

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, JUNE 4, 2007 TIME: 7:00PM

- 6:15PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS – RSA: 91-A:2, I (b-c)

## AGENDA

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

### PROCLAMATIONS

1. Portsmouth High School Boys' Tennis Team Class I Title Champions
2. Market Square Day 30<sup>th</sup> Anniversary

### PRESENTATION

1. Annual Report from Art-Speak – Russ Grazier

### V. ACCEPTANCE OF MINUTES – MAY 14, 2007 AND MAY 21, 2007

### 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 7, ARTICLE III, SECTION 7.330 – NO PARKING – FLEET STREET: WESTERLY SIDE FROM CONGRESS STREET TO A POINT 135 FEET IN THE NORTHERLY DIRECTION
- C. PROPOSED RE-USE OF THE PAUL A. DOBLE ARMY RESERVE CENTER FOR MUNICIPAL USE, SUCH AS A RECREATION FACILITY OR POLICE STATION

### VIII. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Donation from Lynne and David Weihrauch in the amount of \$390.00 for the planting of a red oak tree in Langdon Park in honor of Sandra Elizabeth Richardson

- B. Acceptance of Police Department Donations in support of the PAL Summer Girls Basketball League:
- \$100.00 from Elite Sports Performance, LLC
  - \$100.00 from Chubrich & Harrigan, P.A.
  - \$100.00 from The Eyeglass Shop, P.L.L.C.
  - \$100.00 from Spectrum by Design, Inc.
  - \$100.00 from the Portsmouth Police Ranking Officers Association
  - \$100.00 from Nurse Audit, Inc.
  - \$100.00 from The Green Monkey, L.L.C.
- C. Acceptance of Police Department Donations to support the Police Honor Guard
- \$500.00 from the Portsmouth Police Ranking Officers Association
  - \$500.00 from Gerald Howe and Jocelyn Frechette
  - \$2,000.00 from Mr. Karl Hahn

## **IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Resolution Authorizing a Bond Issue of up to Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for FY08 Street, Sidewalk and Bridge Replacement Projects
- B. First reading of Resolution Authorizing a Bond Issue of up to Five Hundred Thousand Dollars (\$500,000.00) for FY08 School Building Improvements
- C. Adoption of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the amount of \$16,000,000.00
- D. Second reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Fleet Street: Westerly side from Congress Street to a point 135 feet in the northerly direction
- E. Third and final reading of Ordinance amending Chapter 1, Article IX, Section 1.901 – Conflict of Interest by the amendment to Mandatory Financial Disclosure in Article IX, and the addition of a new Section 1.902 – Election Candidate Financial Disclosure

## **X. CONSENT AGENDA**

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

*There are no items under Consent Agenda this evening*

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

- A. Letter from Phelps Dieck and Deb Weeks, The Green Monkey, requesting an extension of the license for their dumpster located on Church Street for the term length of The Green Monkey restaurant which is November 2013

- B. Letter from Deborah Phillips requesting an extension of the license for her dumpster located on Church Street
- C. Letter from Dawn Burnett, PNF Realty, Inc., on behalf of Peter Floros and the State Street Saloon requesting an extension to the licenses for their dumpsters located on Church Street
- D. Letter from Mike Schwartz, Accountability Coalition, requesting permission to hold a public forum on health care plans of the candidates for US President at the Vaughn Walking Mall on June 24, 2007 from 12:00 p.m. – 3:30 p.m.
- E. Request from Penelope Brewster, Ceres Bakery, for a sidewalk obstruction license for the placement of 2 tables and 10 chairs in front of establishment (*This is an amendment to the original license which approved the placement of 4 benches. The benches have been removed and replaced with 2 tables and 10 chairs*)

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

#### *Items which require Action under other sections of the Agenda*

- 1. Consideration of First Reading of Proposed Resolutions:
  - 1.1 First Reading of Resolution Authorizing a Bond Issue of up to Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for FY08 Street, Sidewalk and Bridge Replacement Projects (***Action on this matter should take place under Section IX of the Agenda***)
  - 1.2 First Reading of Resolution Authorizing a Bond Issue of up to Five Hundred Thousand Dollars (\$500,000.00) for FY08 School Building Improvements (***Action on this matter should take place under Section IX of the Agenda***)
- 2. Public Hearing/Adoption of Proposed Resolution:
  - 2.1 Public Hearing/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***)
- 3. Public Hearing/Second Reading of Proposed Ordinance Amendments:
  - 3.1 Public Hearing/Second Reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Fleet Street: Westerly side from Congress Street to a point 135 feet in the northerly direction (***Action on this matter should take place under Section IX of the Agenda***)

4. Public Hearing
  - 4.1 Public Hearing on Proposed Re-use of the Paul A. Doble Army Reserve Center for Municipal Use, such as a Recreation Facility or Police Station (**Action on this matter should take place under Section XII. A. of the Agenda**)
5. Third and Final Reading of Proposed Ordinance Amendments:
  - 5.1 Third and Final Reading of Ordinance amending Chapter 1, Article IX, Section 1.901 – Conflict of Interest by the amendment to Mandatory Financial Disclosure in Article IX, and the addition of a new Section 1.902 – Election Candidate Financial Disclosure (**Action on this matter should take place under Section IX of the Agenda**)
6. Dumpster License Renewals (**Action on this matter should take place under Section XI of the Agenda**)

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

1. Adoption of Proposed Re-Use of the Paul A. Doble Army Reserve Center for Municipal Use, such as a Recreation Facility or Police Station
2. Request to Establish Work Session with Portsmouth Historical Society Re: Old Library Re-use
3. Authorization to Utilize up to \$50,000.00 from Contingency Fund Re: Fire Department FY07 Budget
4. Joint Use Agreement with UNH to Facilitate the Crossing of the City's Water Line Easement in Madbury
5. Request to Establish Friends of the South End Trust
6. Report Back Re: Entry Steps at 466 Dennett Street
7. Approval of Proposed Labor Day / Peace Treaty Parade
8. Request to Extend Agreement between City of Portsmouth and Art-Speak
9. Referral to Planning Board Re: Exchange of Property Interests

#### **Informational Items**

1. Reminder of June 18, 2007 Work Session Re: Study Circles
2. Market Square Day

## **B. MAYOR MARCHAND**

1. Appointments to be Voted:
  - Kathleen Pearce – Cable Television and Communications Commission
  - Jonathan Wyckoff – Historic District Commission
  - Sandra Dika – Historic District Commission
  - Tracy Kozak – Historic District Commission
2. \*Upcoming Appointment Vacancies for the month of June
  - Historic District Commission – 1 Alternate
3. \*Reports

## **C. COUNCILOR DWYER**

1. \*Right-of-Way Re: Bedford Way
2. \*Request to Conduct Work Session Re: Master Plan Update

## **D. COUNCILOR SMITH**

1. Traffic & Safety Committee Action Sheet and Minutes of the May 10, 2007 & May 24, 2007 meetings
2. Parking Committee Action Sheet and Minutes of the May 10, 2007 meeting

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

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

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

(\*Indicates verbal report)

## **INFORMATIONAL ITEMS**

1. Planning Board minutes of April 5, 2007 and April 19, 2007 meetings
2. Site Review Technical Advisory Committee minutes of May 1, 2007 and May 8, 2007 meetings
3. Zoning Board of Adjustment minutes of April 17, 2007 meeting
4. Letter from Bill St. Laurent, President, Association of Portsmouth Taxpayers, regarding the budget

**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 1, 2007  
**To:** Honorable Mayor Steve Marchand and City Council Members  
**From:** John P. Bohenko, City Manager  
**Re:** City Manager's Comments on June 4, 2007 City Council Agenda

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6:15 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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***Presentation:***

1. **Annual Report from Art-Speak.** On June 4, 2007, under the presentation portion of the agenda, Russ Grazier, President of Art-Speak, will report on arts and culture in the City. Included in the report will be the Art-Speak annual accomplishments.

Later on the agenda is a request for the City Council to authorize the City Manager to extend the Agreement between the City and Art-Speak. This 2006 agreement describes the terms of the mutually supportive relationship between the two agencies and among other things, outlines the City's in-kind support on behalf of the City and services delivered to the City by Art-Speak.

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

1. **Acceptance of Donation from Lynne and David Weihrauch for Planting of a Red Oak Tree.** Attached under Section VIII of the agenda is a copy of a check in the amount of \$390.00 and a letter from Lynne and David Weihrauch regarding the planting of a red oak tree in Langdon Park in honor of Sandra Elizabeth Richardson.

*I would recommend the City Council move to approve and accept the donation from Lynne and David Weihrauch, as listed. Action on this item will take place under Section VIII of the agenda.*

2. **Acceptance of Police Department Donations.** Attached under Section VIII of the Agenda is a memorandum from John D. Kelley, Chairman of the Portsmouth Police Commissioners, and Michael J. Magnant, Police Chief, requesting that the City Council approve the following donations:

1. Donations as follows in support of the PAL Girls Summer Basketball League:
  1. \$100.00 from Elite Sports Performance, LLC
  2. \$100.00 from Chubrich & Harrigan, P.A.
  3. \$100.00 from The Eyeglass Shop, P.L.L.C.
  4. \$100.00 from Spectrum by Design, Inc.
  5. \$100.00 from the Portsmouth Police Ranking Officers Association
  6. \$100.00 from Nurse Audit, Inc.
  7. \$100.00 from The Green Monkey, L.L.C.
  
2. Donations as follows for the Portsmouth Police Honor Guard:
  1. \$500.00 from the Portsmouth Police Ranking Officers Association
  2. \$500.00 from Gerald Howe and Jocelyn Frechette
  3. \$2,000.00 from Mr. Karl Hahn

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-35 for City Council approval and acceptance.

*I would recommend that the City Council approve and accept the donations 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 on Bonding Resolution Authorizing Bond Issue of up to Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for Street, Sidewalk and Bridge Replacement Projects for FY08.** As part of the Capital Improvement Plan for FY 2008 – FY 2013, the Public Works Department included various city improvement projects that require bonding. These projects are as follows:

- 1) Market Street Sidewalk Expansion/Improvements \$350,000.00  
This project will fund the replacement of existing concrete sidewalks with brick, installation of period lighting, resetting of granite curbing and the installation of landscaping (trees) where appropriate. The sidewalk width will increase to accommodate the pedestrian volumes in this area. These improvements will be on Market Street from Market Square to the intersection with Hanover Street and Bow Street.

- 2) NH33/B&M RR Bridge Replacement \$800,000.00  
 This project includes engineering and construction to replace the Rt 33 bridge over the B&M rail lines. Included is the reconstruction of the roadway approaches on Rt 33 from Griffin Road to Peverly Hill Road. The estimate for this project is \$8,000,000 with the City share at 10% and the Federal/State share at 90%.
  
- 3) Scott Avenue Bridge Replacement \$350,000.00  
 This project provides funding to replace the Scott Avenue Bridge in conjunction with the rehabilitation of the Memorial Bridge. The current 5-span bridge will be replaced with a 2-span structure that will open up the area under the bridge to the waterfront providing the City additional opportunities for access. Current estimate of cost is \$1,750,000 with the City share at 20% and the Federal/State share at 80%.
  
- 4) Woodbury Avenue Traffic Calming Improvements \$1,000,000.00  
 The primary purpose of this project is to reduce travel speeds, improve pedestrian safety and eliminate through truck travel in the Woodbury Avenue Corridor between Bartlett Street and the Market Street Extension. Work will include traffic calming methods (reduced width travel lanes and bump-outs), curbing, signage, pavement markings, pedestrian safety amenities and sidewalk replacement as needed.

As you are aware, bonding resolutions require only two readings and a two-thirds vote is required of the City Council for passage.

*I would recommend the City Council move to pass first reading to authorize bonding in the amount of two million five hundred thousand dollars (\$2,500,000.00) for street, sidewalk and bridge replacement projects and schedule a public hearing and adoption at the June 25th City Council meeting. Action on this item should take place under Section IX of the agenda.*

1.2 **First Reading on Bonding Resolution Authorizing Bond Issue of up to Five Hundred Thousand Dollars (\$500,000.00) for School Building Improvements.**

Attached is a memorandum from Stephen T. Bartlett, Business Administrator, requesting funding of up to five hundred thousand dollars (\$500,000.00) for FY08 School Building Improvements as follows:

- 1) \$74,500.00 for the PHS Athletic Complex drainage, irrigation and press box projects.
  
- 2) \$275,000.00 for roof replacement and repair projects at Dondero Elementary and Portsmouth Middle School.



- 3) \$150,500.00 for window and door replacement projects at Little Harbour Elementary, New Franklin Elementary, Portsmouth Middle School and the Sherburne School.

*I would recommend the City Council move to pass first reading to authorize bonding in the amount of five hundred thousand dollars (\$500,000.00) for school building improvements and schedule a public hearing and adoption at the June 25th City Council meeting. Action on this item should take place under Section IX of the agenda.*

## 2. **Public Hearing / Adoption of Proposed Resolution:**

- 2.1 **Public Hearing / Adoption of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the Amount of \$16,000,000.** As a result of the May 21st City Council meeting, under Section VII of the agenda, I am bringing back for public hearing and adoption the proposed Resolution for FY08 authorizing borrowing in anticipation of taxes. As you are aware, by state laws, the City bills for property taxes twice a year in arrears. For example, the first half tax bill in FY08 will be issued in October and is not due until December 1, 2007 even though our fiscal year starts on July 1, 2007. Similarly, the second half bill is not due until June 1, 2008.

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 Public Hearing.

*I would recommend the City Council move to adopt the Resolution for FY08 authorizing borrowing in anticipation of revenues and taxes in the amount of \$16,000,000. Please note that borrowing resolutions must be adopted by a two-thirds vote of the City Council. Action on this item should take place under Section IX of the Agenda.*

## 3. **Public Hearing / Second Reading of Proposed Ordinance Amendments:**

- 3.1 **Public Hearing / Second Reading of Ordinance Amending Chapter 7, Article III, Section 7.330 – No Parking – Fleet Street: Westerly side from Congress Street to a point 135 feet in the northerly direction.** As a result of the May 21st 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 7, Article III, Section 7.300 – No Parking – Fleet Street: Westerly side from Congress Street to a point 137 feet in a northerly direction.

*I would recommend the City Council move to pass second reading and hold a third and final reading at the June 25th City Council meeting. Action on this item should take place under Section IX of the Agenda.*

4. **Public Hearing:**

4.1. **Public Hearing on Proposed Re-use of the Paul A. Doble Army Reserve Center for Municipal Use, such as a Recreation Facility or Police Station.**

As you will recall, at the May 21st City Council meeting, the Council voted to establish a municipal use, such as a police station or recreation facility, as the basis for the Re-use Plan for the Paul A. Doble Army Reserve Center. At that time, the Council also scheduled a public hearing for June 4, 2007.

I have included on the inside cover of the packet the Draft Re-use Plan and Homeless Application (dated May 31, 2007) which, according to BRAC law, needs to be submitted to the Department of the Army and HUD by June 20, 2007. Per the federal regulations, the Re-use Plan must balance the needs of the homeless with other community needs. The Homeless Assistance Application component of the Re-use Plan is required by HUD to provide a rationale for why re-use proposals submitted in response to the City's Notice of Interest request were not chosen for inclusion in the Re-use Plan.

*I am recommending adoption of this proposed plan and City Council may take action on this item under Section XII (A) of the agenda.*

5. **Third & Final Reading of Proposed Ordinance Amendments:**

5.1 **Third & Final Reading of Ordinance amending Chapter 1, Article IX, Section 1.901 – Conflict of Interest by the amendment to Mandatory Financial Disclosure in Article IX, and the addition of a new Section 1.902 – Election Candidate Financial Disclosure.** As a result of the May 21st City Council meeting, under Section VII of the agenda, I am bringing back for third and final reading the attached proposed amendment to Chapter 1, Article IX, Section 1.901 – Conflict of Interest by the amendment to Mandatory Financial Disclosure in Article IX, and the addition of a new Section 1.902 - Election Candidate Financial Disclosure.

*I would recommend the City Council move to pass third reading of the amended ordinance, as submitted. Action on this item should take place under Section IX of the Agenda.*

6. **Dumpster License Renewals.** Attached under Written Communications are three requests for dumpster license renewals. The Green Monkey is requesting a six-year renewal, and City staff does not recommend this length of time for any dumpster renewal. I would recommend the continuance of an annual renewal for dumpster licenses.

*Therefore, I would recommend the City Council move to approve the annual renewal of these dumpster licenses. Action on this item should take place under Section IX of the Agenda.*

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

1. **Adoption on Proposed Re-use of the Paul A. Doble Army Reserve Center for Municipal Use, such as a Recreation Facility or Police Station.** *I would recommend that the City Council adopt the Reuse Plan and Homeless Application and recommend that the Department of the Army transfer the Paul A. Doble Army Reserve Center parcel to the City of Portsmouth for a municipal re-use.*
2. **Request to Establish Work Session with Portsmouth Historical Society Re: Old Library Re-use.** The City has received one response from the Portsmouth Historic Society (PHS) to the Request for Proposals for ground lease of the Old Public Library. The organization proposes a collaborative re-use of the facility with the larger goal of creating “a new kind of museum of the city’s past and present with exhibits, digital multi-media and collaborative programming for both residents of the seacoast and out-of-town visitors to make far better use of the city’s many historical, arts and cultural opportunities.” The proposal envisions a venue for historic exhibits (including a memorial hall concept), cultural event ticketing, tourist programs and community meeting space opportunities. It also envisions potentially leasing the Benedict House to a local non-profit and incorporation of the remnants of the Old State House into a rebuilt connector between the Academy Building and the Benedict House.

While the proposal meets some of the submittal requirements, it fails to include the required project proforma demonstrating financial ability. In addition, the desired re-use implementation schedule is potentially problematic as the plan proposes to initially lease only a portion of the vacant building for \$1/year. In the proposal, the PHS requests additional dialogue with the city and potential collaborators regarding development finance and feasibility and a three-step phased development process spanning late 2007-2012. Because it was the only proposal received, it seems appropriate that the City Council have an opportunity to review the document and discuss how to move forward with the building complex.

Options going forward include:

- 1) Hold a work session with the Portsmouth Historic Society as requested in the proposal to discuss the organization’s vision for the building, overall financial viability of the plan, and the role and obligations of the City in the proposal.
- 2) Reject the proposal based on the failure to meet RFP requirements and pursue an alternative strategy. That strategy may include meeting individually with a short-list of private developers to try to solicit and negotiate a viable development proposal to bring to the City Council. The Building Re-use Committee’s recommended criteria could be employed during those discussions and as part of the City Council’s evaluation of any proposal. The Cottage Senior Housing development is an example of a project that evolved in a similar manner.

*I would recommend the City Council move to establish a work session for the City Council meeting on August 6, 2007 at 6:00 p.m., with the Portsmouth Historical Society, to review their proposal regarding the re-use of the old library.*

3. **Authorization to Utilize up to \$50,000.00 from Contingency Fund Re: Fire Department FY07 Budget.** With one month remaining in the current fiscal year, all department heads are carefully monitoring expenditures and projecting year-end balances.

According to the memo attached from Fire Chief, Christopher LeClaire, at this time, the Chief expresses that due to training and equipment for the new fire boat, the Fire department's budget could be at a deficit at year-end.

In order to mitigate this deficit, Chief LeClaire has initiated a spending freeze for all non essential items. In addition, since January 1, 2007, Chief LeClaire has not filled the 14th firefighter position at night if a vacancy occurs.

The deficit could be as high as \$60,000 as projected by Chief LeClaire, however, this will be determined by the amount of emergency recall and leave coverage overtime used in the next several weeks.

Due to the fact that this projected deficit was caused by one-time expenditures, I recommend reserving up to \$50,000 from current year contingency to cover this projected deficit. In the event that final year-end balances come in at a deficit less than \$50,000, the unused portion will be placed back into available contingency funds.

At this time, all other departments are projected to come in at or below budgeted appropriations.

*I would recommend the City Council authorize the City Manager to reserve up to \$50,000 from the current year contingency to cover the Fire Department deficit.*

4. **Joint Use Agreement with UNH to Facilitate the Crossing of the City's Waterline Easement in Madbury.** The University of New Hampshire owns property in Madbury, New Hampshire, known as the Kingman Farm. The City has an existing waterline which extends from the Bellamy Reservoir in Madbury to Portsmouth and crosses the Kingman Farm. The City has an easement for its waterline over the Kingman Farm.

UNH intends to install a 12" bio-gas pipeline over the City's existing 24" waterline. In order to facilitate the bio-gas pipeline crossing, the parties seek to enter a Joint Use Agreement and file a recorded plan. This Agreement puts all parties on notice of the exact location of the waterline, the biogas pipeline and the relationship between the two.

The City is not giving up any rights under its present easement. It is for the purpose of going on record regarding the relative obligations of both parties to cooperate, to share information and to coordinate regarding construction and maintenance activities in the area. Attached is an aerial view showing the area of the crossing.

*I would recommend the City Council move to authorize the City Manager to negotiate and enter into a Joint Use Agreement with the University of New Hampshire for purposes of facilitating the crossing of UNH's bio-gas pipeline.*

5. **Request to Establish Friends of the South End Trust.** The Friends of the South End (FOSE) are interested in creating and providing initial funding to a trust, “to purchase, plant and maintain flowers, shrubs and trees in the City’s Prescott Park”. Attached is a copy of a document which City Attorney Robert Sullivan has prepared for that purpose. The Friends of the South End are in agreement with the Trust document. *I would recommend the City Council move to establish a Trust for the Friends of the South End and authorize the City Manager to execute the appropriate document.*

6. **Report Back Re: Entry Steps at 466 Dennett Street.** As you recall at the May 21st City Council meeting, the Council referred the request from David Beadling, Jr. and Cynthia Smith, regarding the replacement of entry steps at 466 Dennett Street, to the City Manager and Public Works Director for report back. Attached is a memorandum from Cindy Hayden, Deputy City Manager, as well as a revised letter from David Beadling, Jr. and Cynthia Smith clarifying their request. Public Works Director Steve Parkinson has indicated that he does not see an issue with this request, and it will not impact maintenance of the City sidewalk. Also, attached are photographs of the entry steps.

As outlined in the memorandum, City staff recommends that the homeowners’ request be granted, which essentially would be a license from the City for the bottom portion of their reconstructed wooden steps to extend over City property by approximately one foot. This recommendation is made for the following reasons: 1) It does not appear that the owners of 466 Dennett Street can reconstruct their entryway landing and steps in a configuration that does not encroach on City property, while still meeting codes; and 2) the bottom portion of the reconstructed steps would be within a grass strip and be approximately 3½ feet back from the edge of the City sidewalk.

*Therefore, I would recommend the City Council move to accept the aforementioned recommendation of City staff and grant the homeowner’s request.*

7. **Approval of Proposed Labor Day / Peace Treaty Parade.** As you will recall, at the March 19th City Council meeting, the Council authorized me to work with Peter Somssich regarding a date for the proposed Labor Day / Peace Treaty Parade. Attached is a copy of a letter from Peter Somssich and Paul O’Connor, Co-Chairs of the proposed Labor Day / Peace Treaty Parade, which they are requesting to take place on Sunday, September 23, 2007. *I would recommend the City Council move to approve the Labor Day / Peace Treaty Parade, as presented.*
8. **Request to Extend Agreement between City of Portsmouth and Art-Speak.** When the City entered into the original agreement in 2005, the City provided seed funds in the amount of \$20,000 from the UDAG fund as match for grants and in-kind contributions to support Art-Speak’s operations. In turn, Art-Speak leveraged these funds four times over while playing an important role in development of the Cultural Section of the City’s Master Plan and the Percent for Art Ordinance.

Recently, the City Council authorized an additional \$20,000 in UDAG funds to offset the Art-Speak Coordinator's contractual services. This has been matched by a grant from the NH Charitable Foundation as well as with smaller donations for projects such as the recent forum on Implementation of the City's Percent for Art Ordinance and the Americans for the Arts Economic Prosperity Study. Through the unique relationship with Art-Speak, the City of Portsmouth has led the way in New Hampshire in acknowledging and quantifying the creative sector of the local economy. By creating and supporting the activities of a quasi-public agency like Art-Speak, Portsmouth has found an innovative solution in a time of growing budget constraints and increasing demands on City personnel. Going forward, Art-Speak is committed to raising additional public and private funds to meet the terms of the agreement.

*I recommend that the City Council authorize the City Manager to extend the agreement from July 1, 2007 through June 30, 2008.*

9. **Referral to Planning Board Re: Exchange of Property Interests.** *I am requesting the City Council refer the proposed conveyance of interests in real estate (Riverwalk) between the City of Portsmouth and DiLorenzo Real Estate LLC to the Planning Board for report back.*

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

1. **Reminder of June 18, 2007 Work Session Re: Study Circles.** This is a reminder that on Monday, June 18, 2007 at 6:30 p.m., there will be a combined work session between the City Council and School Board regarding a report back on Study Circles. Attached is a copy of a draft agenda.
2. **Market Square Day.** For your information, attached is an itinerary for Market Square Day on Saturday, June 9, 2007.