

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, MAY 5, 2008 TIME: 7:00PM

- 6:00PM – ANTICIPATED “NON-MEETING” WITH COUNSEL REGARDING 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

### PRESENTATION

1. USS NH Commissioning – Michael Stevens, USS New Hampshire Commanding Officer, and Bruce Clark, Chairman of the Commissioning Committee

### V. ACCEPTANCE OF MINUTES – APRIL 16, 2008 AND APRIL 21, 2008

### VI. PUBLIC COMMENT SESSION

### VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Community Development Block Grant
- B. Acceptance of Police Department Donations
  - Retired Gym Equipment from John Parker
  - Police Honor Guard from P. L. Cashman - \$30.00
  - Police Explorers from W.B. and P.A. Holt - \$50.00
  - Police Explorers from J.M. and B.M. Mulkern - \$25.00
  - Crimestoppers to Citizens' Police Academy - \$6,216.40
- C. Acceptance of Donation from Dan Fenderson, Subway
  - 4 table-chair assembly for use in the Vaughan Mall stage area - \$4,500.00
- D. Acceptance of Donation to the Coalition Legal Fund
  - Town of Jackson - \$1,000.00
- E. Safe Routes to School 2008 Grant Support Request

### VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

*There are no items under this section on the agenda*

## IX. CONSENT AGENDA

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

- A. Letter from Dick Samuels, Water Country, requesting permission to hold a City Employee's Day at Water Country on Saturday, June 14, 2008 from 11:30 a.m. – 6:00 p.m. (rain date June 15, 2008) ***(Anticipated action – move to refer to the City Manager with power)***
- B. Renewal of Sidewalk Obstruction License with no changes from last year
- Springers Jewelers – 1 A-frame sign
- (Anticipated action – move to refer to the City Manager with power)***
- C. Request from Daniel Fenderson, Subway, requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign in front of establishment ***(Anticipated action – move to refer to the City Manager with power)***

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

- A. Letter from Chris Sterndale, Cross Roads House, requesting the use of the city's Greenleaf Recreation Center property for parking purposes during the reconstruction of Cross Roads House
- B. Letter from Peter Ames, American Cancer Society, requesting permission to hold a Health Care Access Event on Monday, May 19, 2008 at the Vaughan Mall from 4:30 p.m. – 7:00 p.m. and to park the Fight Back Express bus at the Worth Lot

## XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### **A. CITY MANAGER**

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

1. Grant Funding Request Re: Art-Speak
2. Report Back Re: Wamesit Place
3. Portsmouth Housing Authority Lease for Lafayette School
4. Acceptance of Waterline Easement for Wal-Mart
5. Establish City Council Work Sessions and Public Hearing:
  - Re-Use of 251 Bartlett Street (Creek Athletic Club) – June 2<sup>nd</sup> at 6:00 p.m.
  - Retirement System – September 15<sup>th</sup> at 6:00 p.m.
  - Public Hearing on Granite State Fair Tax Coalition – July 21<sup>st</sup> at 7:00 p.m.

### **Informational Items**

1. Events Listing
2. News Release Re: Restoration of Mayoral Portraits

### **B. MAYOR FERRINI**

1. Appointment to be Voted:
  - Tim Allison – Appointment to Economic Development Commission
2. \*Reports

### **C. COUNCILOR SMITH**

1. Traffic & Safety Committee Action Sheet and Minutes of the April 10, 2008 meeting
2. Parking Committee Action Sheet and Minutes of the April 10, 2008 meeting

## **XII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

(\*Indicates verbal report)

### **INFORMATIONAL ITEMS**

1. Planning Board minutes of the February 28, 2008; March 13, 2008; March 20, 2008 and April 3, 2008 meetings

**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:** May 1, 2008  
**To:** Honorable Mayor Thomas G. Ferrini and City Council Members  
**From:** John P. Bohenko, City Manager  
**Re:** City Manager's Comments on May 5, 2008 City Council Agenda

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**6:00 p.m. – Non-meeting with counsel.**

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

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***Presentations:***

1. **USS NH Commissioning.** On Monday evening, USS New Hampshire Commanding Officer, CDR Michael Stevens and Bruce Clark, Chairman of the Commissioning Committee will make a presentation to the City Council regarding the USS NH Commissioning scheduled for October 25, 2008.

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

1. **Acceptance of Community Development Block Grant.** U.S. Housing and Urban Development has informed the City that a Community Development Block Grant (CDBG) in the amount of \$646,806 will be made available to Portsmouth for FY 2008-2009. The Community Development Department, working in conjunction with the City's Citizens Advisory Committee, held a series of public hearings and meetings over the last six months to solicit input and prioritize projects with regard to the expenditure of these funds. A copy of the FY 2008-2009 CDBG Budget is attached.

*I would recommend the City Council move to accept a Community Development Block Grant (CDBG) in the amount of \$646,806 from the U.S. Department of Housing and Urban Development. Action on this matter should take place under Section VII of the Agenda.*

2. **Acceptance of Police Department Donations.** Attached under Section VII of the Agenda is a memorandum from Gerald W. Howe, Chairman of the Portsmouth Police Commissioners, and Michael J. Magnant, Police Chief, requesting that the City Council approve the following grants and donations:
- a. Donation of retired gym equipment from John Parker (see attached memorandum from Police Chief Michael J. Magnant).
  - b. Donation in the amount of \$30.00 for the Portsmouth Police Honor Guard from P. L. Cashman.
  - c. Donations for the Police Explorers as follows:
    - \$50.00 from W. B. and P.A. Holt
    - \$25.00 from J.M. and B.M. Mulkern
  - d. \$6,216.40 from Crimestoppers to fund the Citizens' Police Academy

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 grants and donations to the Portsmouth Police Department, as listed. Action on this matter should take place under Section VII of the Agenda.*

3. **Acceptance of Donation from Daniel Fenderson, Subway.** Attached is a copy of a letter from Daniel Fenderson, owner of Subway, donating a gift of 4 table chair assembly totaling \$4,500 for use in the Vaughan Mall stage area.

*I would recommend the City Council move to approve and accept the donation, as listed. Action on this matter should take place under Section VII of the Agenda.*

4. **Donation to the Coalition Legal Fund.** Attached is a copy of a check from the Town of Jackson 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 the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section VII of the Agenda.*

5. **Safe Routes to School 2008 Grant Support Request.** As you know, the City received a \$93,000.00 Safe Routes to School (SRTS) grant last year, which we are using to fund Bike Lanes in Elwyn Park, Dondero/Garfield Road Access Way Improvements, Bike Racks for St. Patrick's, Little Harbour and Middle School, Crosswalk Safety Improvements, One-Day Workshop, printing and distribution of Parent Survey about Walking & Biking to School, and Student Incentive Program. The SRTS program funds projects that encourage Kindergarten through 8<sup>th</sup> grade children, including students with disabilities, to safely walk, bike or use other non-motorized forms of transportation to get to school.

The 2008 SRTS grant application cycle is now approaching and the City's Safe Routes to School Committee met on April 14th to discuss potential local safe routes projects that need funding. The project list they have developed is as follows:

- Travel Plan (grant requirement) for each of the 5 schools (New Franklin School, Dondero School, Little Harbour School, Portsmouth Middle School and Saint Patrick's School) (cost \$65,000);
- Safe Routes to School Parent and Student Survey (cost \$3,500);
- Safety Town (hands-on learning adventure for 5, 6, and 7 year-olds to practice life-saving safety rules) (cost \$30,000)
- Student Incentives and Banners (cost \$3,500);
- Directed patrol at each of the schools (cost \$10,000);
- Portable radar device (cost \$10,000);
- Two flashing school zone signs with radar capability for New Franklin School (cost \$16,000)
- Sidewalk and traffic calming for Dondero Elementary School (cost \$100,000); and
- Safety improvements at Lincoln and Miller Avenues (cost \$62,000).

The total grant request will be \$300,000.

The deadline for the SRTS grant application is May 12, 2008 and the Safe Routes to School Committee is requesting a letter of support from the City Council for this grant application.

*I would recommend the City Council move to accept the recommendation of the Safe Routes to School Committee and authorize the City Manager to apply for funds to the New Hampshire Department of Transportation and enter into an agreement with the NH Department of Transportation and allow the City to appropriate and expend City funds to be reimbursed by NHDOT, as presented. Action on this matter should take place under Section VII of the Agenda.*

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

1. **Grant Funding Request Re: Art-Speak.** Attached is a copy of a request from Russ Grazier, the President of Art-Speak, for partial funding for services proposed for FY 2008-2009. As you are aware from the recent annual state of the arts presentation, Art-Speak works on behalf of the city to implement the Cultural Plan and to advocate for the city's arts and culture sector.

The proposal submitted requests that the City contribute \$20,000 towards the ~ \$80,000 annual operational budget for Art-Speak. The organization pledges to obtain the remaining budget funds from foundation grants and direct fundraising. An operations grant request to the New Hampshire Charitable Foundation is currently pending.

Art-Speak's proposal describes services for the FY 2008-2009 fiscal year in accordance with the City's Master Plan and Cultural Plan. The services include participation in implementation of the Islington Street Improvement Action Plan as it relates to expanded

space for cultural opportunities, participation in implementation of the Market Street Gateway Improvement Project as it relates to opportunities for murals and public art, and support for the Portsmouth Fire Department as it complies with the Percent for Art Ordinance and incorporates public art in the reconstruction of Fire Station 2.

As we discovered from the recent Arts and Economic Prosperity Study, the cultural community contributes significantly to the local economy. The proposal outlines how Art-Speak has assisted the city in implementing both the Master Plan and the percent for art ordinance. I believe that there is value in these services because the organization has taken on responsibilities that would otherwise fall to other city staff at a higher cost to the city. I also maintain that Art-Speak continues to gain credibility in the city, state and the region for effectively advocating for and raising awareness of the local creative economy. The organization has demonstrated its ability to raise funds for Art-Speak activities such as Overnight Art which enrich our resident and visitor experience.

*Therefore, I would recommend that the City Council approve the request for \$20,000 from the City's UDAG funds to partially cover the labor costs for delivery of Art-Speak services.*

2. **Report Back Re: Wamesit Place.** As you will recall, at the April 21<sup>st</sup> City Council meeting, the Council voted to refer the Portsmouth Housing Authority (PHA) letter dated April 15, 2008 to the CDBG Citizens Advisory Committee for a report back (see attached letter from Joseph Couture). The CDBG Citizens Advisory Committee met on April 24<sup>th</sup> to review this matter.

As indicated in the PHA's letter, the City provided \$300,000 in federal Community Development Block Grant funds to the PHA to assist the agency in purchasing Ridgewood Apartments (now Wamesit Place). Per the 1989 Agreement between the PHA and the City, the PHA must repay the greater of \$300,000 or 6% of the sale price if the ownership of the property changes. In that the PHA is now initiating a major renovation of this housing facility, the refinancing taking place triggers a change in ownership and, therefore, repayment. 6% of the \$7.5 million sale price of this facility would mean that the PHA repays \$450,000 per the 1989 Agreement. In its April 15<sup>th</sup> letter to the City Council, the PHA is requesting that the City accept the repayment of the original \$300,000 provided by the City as full repayment of the lesser amount will facilitate the very costly renovation of Wamesit Place.

At their meeting on April 24<sup>th</sup>, the CDBG Citizens Advisory Committee discussed the City Council's referral regarding this matter. Input was provided by PHA Executive Director Joseph Couture and Jack Peduzzi of the Northern New England Housing Investment Fund, the PHA's consultant on this development project. They indicated that funding for this much-needed rehabilitation project was very tight. They also said that the restrictions put in place by the funding sources being used to renovate Wamesit Place will require these housing units remain affordable to families earning 60% or less of the median income for a 99 year period.

The CDBG Citizens Advisory Committee voted unanimously to recommend that the City Council accept the repayment of \$300,000 as full repayment of the terms of the 1989

Agreement because this action would permit the \$150,000 otherwise due to be used to facilitate the proposed renovation of Wamesit Place and help maintain the affordability and quality of these 100 apartments for families. Further, the CDBG Citizens Advisory Committee determined that project outcomes would be consistent with the primary objective of the CDBG program, which is to benefit those earning low and moderate incomes.

*I would recommend the City Council move to accept the report back from the CDBG Citizens Advisory Committee and authorize the City Manager to take actions necessary to implement that recommendation.*

3. **Portsmouth Housing Authority Lease for Lafayette School.** As you know, at the City Council's direction, I have been working with the Portsmouth Housing Authority over the past seven months on plans to renovate the Lafayette School building to create 10 units of affordable senior housing. The joint PHA-City project is structured in the same manner as the recently completed Cottage Senior Housing Project.

The renovation of the Lafayette School building will be carried out at no cost to local taxpayers, and the planned improvements will not encroach on the park and the playground. The total project is estimated to cost \$2.5 million and funding sources include low-income housing tax credits, Federal Home Loan Bank funds, and a \$150,000 low interest loan from the City's CDBG program.

Below I have provided highlights of the anticipated lease terms.

- Ownership: The City will retain ownership of the property.
- Lease Term: The City will provide a long-term (up to 99 years) ground lease to the PHA, tied to the life of the improvements. The lease will be conditioned upon the lessee continuing to provide 10 units of senior housing at affordable rents.
- Parties to the Lease: The City will lease the building to the limited partnership known as the Lafayette School Senior Apartments Limited Partnership (lessee).
- Area to be Leased: The entire building will be leased.
- Property Taxes: The lessee will be make property tax payments according to the same formula used for the Cottage Senior Housing Project.
- Construction Operations: The lease will contain provisions which insure the safety of park users during the renovation of the building and associated site work.
- Maintenance/Management: Building maintenance will be entirely the responsibility of the lessee. This includes maintaining the parking area (including snow removal and sanding on walkways and entrances), travel way and housing facility landscaping.



- **Property Improvements:** The lessee will be responsible for improvements to the building, parking area, and associated site improvements including landscaping. The lessee will also provide handicapped access to the building and create a one-way travel way around the building. External improvements to the building will be limited to those necessary for structural integrity and for preserving the historic character of the building. The improvements will be coordinated with the NH Division of Historical Resources. It is anticipated there will be a need for one permanent sign identifying the housing facility as well as traffic directional signs.
- **Parking:** The parking area will serve the park and playground and the residents of the new units. It is anticipated that 14 parking spaces will be created, 10 will be designated for residents and 4 will be available for park/playground users.
- **Trash disposal:** The lessee will be responsible for disposal of all trash and recyclables. No dumpsters will be located on site.
- **Utilities:** All utility charges will be paid by the lessee.
- **Insurance:** The lessee will be responsible for maintaining all standard insurance policies.

I believe rehabilitation of the Lafayette School building into a senior housing facility will complement the existing park/playground and the neighborhood, as well as meet the needs of our older residents. If you have any questions or would like additional information, I would be pleased to provide it.

*I would recommend the City Council move to authorize the City Manager to negotiate and take other actions necessary to execute a lease agreement between the City and the Lafayette School Senior Apartments Limited Partnership for the lease of Lafayette School for use as 10 units of senior housing.*

4. **Acceptance of Waterline Easement for Wal-Mart.** At its meeting of June 16, 2007, the City's Planning Board approved the Wal-Mart expansion on Lafayette Road. As a condition of approval, Wal-Mart was required to construct a new public waterline and grant the City an easement. The new waterline has been constructed and an easement deed prepared. Attached is an aerial photograph showing the approximate easement area. The Department of Public Works is satisfied with the waterline and the City's Legal Department has reviewed and approved the easement document.

*I would recommend the City Council move to authorize the City Manager to accept a waterline easement from Wal-Mart.*

5. **Establish City Council Work Sessions & Public Hearing.** As a result of the last City Council meeting, the Council requested that I schedule the following proposed work sessions and public hearing:

- 1) June 2, 2008 at 6:00 p.m., Work Session prior to the City Council regular meeting, regarding a request from Councilor Eric Spear, concerning the Re-use of 251 Bartlett Street (Creek Athletic Club).
- 2) September 15, 2008 at 6:00 p.m., Work Session prior to the City Council regular meeting, to define the retirement contribution.
- 3) July 21, 2008 at 7:00 p.m., Public Hearing during regular City Council meeting, regarding the Granite State Fair Tax Coalition.

*I would recommend the City Council move to establish the work sessions and public hearing, as presented.*

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

1. **Events Listing.** For your information, enclosed is a copy of the Events Listing updated after the last City Council meeting on April 21, 2008.
2. **News Release Re: Restoration of Mayoral Portraits.** Enclosed for your information is a copy of a news release regarding the restoration of the mayoral portraits.