

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, FEBRUARY 16, 2010 TIME: 7:00PM

AGENDA

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

PRESENTATION

1. Police Chief David Ferland – Police Goals and Objectives Comprehensive Strategic Plan for 2010-2015

V. ACCEPTANCE OF MINUTES – FEBRUARY 1, 2010

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. 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. 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. 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. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FOR FY10 SCHOOL FACILITIES IMPROVEMENTS

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donations to the Coalition Legal Fund
 - Town of Freedom- \$1,000.00
 - Town of Waterville Valley - \$1,000.00

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

- B. Acceptance of Donations for Art-Speak
 - Dewitt & Nancy Carmer - \$50.00
 - Tom & Annabelle Cocchiaro - \$100.00

(Sample motion – move to accept and approve the donations, as listed)

- C. Acceptance of Grant from State of New Hampshire for NH Arts Satellite Network “pass-through” Funds:
 - State of New Hampshire - \$10,000.00

(Sample motion – move to accept and approve the grant, as submitted)

- D. Acceptance of Art-Speak Overnight Art Sponsorship
 - Bid2Win Software, Inc. - \$5,000.00
 - George Friese - \$750.00
 - Bosen & Springer, PLLC - \$500.00
 - Artstream LLC - \$100.00
 - Susan J. Conway - \$100.00

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

- E. Acceptance of Grant for Art-Speak from New Hampshire State Council on the Arts
 - New Hampshire State Council on the Arts - \$6,900.00

(Sample motion – move to accept and approve the grant to Art-Speak from the New Hampshire State Council on the Arts, as presented)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption 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. Adoption 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. Adoption 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. Adoption of Resolution Authorizing a Bond Issue of up to Five Hundred Thousand Dollars (\$500,000.00) for FY10 School Facilities Improvements

- E.1. Third and final reading of Ordinance amending Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances *(First Ordinance)*

- E.2. Third and final reading of Ordinance amending Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances *(Second Ordinance)*

- F. Third and final 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 Doug Bates, Joan Chawziuk, Greater Portsmouth Chamber of Commerce, requesting permission to hang Portsmouth Harbour Trail flags at 24 key sites for the 2010 season (***Anticipated action – move to refer to the City Manager with power***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

(There are no items under this section of the agenda)

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 Hearings/Adoption of Proposed Ordinance Amendments and Resolutions:
 - 1.1 Public Hearing and Adoption of Elderly & Disabled Exemptions (***Action on this item should take place under Section IX of the Agenda***)
 - 1.2 Public Hearing and Adoption 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. Third and Final Reading of Proposed Ordinance Amendments and Resolutions
 - 2.1 Third and Final 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 Third and Final 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 Easement for Lafayette Road Fire Station
2. Request to Renew Lease Agreement for Sons of Italy
3. Request to Renew Seacoast Growers' Association (Famers' Market) Proposed 2010 License Agreement
4. Request for a License Agreement from Fast Eddie's Dirty Laundry for property located at 123 Market Street to install a projecting sign
5. Request for a License Agreement from Ellie's Oxygen Lounge and Raw Juice Bar for property located at 146 Fleet Street to install a projecting sign
6. Request for a License Agreement from Odyssey and Oracle for property located at 82 Fleet Street to install a projecting sign
7. Request for two License Agreements from The Page Restaurant for property located at 172 Hanover Street to install a projecting sign and a "temporary" freestanding sign
8. Report Back Re: Donation of land from Griffin Family Corporation

Informational Items

1. Events Listing
2. Quarterly Report on Chamber/City Partnership
3. Indoor Recreational Facilities Community Input Session Agenda

B. MAYOR FERRINI

1. Resignation – William Gladhill – Economic Development Commission
2. Appointments to be Considered:
 - Lyz Boudreaux – Peirce Island Committee – Initial
 - Linda King – Peirce Island Committee – Initial
 - James Russ – Peirce Island Committee – Initial
 - John Simon – Peirce Island Committee – Initial
 - Arlene Corriveau – Peirce Island Committee – Reappointment
 - Harold Hapgood – Peirce Island Committee – Reappointment
 - Steven Marison – Peirce Island Committee – Reappointment
 - Robert Pollard – Peirce Island Committee – Reappointment
 - Richard Smith – Peirce Island Committee – Reappointment
 - Harold Whitehouse – Peirce Island Committee – Reappointment
 - Anthony Blenkinsop – Planning Board – Reappointment
 - MaryLiz Geffert – Planning Board - Reappointment
 - William Gladhill – Planning Board Alternate - Initial
 - Paige Roberts – Planning Board – Reappointment

- Peter Bresciano – Taxi Commission – Reappointment
 - Frank Daggett – Taxi Commission – Reappointment
 - James Feehley – Taxi Commission – Reappointment
 - Joel Look – Taxi Commission – Reappointment
 - John Connors – Traffic & Safety Committee – Reappointment
 - Ronald Cypher – Traffic & Safety Committee – Reappointment
 - Frederick (Ted) Gray – Traffic & Safety Committee – Reappointment
 - Brad Lown – Trustees of the Trust Fund – Reappointment
3. Recommended Blue Ribbon Committee on Operational Efficiencies
 4. *Reports

C. COUNCILOR SPEAR

1. City Council Referral on Downtown Events

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

(*Indicates verbal report)

INFORMATIONAL ITEMS

1. Notification that the Historic District Commission Minutes of the December 9, 2009 are available on the City's website for your review

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: February 11, 2010
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on February 16, 2010 City Council Agenda

Presentation:

1. **Presentation by Police Chief David Ferland.** Chief Ferland will present the results of the Portsmouth Police Goals and Objectives Comprehensive Strategic Plan for 2010-2015. This would be approximately a ten minute presentation.

Acceptance of Grants/Donations:

1. **Acceptance of Donations to the Coalition Legal Fund.** Attached are copies of checks from the Town of Freedom in the amount of \$1,000.00 and the Town of Waterville Valley in the amount of \$1,000.00 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 donations, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section VIII of the Agenda.

2. **Acceptance of Donations for Art-Speak.** Art-Speak requests that the following unrestricted donations, totaling \$150.00 be accepted by the City Council for Art-Speak's operations. These funds are donations resulting from Art-Speak's Annual Appeal letter.

- Dewitt and Nancy Carmer \$ 50
- Tom and Annabelle Cocchiaro \$100

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 VIII of the Agenda.

3. **Acceptance of \$10,000.00 Grant from State of New Hampshire for NH Arts Satellite Network “pass through” Funds.** This \$10,000.00 grant supports the statewide Arts Satellite Network of which Art-Speak is a member and is acting as the pass through entity for receipt of New Hampshire State Council on the Arts grant funds. The grant includes \$7,500 for contract costs of Judy Ringmont, the network coordinator, to assist Arts Satellite Network members in capacity building of community arts organizations. The grant also includes \$2,000 in funds for a consultant to provide the network with assistance on artist live/work space, and \$500 in funds to Art-Speak for its pass through administrative services.

I would recommend the City Council move to accept and approve the grant, as submitted. Action on this matter should take place under Section VIII of the Agenda.

4. **Acceptance of Donations for Art-Speak for Overnight Art.** Art-Speak requests that the following donations totaling \$6,450.00, to sponsor Overnight Art be accepted by the City Council:

| | |
|--------------------------|---------|
| ➤ Bid2Win Software, Inc. | \$5,000 |
| ➤ George Friese | 750 |
| ➤ Bosen & Springer, PLLC | 500 |
| ➤ Artstream LLC | 100 |
| ➤ Susan J. Conway | 100 |

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

5. **Acceptance of Grant for Art-Speak from New Hampshire State Council on the Arts.** Art-Speak requests that a grant in the amount of \$6,900.00 from the New Hampshire State Council on the Arts be accepted by the City Council. This grant is for the Artworks program in the Portsmouth Middle School. Artworks is a partnership between Art-Speak and the Portsmouth Middle School, local businesses, and local artists geared towards exposing students to the range of careers associated with the arts, especially those specific to Portsmouth.

I would recommend the City Council move to accept and approve the grant to Art-Speak from the New Hampshire State Council on the Arts, as presented. 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 of Proposed Ordinance Amendments and Resolutions:

- 1.1 **Public Hearing and Adoption of Elderly & Disabled Exemptions.** As a result of the February 1st City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption 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 15th 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 adopt the Resolution for Elderly Exemptions, as submitted. (Resolution requires two readings and a majority vote.) Action on this matter should take place under Section IX of the Agenda.*
- 2) Move to adopt the Resolution for Disabled Exemptions, as submitted. (Resolution requires two readings and a majority vote.) Action on this matter should take place under Section IX of the Agenda.*

1.2 **Public Hearing and Adoption of Resolutions for Proposed Bonding Re: Citywide and School Facilities Improvements.** As a result of the February 1st City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the [attached proposed Resolutions](#) for 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 adopt the proposed Bond Resolution for Citywide Improvements in the amount up to \$1,800,000 as submitted.*
- 2) *Move to adopt the proposed Bond Resolution for School Facilities Improvements in the amount of up to \$500,000 as submitted.*

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

2.1 **Third and Final Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances.** As a result of the February 1st City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the following [attached proposed Ordinance](#) amendments:

- E.1 Ordinance Amending Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (First Ordinance).
- E.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 I, 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 IX 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.

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

- E.1 Move to pass third and final reading of the proposed Ordinance Amending Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (First Ordinance), as submitted.*

- E.2 Move to pass third and final reading of the proposed Ordinance Amending Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (Second Ordinance), as submitted.*

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

2.2 **Third and Final Reading of Proposed Ordinance Amendments to Chapter 6, Article XIII, Section 6.1307 – Prohibited Conduct – Vendor from Motor Vehicle.** As a result of the February 1st City Council meeting, under Section IX of the Agenda, I am bringing back for third and final 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 third and final reading of the proposed ordinance amendments to Chapter 6, Article XIII, as submitted. Action on this item should take place under Section IX of the Agenda.

City Manager’s Items Which Require Action:

1. **Approval of Easement for Lafayette Road Fire Station.** The City has been informed that Public Service of New Hampshire (PSNH) is requiring an easement from the City to allow utility poles and underground service to power the new Fire Station on Lafayette Road. It appears from the deed that the pole is on Ocean Road.

[Attached is a copy of a deed form](#) provided by PSNH. Robert Sullivan, City Attorney and Dan Hartrey, City Facilities Manager have reviewed this document and recommend

the City Council's approval. Referral to the Planning Board will not be necessary because the Planning Board has already approved the Fire Station site plan.

I would recommend the City Council move to authorize the City Manager to execute the easement for the Lafayette Road Fire Station.

2. **Request to Renew Lease Agreement for Sons of Italy.** Attached is a copy of a letter from the Sons of Italy, Seacoast Area Lodge #2303 requesting the renewal of their Lease Agreement for the property at One Plains Avenue, for a one-year extension effective April 1, 2010 through March 31, 2011. Also, attached is a copy of the revised Lease Agreement.

I would recommend the City Council move to extend the Lease Agreement with the Sons of Italy at One Plains Avenue, for a period of April 1, 2010 through March 31, 2011.

3. **Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2010 License Agreement.** Attached is a copy of a letter from Celeste Gingras, President of the Seacoast Growers' Association, requesting renewal of their License Agreement. Also, attached is a draft of the proposed 2010 License Agreement with the Seacoast Growers' Association to allow a Farmers' Market at the municipal complex. Also, please note that a paragraph has been added to the License Agreement, regarding zero waste. The Seacoast Growers' Association has been conducting their Farmers' Market at the municipal complex over the past eight years.

If this draft agreement meets with the approval of City Council, I would ask that you authorize me to enter into the proposed Agreement between the Seacoast Growers' Association and the City of Portsmouth for a License Agreement to conduct their Farmers' Market for 2010. I've requested that Celeste Gingras, President, of the Seacoast Growers' Association be in attendance on Tuesday evening to answer any questions you may have regarding this matter.

I would recommend the City Council move to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association, as presented.

4. **Request for a License Agreement from Fast Eddie's Dirty Laundry for property located at 123 Market Street to install a projecting sign.** Attached is a copy of memorandum from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding a request from Ed Saunders, Portsmouth-Seacoast Retail Group, LLC, owner of Fast Eddie's Dirty Laundry for property located at 123 Market Street, to install a projecting sign (see attached photographs).

This request was received by the Planning Department on December 30, 2009, and reviewed by the Planning Board on January 21, 2010. The Board voted to recommend approval of a revocable municipal license, subject to the following conditions:

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 Planning Board's recommendation with the aforementioned stipulations and approve the request of Ed Saunders, Portsmouth-Seacoast Retail Group, LLC, owner of Fast Eddie's Dirty Laundry to install a projecting sign at 123 Market Street and further authorize the City Manager to execute a License Agreement for this request.

5. **Request for a License Agreement from Ellie's Oxygen Lounge and Raw Juice Bar for property located at 146 Fleet Street to install a projecting sign.** Attached is a copy of memorandum from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding a request from Evon Cooper, owner of Ellie's Oxygen Lounge and Raw Juice Bar for property located at 146 Fleet Street, to install a projecting sign (see attached photographs).

This request was received by the Planning Department on January 13, 2010, and reviewed by the Planning Board on January 21, 2010. The Board voted to recommend approval of a revocable municipal license, subject to the following conditions:

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 Planning Board's recommendation with the aforementioned stipulations and approve the request of Evon Cooper, owner of Ellie's Oxygen Lounge and Raw Juice Bar to install a projecting sign at 146 Fleet Street and further authorize the City Manager to execute a License Agreement for this request.

6. **Request for a License Agreement from Odyssey and Oracle for property located at 82 Fleet Street to install a projecting sign.** Attached is a copy of memorandum from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding a request from Josh Johnson, owner of Odyssey and Oracle for property located at 82 Fleet Street, to install a projecting sign (see attached photographs).

This request was received by the Planning Department on January 7, 2010, and reviewed by the Planning Board on January 21, 2010. The Board voted to recommend approval of a revocable municipal license, subject to the following conditions:

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 Planning Board's recommendation with the aforementioned stipulations and approve the request of Josh Johnson, owner of Odyssey and Oracle to install a projecting sign at 82 Fleet Street and further authorize the City Manager to execute a License Agreement for this request.

7. **Request for two License Agreements from The Page Restaurant for property located at 172 Hanover Street to install a projecting sign and a "temporary" freestanding sign.** Attached is a copy of memorandum from Rick Taintor, Planning Director, outlining the Planning Board's extensive review and recommendation regarding a request from Ted Mountzuris and John Dussi, applicants for The Page Restaurant for property located at 172 Hanover Street, to install a projecting sign over the Hanover Street sidewalk; and a removable freestanding monument sign and associated lighting fixtures in the Vaughan Mall right-of-way. (see attached photographs).

The original request for the projecting sign was received by the Planning Department on July 31, 2009; and subsequent revised requests (with the inclusion of the proposed freestanding sign) were received on September 9 and September 30, 2009. The various requests were reviewed by the Planning Board at its meetings on August 20, October 15, and November 19, 2009; and January 21, 2010.

At its meeting on January 21, 2010, the Planning Board voted as follows:

- (1) To recommend that the City Council grant approval of a revocable municipal license for the projecting sign, subject to the following conditions:
 1. The license shall be approved by the Legal Department as to content and form;
 2. The sign design shall be referred to the HDC for approval.
 3. Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and
 4. 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.

- (2) To recommend that the City Council grant approval of a revocable municipal license to place a removable monument sign, underground conduit, lighting fixtures, and surrounding curbing and landscaping on municipal property in Vaughan Mall, subject to the following conditions:
 1. The license shall be approved by the Legal Department as to content and form;
 2. The sign design shall be referred to the HDC for approval.
 3. Any removal or relocation of the sign, conduit, lighting fixtures, curbing or landscaping, for any reason, will be done at no cost to the City; and
 4. At the termination of the license, any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the sign, conduit, lighting fixtures, curbing or landscaping, 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 Planning Board's recommendation with the aforementioned stipulations and approve the request of Ted Mountzuris and John Dussi for the Page Restaurant to install a projecting sign and to place a removable monument sign, underground conduit, lighting fixtures, and surrounding curbing and landscaping on municipal property in Vaughan Mall at 172 Hanover Street and further authorize the City Manager to execute two License Agreements for this request.

8. **Report Back Re: Donation of land from Griffin Family Corporation.** As you may recall, at the December 21, 2009 City Council meeting, the Council reviewed an offer from Mary Giffin, President of Griffin Family Corporation, to donate to the City a parcel of land on the Route 1 Bypass. The parcel is adjacent to the railroad bridge and opposite the Frank Jones Center, and is almost entirely wetlands. [Attached is a copy of a memorandum](#) from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding this matter.

I would recommend the City Council move to accept the Planning Board's recommendation to accept the donation of the land.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on February 1, 2010.

2. **Quarterly Report on Chamber/City Partnership.** At the February 5, 2010 Economic Development Commission (EDC) meeting, Chamber of Commerce President Doug Bates reported on tourism for the period October 1 – December 31, 2009. You may recall that the report is part of the City of Portsmouth and Chamber of Commerce partnership for which the Council has requested copies of the quarterly reports presented to the EDC. [The report is attached for your review.](#)

3. **Indoor Recreational Facilities Community Input Session Agenda.** For your information, [attached is a copy of the Indoor Recreational Facilities Community Input Session Agenda](#) for Thursday, February 18, 2010, from 6:30 pm. to 8:15 p.m., at Little Theater, Portsmouth High School.