

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 7, 2010 TIME: 7:00PM

AGENDA

- 6:00PM – NON-PUBLIC SESSION PURSUANT TO RSA 91-A:3, II (i) FOR CONSIDERATION OF MATTERS RELATED TO EMERGENCY FUNCTIONS
 - 6:30PM – ANTICIPATED “NON-MEETING” WITH COUNSEL REGARDING NEGOTIATIONS – RSA 91-A:2, I (b-c)
- I. CALL TO ORDER
 - II. ROLL CALL
 - III. INVOCATION
 - IV. PLEDGE OF ALLEGIANCE
 - V. ACCEPTANCE OF MINUTES – MAY 10, 2010 AND MAY 17, 2010
 - VI. PUBLIC COMMENT SESSION
 - VII. PUBLIC HEARINGS
 - A. RESOLUTION AUTHORIZING BORROWING IN ANTICIPATION OF REVENUES AND TAXES IN THE AMOUNT OF \$16,000,000.00
 - B. ORDINANCE AMENDING CHAPTER 10, ARTICLE IV, SECTION 10.420 – DISTRICT LOCATION AND BOUNDARIES THAT THE FOLLOWING LOTS BE REZONED FROM WATERFRONT BUSINESS (WB) TO SINGLE RESIDENCE B (SRB): ASSESSORS MAP 201, LOTS 3, 4, 5, 6, 7 AND 8 (1-6 SAGAMORE GROVE); AND THAT THE ZONING MAP BE REVISED ACCORDINGLY AS SHOWN ON THE EXHIBIT TITLED “SAGAMORE GROVE WATERFRONT BUSINESS DISTRICT – PROPOSED ZONING”
 - VIII. APPROVAL OF GRANTS/DONATIONS
 - A. *NH Department of Health and Human Services Grant (***Sample motion – move to authorize the City Manager to apply for, accept and expend a \$3,000.00 grant from the NH Department of Health and Human Services to support the Greater Portsmouth Public Health Network’s Medical Reserve Corps Unit efforts***)
 - B. Acceptance of Grant from the NH Department of Highway Safety to the Portsmouth Police Department for Portsmouth DWI Hunter Patrols - \$2,475.00
 - C. Acceptance of Grant from the NH Department of Highway Safety to the Portsmouth Police Department for a seat belt campaign - \$4,125.00
 - D. Acceptance of Grant from the NH Department of Justice to the Portsmouth Police Department for Enforcing Underage Drinking Laws - \$9,732.00

- E. Acceptance of Grant from the NH Department of Justice to the Portsmouth Police Department for the victim/witness advocate position - \$31,772.00 (*This is an in-kind match for FY11 only*)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Budget Resolutions for Fiscal Year July 1, 2010 through June 30, 2011 (FY2011)
- Resolution #7-2010 – General Fund Expenditures
 - Resolution #8-2010 – Municipal Fees
 - Resolution #9-2010 – Sewer Fund Expenditures
 - Resolution #10-2010 – Water Fund Expenditures
 - Resolution #11-2010 – Special Revenues for Necessary Expenditures and Designated Fund Balances
 - Resolution #12-2010 – Investment Policy
- B. Adoption of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the amount of \$16,000,000.00
- C. Second reading of Ordinance amending Chapter 10, Article IV, Section 10.420 – District Location and Boundaries that the following lots be rezoned from Waterfront Business (WB) to Single Residence B (SRB): Assessors Map 201, Lots 3, 4, 5, 6, 7 and 8 (1-6 Sagamore Grove); and that the Zoning Map be revised accordingly as shown on the exhibit titled “Sagamore Grove Waterfront Business District – Proposed Zoning”

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. *Acceptance of Donations to the Fire Department for restoration of the 1950 Mack Fire Truck
- Baybutt Construction Corporation - \$500.00
 - Paul T. Wentworth - \$500.00
 - Granite State Minerals, Inc. - \$5,000.00
- (Anticipated Action – move to approve and accept the donations to the Fire Department for the restoration of the 1950 Mack Fire Truck, as listed)***
- B. *Acceptance of Donations for Art-Speak for Overnight Art
- Jane James - \$250.00
 - McHenry Architecture - \$250.00
 - Peter Michaud (for the Warner House Association) - \$250.00
- (Anticipated Action – move to accept and approve the donations to Art-Speak for Overnight Art, as presented)***
- C. *Acceptance of Donations for Art-Speak for Coordinator’s Contract
- Sunrise Rotary Charitable Corporation - \$500.00
- (Anticipated Action – move to accept and approve the donation to Art-Speak for the Coordinator’s Contract, as presented)***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Sean and Lina Tracey supporting The Red Ginger request for tables and chairs in front of their establishment (***Sample motion – move to accept and place the letter on file***)
- B. Letter from Priscilla Paisley, Portsmouth Elks Lodge #97, requesting permission to install a stone monument at the Leary Field flag pole dedicating it to the youth of Portsmouth
- C. Letter from Jack Blalock, President Old Ferry Landing; and John Golumb, President of Pocos requesting that the Ceres Street Waterfront Pocket Park be designated as a non-smoking public area (***Sample motion – move to refer to the Legal Department for report back***)
- D. Letter from Deb Weeks, The Green Monkey Restaurant, requesting to amend the original request approved by City Council on April 5, 2010 to remove 1 grease drum and replace with one 2-yard dumpster and 3 eco-movement totes for composting and recycling (***Sample motion – move to refer to the City Manager with power***)
- E. Letter from Jeffrey Clifford, Altus Engineering, Inc., regarding Proposed Land Transfer for property located on 1808 Islington Street (***Sample motion – move to refer to the Planning Board for report back***)
- F. Letter from Briana Marshall, Big Brothers Big Sisters, requesting permission to close Fleet Street in between Congress Street and State Street on Friday, August 20, 2010 from 3:30 p.m. – 4:30 p.m. in order to hold the Seacoast Stiletto Sprint
- G. Letter from Karina Quintans, Downtown Portsmouth Zero Waste Project, requesting a work session with the City Council on June 21, 2010 regarding the Zero Waste Project with proposed locations for the stations, followed by a vote of the City Council (***Sample motion – move to refer to the City Manager for report back***)

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

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

- 1. Public Hearing/Second Reading of Proposed Ordinance Amendments and Resolutions:
 - 1.1 Public Hearings/Adoption of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the amount of \$16,000,000.00 (***Action on this matter should take place under Section IX of the Agenda***)

- 1.2 Public Hearing/Second Reading of Ordinance amending Chapter 10, Article IV, Section 10.420 – District Location and Boundaries – Rezoning Lots on Sagamore Grove from Waterfront Business (WB) to Single Residence B (SRB) (**Action on this matter should take place under Section IX of the Agenda**)
2. Adoption of Proposed Budget Resolutions:
 - 2.1 Adoption of Budget Resolutions for Fiscal Year July 1, 2010 through June 30, 2011 (FY2011) (**Action on this matter should take place under Section IX of the Agenda**)
 - Resolution #7-2010 – General Fund Expenditures
 - Resolution #8-2010 – Municipal Fees
 - Resolution #9-2010 – Sewer Fund Expenditures
 - Resolution #10-2010 – Water Fund Expenditures
 - Resolution #11-2010 – Special Revenues for Necessary Expenditures and Designated Fund Balances
 - Resolution #12-2010 – Investment Policy

City Manager's Items Which Require Action

1. Approval of Christopher LeClaire, Fire Chief's Employment Agreement
2. Report Back Re: The Red Ginger, LLC request for Tables, Chairs and 1 A-frame sign in front of establishment (*Tabled from the May 17, 2010 City Council meeting*)
3. Report Back Re: Leahy Landscaping, Inc. request to install an irrigation system within the public right-of-way
4. Request for a License from Heather Lassard, owner of Tulips for property located at 62 Market Street to install a projecting sign
5. Request for a License from Ann Hopenioassei, owner of Esta for property located at 67 Bow Street to install a projecting sign
6. Acceptance of Drainage Easement at 1179 Maplewood Avenue
7. Request for Approval of Pole Licenses #63-0482 and #63-0483

Informational Items

1. Events Listing
2. *Report Back Re: Central Veterans Council request to relocate the WWI Monuments in Langdon Park
3. News Release Re: City to Hold Ribbon Cutting for Bow Street – Ceres Street Waterfront Park

B. MAYOR FERRINI

1. Appointments to be Considered:
 - Kelvin Edwards – Appointment to the African Burying Ground Blue Ribbon Committee
 - Joseph Almeida – Reappointment to the Historic District Commission
 - Tracy Kozak – Reappointment to the Historic District Commission
 - Jonathan Wyckoff – Reappointment to the Historic District Commission
 - Steven Berg – Reappointment to the Portsmouth Housing Endowment Fund Advisory Board
 - Christine Lukacz – Reappointment to the Portsmouth Housing Endowment Fund Advisory Board
2. Appointments to be Voted:
 - Kathy Pearce – Reappointment to the Cable Television and Communication Commission
 - James Melfi – Reappointment to the Citywide Neighborhood Steering Committee
 - Sharon Morrison – Reappointment to the Citywide Neighborhood Steering Committee
3. *Operational Efficiencies Blue Ribbon Committee – Appointment of Dana Levenson
4. *Reports

C. COUNCILOR SPEAR

1. *"Portsmouth Budget – Portsmouth Listens"

D. COUNCILOR KENNEDY

1. *Sewer Water Treatment Plant Re: Future meeting to review plan
2. *Portsmouth Taxpayers' Association Budget Information

E. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the May 13, 2010 meeting
2. Parking Committee Action Sheet and Minutes of the May 13, 2010 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. Notification that the Conservation Commission Minutes of the February 9, 2010 and April 14, 2010 meetings are available on the City's website for your review
2. Notification that the Technical Advisory Committee Minutes of the May 4, 2010 and May 5, 2010 meetings are available on the City's website for your review
3. Notification that the Board of Adjustment Minutes of the March 23, 2010 meeting are available on the City's website for your review
4. Notification that the Planning Board Minutes of the April 15, 2010 and April 29, 2010 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: June 4, 2010
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on June 7, 2010 City Council Agenda

6:00 p.m. – Non-public session followed by a 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. **NH Department of Health and Human Services Grant.** In 2005, the City began to receive funding from the NH Department of Health and Human Services (DHHS) to develop the Greater Portsmouth Public Health Network (GPPHN), which was formed to improve emergency response capability and planning for large-scale emergencies and pandemics, natural disasters, and chemical/biological emergencies. Through the GPPHN, the City works with its regional partner towns of Greenland, Rye, Newington, North Hampton, and New Castle on various emergency response planning activities, which include developing and recruiting medical volunteers for the Greater Portsmouth Medical Reserve Corps (MRC) Unit. DHHS is making available a \$3,000 grant to the City to be used to support the ongoing recruitment, training and deployment of the MRC volunteers, as well as the integration of MRC with the State Emergency System for Advance Registration of Volunteer Healthcare Professionals program.

I would recommend that the City Council move to authorize the City Manager to apply for, accept and expend a \$3,000 grant from the NH Department of Health and Human Services to support the Greater Portsmouth Public Health Network's Medical Reserve Corps Unit efforts. 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 May 27, 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 \$2,475 from the NH Department of Highway Safety for Portsmouth DWI Hunter Patrols.
- b. A grant in the amount of \$4,125 from the NH Department of Highway Safety for a Portsmouth "Join the NH Clique" seat belt campaign.
- c. A grant in the amount of \$9,732 from the NH Department of Justice for Enforcing Underage Drinking Laws.
- d. A grant in the amount of \$31,772 from the NH Department of Justice for the victim/witness advocate position. This is an in-kind match for FY11 only.

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

- 1.1 **Public Hearing/Adoption of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the amount of \$16,000,000.00.** As a result of the May 17th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption [the attached Resolution](#) for FY11 authorizing borrowing in anticipation of taxes. As you are aware, by state law, the City bills for property taxes twice a year in arrears. For example, the first half tax bill in FY11 will be issued in October and is not due until December 1, 2010 even though our fiscal year starts on July 1, 2010. Similarly, the second half bill is not due until June 1, 2011.

Because property taxes constitute our single largest source of revenue, this lag in billing may cause a temporary cash flow problem for us in both the beginning and the middle of the fiscal year. If necessary, this resolution would allow us to borrow money on a short-term basis until the property taxes come in. The [attached Resolution](#) requires two readings of the City Council and a Public Hearing.

I would recommend the City Council move to adopt the Resolution, as presented. Please note that borrowing resolutions need only two readings and must be adopted by a two-thirds vote of the City Council. Action on this matter should take place under Section IX of the Agenda.

- 1.2 **Public Hearing/Second Reading of Ordinance amending Chapter 10, Article IV, Section 10.420 – District Location and Boundaries - Rezoning Lots on Sagamore Grove from Waterfront Business (WB) to Single Residence B (SRB).** As a result of the May 17th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached](#) proposed Ordinance amending Chapter 10, Article IV, Section 10.420 – District Location and Boundaries – Rezoning Lots on Sagamore Grove from Waterfront Business (WB) to Single Residence B (SRB).

On February 1, 2010 the Council voted to refer the [attached letter](#) from Peter G. Weeks of PGW Real Estate Consulting to the Planning Board for a report back as well as an accompanying [letter \(also attached\)](#) from the property owners of 2 Sagamore Grove (Lucian Szmyd), 4 Sagamore Grove (Craig Sieve) and 6 Sagamore Grove (William L. Pingree). Mr. Weeks' letter requested that six lots on Sagamore Grove (Map 201, Lots 3, 4, 5, 6, 7 and 8), which are currently zoned Waterfront Business, be rezoned to Mixed Residential Business or Single Residence B. In addition, [attached is a packet of information dated June 1, 2010](#) from Peter G. Weeks of PGW Real Estate Consulting, in support of the rezoning request. [Attached for your information is a memo](#) from Planning Director Rick Taintor with further details regarding this matter.

On February 18, 2010, the Planning Board considered this matter and voted to schedule a public hearing, which took place on April 29, 2010. At their meeting on April 29th the Planning Board voted to recommend that the City Council rezone from Waterfront Business (WB) to Single Residence B (SRB) Map 201, Lots, 3, 4, 5, 6, 7 and 8 as depicted on the [attached proposed zoning map](#).

I would recommend the City Council move to pass second reading and establish a third and final reading for the proposed Ordinance and zoning map, as presented, at the June 21, 2010 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

2. **Adoption of Proposed Budget Resolutions:**

- 2.1 **Adoption of Budget Resolutions for Fiscal Year July 1, 2010 through June 30, 2011 (FY2011).** On Monday evening, I am requesting that the City Council adopt the proposed FY 2011 Budget (July 1, 2010 thru June 30, 2011). For your review and action there are six proposed Resolutions relative to the annual budget adoption process [attached under Section IX of the Agenda](#).

Resolution No. 7–2010 - General Fund Expenditures. In this Resolution, the proposed appropriations for the Municipal, Police, Fire, School Departments and the Indoor Pool as well as Collective Bargaining Contingency and Non-Operating appropriations are listed separately.

The FY 2011 Proposed Budget was submitted to the City Council on April 9, 2010. The submitted budget of \$87,803,155 resulted in proposed tax increase of \$1.28 for a rate of \$18.37 per \$1000 of valuation.

As a result of various work sessions with departments and the City Council, adjustments were made both on the revenue and expenditure sides of the budget. As a result, total adjustments to the budget were \$2,244,063 which reduced the proposed tax rate by \$.59 to \$17.78 for a total increase of \$.69.

The total of the aforementioned adjustments are summarized as follows:

		Total	Rate
Revenue From New Growth	\$500,000		
Increase to Revenue	\$350,000		
Total Revenues		<u>\$850,000</u>	
Decrease to Expenditures:			
Non-Operating		<u>\$719,300</u>	
Operating			
Municipal	\$191,461		
Police	\$288,087		
Fire	\$99,910		
School	\$95,305		
Total Operating		<u>\$674,763</u>	
Total Expenditures		<u>\$1,394,063</u>	
Total Adjustments		<u>\$2,244,063</u>	<u>(\$0.59)</u>
Original Proposed Budget Tax Rate Increase			\$1.28
Proposed Changes			<u>(\$0.59)</u>
Tax Rate Increase After Proposed Changes			<u>\$0.69</u>

It should be noted that in the proposed FY11 Budget there is a reduction of 25 full-time positions citywide, which achieved the goals set out by the City Council.

Therefore, the FY11 Budget for both operating and non-operating, including the addition of \$155,000 for the indoor pool, would be \$86,564,092 or 3% over the FY10 budget if this proposal is adopted.

Resolution No. 8-2010 adopts Municipal Fees that have been recommended by the Fee Committee. The total revenue generated from these fees is estimated at \$829,000 or 1% of the total FY11 General Fund Revenues. Please note that any new fees for the indoor pool will go to the Special Revenue Fund.

Resolution No. 9-2010 establishes the annual appropriation, cash requirements and user rates for the Sewer fund. The adoption of this resolution includes a two step, inclining block rate structure. This means the first 10 units (1 unit equals 100 cubic feet or 748

gallons) of sewer usage per month will be charged at \$5.50 per unit, all consumption over 10 units per month will be charged at \$6.05 per unit. This increase translates to an approximate monthly increase of \$5.00 to the average residential user. Eighty percent (80%) of all residential customers fall in the 10 units or less tier.

Resolution No. 10-2010 establishes the annual appropriation, cash requirements and user rates for the Water fund. Similar to Sewer, the adoption of this resolution will include a two step, inclining block rate structure. The first 10 units (1 unit equals 100 cubic feet or 748 gallons) of water consumed per month will be charged at \$4.15 per unit, all consumption over 10 units per month will be charged at \$5.00 per unit. This increase translates to an approximate monthly increase of \$8.50 to the average residential user. Eighty percent (80%) of all residential customers fall in the 10 units or less tier.

Resolution No. 11-2010 allows for the expenditure of Special Revenues and Designated Fund Balances. This allows the City to expend from designated fund balances, donations and Federal and State Grants as they are accepted and received. The Parking and Transportation Fund is one of the Special Revenue Funds and will include \$36,000 to fund the school crossing guards. The appropriation will come from within the Special Revenue Fund.

Resolution No. 12-2010 deals with the adoption of an annual investment policy. State law requires the annual adoption of such a policy by every city and town.

Suggested Motions:

Move to adopt Resolution #7 – General Fund Expenditures.

Move to adopt Resolution #8 – Municipal Fees.

Move to adopt Resolution #9 – Sewer Fund Expenditures.

Move to adopt Resolution #10 – Water Fund Expenditures.

Move to adopt Resolution #11 – Special Revenues for Necessary Expenditures and Designated Fund Balances.

Move to adopt Resolution #12 – Investment Policy.

(Actions on Resolutions 7 thru 12 should take place under Section IX of the Agenda.)

Consent Agenda:

1. **Acceptance of Donations to the Fire Department.** The Fire Department has received the following donations for the restoration of the 1950 Mack Fire Truck:

- Baybutt Construction Corporation for \$250.00
- Paul T. Wentworth for \$500.00
- Granite State Minerals, Inc. for \$5,000.00

I would recommend that the City Council move to approve and accept the donations to the Fire Department for the restoration of the 1950 Mack Fire Truck, as listed. Action on this matter should take place under Section X of the Agenda.

2. **Acceptance of Donations for Art-Speak for Overnight Art.** Art-Speak requests that the following donations totaling \$750.00 to sponsor Overnight Art be accepted by the City Council:

- Jane James \$250.00
- McHenry Architecture \$250.00
- Peter Michaud (for the Warner House Association) \$250.00

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 X of the Agenda.

3. **Acceptance of Donations for Art-Speak for Coordinator's Contract.** Art-Speak requests that a donation in the amount of \$500.00 from Sunrise Rotary Charitable Corporation for the Coordinator's Contract be accepted by the City Council.

I would recommend the City Council move to accept and approve the donation to Art-Speak for the Coordinator's Contract, 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 Christopher LeClaire, Fire Chief's Employment Agreement.** The Fire Commission has approved a Tentative Agreement with Christopher LeClaire, Fire Chief, for a five year contract to expire June 30, 2014. [Attached](#) please find a revised copy of this Agreement with the changes requested by the City Council, including the effective date of January 1, 2010 for the salary increase. This contract complies with all the guidelines established by the City Council.

I would recommend that the City Council approve this five (5) year Employment Agreement to expire on June 30, 2014 with Christopher LeClaire, Fire Chief, as presented.

2. **Report Back Re: The Red Ginger, LLC request for Tables, Chairs and 1 A-frame sign in front of establishment (Tabled from the May 17, 2010 City Council meeting).** As you will recall, at the May 17th City Council meeting, the City Council tabled the request of The Red Ginger, LLC, for the permission to place tables, chairs and 1 A-frame sign in front of the establishment located at 261 South Street, to the June 7th Council meeting. The following is a report back regarding this matter.

The Red Ginger went before the Board of Adjustment on November 27, 2007 to obtain a special exception use approval "... to restore prior use of the property as conducted by the businesses that were there in recent years, South Street and Vine and South Street Market." As part of the application presented and approved by the Board of Adjustment (BOA), they indicated that the hours of operation would be from 7:00 a.m. to 7:00 p.m. seven days per week, and that "[t]here will be no seating ...".

With regard to seating, in the context of what was before the BOA in November 2007, it appears likely that seating was discussed with regard to seating within the premises on private property. Given that the seating now requested would be on City property and in accordance with normal City policy would be available to any member of the public, not limited to The Red Ginger use or specifically authorized for food service, no BOA approvals are needed with regard to this matter. It should be noted that there are currently two (2) benches against the front of the building, which are located partially on City property.

With regard to the applicant's request for an A-frame sign, per conversation with City staff, they have now modified their A-frame sign request in favor of a request for a flag to be located as shown on [the attached plan](#).

City staff has reviewed this matter and offer the following recommendation, which is depicted on [the attached](#):

Allow the sidewalk obstruction, subject to the following criteria:

1. The two (2) benches located partially on City property will be removed.
2. A maximum of two (2) tables, no more than 27 inches in diameter.
3. A maximum of six (6) chairs in total, typically three (3) chairs per table.
4. All tables and chairs are to be brought inside the building at end of the store's business day.
5. The placement of the tables is to be as shown on the [attached plan](#).
6. One (1) flag located as shown on the [attached plan](#).
7. The above items will be allowed by temporary license on City property as shown for a five (5) week trial period concluding July 19th. At that time, the issue will come back before the City Council and assuming no neighborhood concerns are raised, a license will be issued.
8. The license should be revocable at any time if the applicant fails to comply with these criteria or impedes public passage on the city sidewalk.

I would recommend the City Council move the following motions:

- 1) *Remove the item from the table; and,*
- 2) *Approve a Sidewalk Obstruction License with the aforementioned stipulations for The Red Ginger, LLC, 261 South Street.*

3. **Report Back Re: Leahy Landscaping, Inc. request to install an irrigation system within the public right-of-way.** As you will recall, at the May 17th City Council meeting the Council referred the request from Leahy Landscaping, 1600 Woodbury Avenue, to install an irrigation system in the public right-of-way to the Legal Department for report back. [Attached is a copy of a memorandum](#) from Robert Sullivan City Attorney, recommending the [proposed attached Revocable License](#), regarding this request.

I would recommend the City Council move to approve a Revocable License to Leahy Landscaping, 1600 Woodbury Avenue and authorize the City Manager to execute the License Agreement.

4. **Request for a License from Heather Lassard, owner of Tulips for property located at 62 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 Heather Lassard, owner of Tulips for property located at 62 Market Street, to install a projecting sign on a new bracket ([see attached photographs](#)).

This request was received by the Planning Department on May 3, 2010, and reviewed by the Planning Board on May 20, 2010. The Board voted to recommend approval of a revocable municipal license, subject to the granting of a variance by the Board of Adjustment, and also 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, will 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 Heather Lassard, owner of Tulips for property located at 62 Market Street, to install a projecting sign on a new bracket subject to the granting of a variance by the Board of Adjustment, and further authorize the City Manager to execute a License Agreement for this request.

5. **Request for a License from Ann Hopenioassei, owner of Esta for property located at 67 Bow 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 Ann Hopenioassei, owner of Esta for property located at 67 Bow Street, to install a projecting sign on an existing bracket ([see attached photographs](#)).

This request was received by the Planning Department on May 3, 2010, and reviewed by the Planning Board on May 20, 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, will 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 Ann Hopenioassei, owner of Esta, to install a projecting sign on an existing bracket at 67 Bow Street and further authorize the City Manager to execute a License Agreement for this request.

6. **Acceptance of Drainage Easement at 1179 Maplewood Avenue.** The City's scheduled improvements for Maplewood Avenue require a drainage easement which will improve road drainage in this area. David W. Mitchell and Pamela A. Richard have agreed to convey said easement across their property located at 1179 Maplewood Avenue. By City Ordinance, the Planning Board provides an advisory opinion to the City Council regarding the acquisition and granting of easements. The Planning Board reviewed the proposed easement at its meeting on May 20, 2010 and voted to recommend to the City Council that it vote to accept the proposed easement. [Attached](#) is an 8 1/2" x 11" size plan showing the easement.

I would recommend the City Council move to accept the Planning Board's recommendation and authorize the City Manager to accept a drainage easement from David W. Mitchell and Pamela A. Richard to facilitate scheduled improvements to Maplewood Avenue.

7. **Request for Approval of Pole Licenses #63-0482 and #63-0483.**
 - a. [Attached is a request for a Pole License Agreement](#) from PSNH for Petition and Pole License 63-0482. This request is to license one mid-span pole located on Plains Avenue. This pole will allow the utilities to tighten the span across Middle Road providing greater clearance for truck traffic. This pole poses no impact to existing City infrastructure and the Public Works Department recommends approval of this license. [Attached is a photograph of the pole.](#)
I would recommend that the City Council approve the request from PSNH for pole license agreement, #63-0482, as recommended by the Public Works Department.
 - b. [Attached is a request for a Pole License Agreement](#) from PSNH for Petition and Pole License #63-0483. This request is to license one replacement pole located on Custom House Court. Typically, these replacements do not require a license but PSNH cannot

verify any existing license and are requesting one for this pole now. This pole poses no impact to existing City infrastructure and the Public Works Department recommends approval of this license. [Attached is a photograph of the pole.](#)

I would recommend that the City Council approve the request from PSNH for pole license agreement, #63-0483, as recommended by the Public Works Department.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on May 17, 2010. In addition, this now can be found on the City's website.
2. **Report Back Re: Central Veterans Council request to relocate the WWI Monuments in Langdon Park.** For your information, I plan to establish a meeting with the Central Veterans Council representatives, the City Council representative liaisons, and City staff to review the proposed location of the WWI monuments at Langdon Park. I am hoping to have a recommendation to bring back to the City Council at the June 21st meeting.
3. **News Release Re: City to Hold Ribbon Cutting for Bow Street – Ceres Street Waterfront Park.** [Attached](#) for your information is a news release announcing that the City has scheduled a ribbon cutting ceremony for Tuesday, June 8th at 4:00 p.m. to mark the official opening of Portsmouth's new waterfront park on the small City-owned lot at the corner of Ceres Street and Bow Street.