate Counsel, Creative Commons, iCommons Ltd.
- Tom Cocchiaro, Former Communications Manager – Greater Portsmouth Chamber of Commerce
- Molly Ferrera, Esq., Attorney – Bosen & Springer, PLCC

#### **Continuing Officers for FY10**

- Jane James, President – Marple & James Real Estate (Rye resident)
- Steve McHenry, Vice President – McHenry Architecture (Eliot resident)
- Leanne Spees, Treasurer – Finance (Rye residence)
- Chris Greiner, Secretary - The Music Hall and local musician (Kittery resident)
- Sheila Shay, Executive Committee Member-at-large – South Church Education Director, ceramic artist, & art educator (Portsmouth Resident)

**Continuing Board members:**

- Ellen Fineberg - NH Children's Alliance (Portsmouth resident)
- Russ Grazier, Jr. – Portsmouth Music and Art Center (Portsmouth resident)
- Blair Hundertmark) - New Hampshire Theater Project (Portsmouth resident)
- Peter Michaud – NH Division of Historic Resources (Exeter resident)
- Anna Nuttall - Portsmouth School Department (Portsmouth resident)

5. **Economic Development Commission Agenda and Minutes.** For your information, [attached](#) is a copy of the Economic Development Commission Agenda for the Friday, February 5, 2010 meeting and the minutes from the January 8, 2010 meeting.