

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, MARCH 2, 2009 TIME: 7:00PM

## AGENDA

- 6:00PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS – RSA 91-A:2, I (b-c)

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

### PROCLAMATIONS

1. Music in Our Schools Month
2. Youth Art Month
3. Red Cross Month

### PRESENTATION

1. Fishing Fleet Committee Report

- V. ACCEPTANCE OF MINUTES – FEBRUARY 9, 2009

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARING

- A. CAPITAL IMPROVEMENT PLAN (CIP) FY2010-2015

- VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from CrimeStoppers, Inc. to the Citizen’s Police Academy in the amount of \$5,894.00

- IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

*(There are no items on this section of the Agenda)*

- X. CONSENT AGENDA

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

- A. Acceptance of Donation from O’Briens II, Inc., to the Fire Department in the amount of \$100.00 ***(Anticipated action – move to approve and accept the donation to the Fire Department, as listed)***

- B. Letter from Stacy Baker Chilicki, The Seacoast Repertory Theatre, requesting permission to hold the 43<sup>rd</sup> Annual Bow Street Fair on Saturday, July 18, 2009 and Sunday, July 19, 2009 from 10:00 a.m. – 5:00 p.m., and further request Bow Street be closed to all vehicle traffic starting at midnight on Friday, July 17, 2009 until Sunday, July 19, 2009 at 7:00 p.m. **(Anticipated action – move to refer to the City Manager with power)**
- C. Letter from Jeanine Sylvester, Runner’s Alley, requesting permission to hold the 12<sup>th</sup> Annual Runner’s Alley/Redhook Brewery Memorial 5k on Sunday, May 24, 2009 at 11:00 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- D. Letter from Frank Nappo, The Seacoast Family YMCA, requesting permission to hold a 5k Road Race on Saturday, April 18, 2009 at 10:00 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- E. Letter from Mike Young, Portsmouth Babe Ruth League, requesting permission to install temporary signage at Leary Field for the 2009 baseball season from May through August **(Anticipated action – move to refer to the City Manager with power)**
- F. Letter from Robert Sutherland, St. John’s Lodge, requesting permission to hold the “Out of Hibernation” 5k Road Race on Saturday, April 25, 2009 **(Anticipated action – move to refer to the City Manager with power)**
- G. Letter from Shaun Rafferty regarding skateboarding on public streets **(Anticipated action – move to accept and place the letter on file)**
- H. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events:
- 32<sup>nd</sup> Annual Market Square Day Festival & 10k Road Race on Saturday, June 13, 2009
  - 7<sup>th</sup> Annual Summer in the Street Music Series, Saturday evenings from 5:00 p.m. – 9:30 p.m. on June 27, July 4, 11, 18, 25 and August 1, 2009
- (Anticipated action – move to refer to the City Manager with power)**

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

- A. Letter from Laurel Crawford, Empower Yoga Center, LLC, requesting permission to install a projecting sign at 63 Market Street **(Sample motion – move to refer to the Planning Board for report back)**
- B. Petition from George McQuilken and individuals regarding the Pay and Display Parking Meters
- C. Letter from Dr. Mitchell Shuldman, School Board Chair, announcing the selection of Mr. Ed McDonough as the new Superintendent of Portsmouth Schools effective July, 2009

- D. Letter from Attorney Bernard Pelech representing JASK Realty Trust regarding Rezoning of Land between Bartlett Street and the US Route 1 By-Pass (**Sample motion – move to refer to the Planning Board for report back**)
- E. Letter from Erik Anderson, Fishing Fleet Committee, requesting permission to hold a “Local Fish and Lobster Fest - 2009” on Saturday, September 12, 2009 at Peirce and Four Tree Island and adjacent activity at the Portsmouth Fish Pier

## **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:
  - 1.1 Public Hearing Re: Proposed Capital Improvement Plan (CIP) FY2010-2015 (**Action on this matter is anticipated to take place at the March 16, 2009 City Council meeting**)

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

- 1. Consideration of New Appointment to Rockingham Planning Commission/Metropolitan Planning Organization
- 2. Report Back from Planning Board Re: 10 Commercial Alley License Request to Erect a Sign over a Public Right-of-Way
- 3. Report Back from Planning Board Re: Request to Name a Downtown Street after the City’s Second Poet Laureate Robert Dunn
- 4. Request to Establish a Work Session Re: Hiring Freeze/Status of Budget/Stimulus Funds
- 5. Report Back from Recreation Board Re: Little League request to place a Beverage Machine at Central Little League
- 6. Report Back Re: Workforce Housing Trust

#### **Informational Items**

- 1. Events Listing
- 2. Trustees of the Trust Fund Proposed Revision to Prescott Park Dock Policy
- 3. Report Back Re: Skateboard Ordinance
- 4. Memorandum from Jon Frederick, Parking Manager Re: Pay and Display

## **B. MAYOR FERRINI**

1. Appointments to be Considered:
  - Grace Lessner – Appointment to Board of Library Trustees
  - Bill Southworth – Appointment to Cable Television & Communications Commission
  - Norman Patenaude – Reappointment as Alternate to the Planning Board
  - Steven Berg – Reappointment to PEDLP Review Committee
  - Laura Montville – Reappointment to PEDLP Review Committee
  - Tara Trafton – Reappointment to PEDLP Review Committee
  - Jean Ward – Appointment to Safe Routes to School – St. Patrick's School Representative
  - Ronald Cypher – Appointment to Traffic & Safety Committee
2. Appointment to be Voted:
  - Robin Rousseau – Reappointment to Zoning Board of Adjustment
3. Resignations
  - John McGee, Jr. – Blue Ribbon Committee on the African Burial Ground
  - Edward Hayes – Economic Development Commission
  - Jonathan Bailey – Traffic & Safety Committee
4. \*Update on Portsmouth Middle School

## **C. COUNCILOR SPEAR**

1. \*Monthly Financial Report

## **D. COUNCILOR KENNEDY**

1. \*Fishing Fleet Committee

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

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

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

(\*Indicates verbal report)

### **INFORMATIONAL ITEMS**

1. Historic District Commission minutes of the December 10, 2008 and January 7, 2009 meetings
2. Conservation Commission minutes of the January 14, 2009 meeting
3. Zoning Board of Adjustment minutes of the January 20, 2009
4. 2008 Attendance Records for various Boards and Commissions
5. Letter from City Wide Neighborhood Committee encouraging City Councilors to attend Committee meetings on a rotating basis

**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 27, 2009  
**To:** Honorable Mayor Thomas G. Ferrini and City Council Members  
**From:** John P. Bohenko, City Manager  
**Re:** City Manager's Comments on March 2, 2009 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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***Presentation:***

1. **Fishing Fleet Committee Report.** As you are aware, Councilor Esther Kennedy and members of the Fishing Fleet Committee on Monday evening will be giving their final report to the City Council. Members of the Committee include:

Erik Anderson, Chair  
Esther Kennedy, City Council Designee  
Eric Spear, City Council Designee  
Geno Marconi  
William Gladhill  
Damon Frampton  
Peter Whelan

On the inside cover of your packet is the Committee's report back to the City Council.

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

1. **Acceptance of Police Department Donation.** Attached under Section VIII 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 donation:

- a. A donation in the amount of \$5,894.00 from Portsmouth CrimeStoppers, Inc. for the upcoming Citizen's Police Academy.

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 donation 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:**

- 1.1 **Public Hearing Re: Proposed Capital Improvement (CIP) FY2010-2015.** In accordance with Section 7.7 of the City Charter, a Public Hearing on the proposed Capital Improvement Plan for FY2010-2015 will take place on Monday evening at 7:00 p.m. At that time, I have requested that the staff make a 20-minute PowerPoint presentation giving the public an overview of the proposed Capital Plan for the aforementioned years. In addition, I will have copies available of the summary pages for the public, as well as the capital expenditures that will be proposed in the FY10 budget. Also, a copy of the Capital Plan is on our web page ([www.cityofportsmouth.com](http://www.cityofportsmouth.com)).

The City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the Public Hearing and before the City Manager submits his budget to the City Council. I anticipate that I will be transmitting my proposed FY2010 budget to you on or about April 10, 2008. Given that projected date, I am suggesting the City Council adopt the proposed Capital Improvement Plan at your March 16th meeting. In accordance with the Charter, you could adopt the CIP no later than your April 6<sup>th</sup> meeting.

Please bring your Capital Improvement Plan with you. If you need another copy, please let me know.

*I would suggest that action on this matter be taken at the March 16th City Council meeting, at which time I will recommend adoption of the CIP with any appropriate amendments. The public hearing on this item should take place under Section VII of the Agenda.*

## ***Consent Agenda:***

1. **Acceptance of Donation to Fire Department.** The Fire Department has received a donation in the amount of \$100.00 from O'Briens II, Inc.

*I would recommend the City Council move to accept the donation in the amount of \$100.00 to the Fire Department, as listed. Action on this item should take place under Section X of the Agenda.*

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

1. **Consideration of New Appointment to Rockingham Planning Commission/Metropolitan Planning Organization.** A Planning Board member, Anthony Blenkinsop, has offered to serve as one of the City's four representatives to the above-mentioned agency. If appointed, Mr. Blenkinsop would replace Brian Gregg, who resigned due to time constraints. The City Council's action in this matter will then be provided to the Rockingham Planning Commission as the record for this appointment.

*I would recommend the Council move to appoint Anthony Blenkinsop to the Rockingham Planning Commission/Metropolitan Planning Organization as a City representative.*

2. **Report Back from Planning Board Re: 10 Commercial Alley License Request to Erect a Sign over a Public Right-of-Way.** As you may recall at the December 15, 2008 City Council meeting, the Council referred a request to erect a sign over a public right-of-way at 10 Commercial Alley to the Planning Board for report back to the City Council. [Attached is a memorandum](#) from David Holden, Planning Director, outlining the report of the Planning Board to recommend this request favorably to the City Council with stipulations.

*I would recommend that the City Council move to accept the Planning Board's recommendation to approve a License to erect a sign over a public right-of-way at 10 Commercial Alley with the following stipulations:*

- 1) *That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,*
- 2) *That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works.*

3. **Report Back from Planning Board Re: Request to Name a Downtown Street after the City's Second Poet Laureate Robert Dunn.** As you may recall at the October 20, 2008 City Council meeting, the Council referred the request to name a downtown street after the City's second Poet Laureate, Robert Dunn to the Planning Board for report back. [Attached is a memorandum](#) from David Holden, Planning Director, outlining the Planning Board's report to recommend adding the former Poet Laureate Robert Dunn's name to a list of potential new street names.

*I would recommend the City Council move to accept the Planning Board's recommendation as follows:*

- 1) *That Robert Dunn's name should be reviewed for possible street naming use by the Police Department's dispatch center; and,*
- 2) *If appropriate, Robert Dunn (or some variation) shall be added to the Emergency Operation Center's list of approved street names.*

4. **Request to Establish a Work Session Re: Hiring Freeze/Status of Budget/Stimulus Funds.** As you are aware, I am implementing a temporary hiring freeze until the City Council is able to establish a work session on how you would like to proceed with vacancies. We will need to discuss those vacancies that it is necessary to fill immediately as compared to others that need to wait until after the completion of the budget, as well as information coming out as it relates to the stimulus funds that may be passed from the state to localities. At that time, I would like to further discuss the status of those funds and how they may affect the FY10 budget.

*I would recommend the City Council move to establish a work session on Monday, March 9, 2009 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers and invite the School Board, Fire Commission and Police Commission.*

5. **Report Back from Recreation Board Re: Little League request to place a Beverage Machine at Central Little League.** As you will recall, at the February 9, 2009 City Council meeting, the Council referred the request from Portsmouth Little League to place a beverage machine at Central Field, to the Recreation Board for report back to the City Council. [Attached is a memorandum](#) from Rus Wilson, Recreation Director, outlining the recommendation of the Recreation Board to grant the request with stipulations.

*I would recommend the City Council move to accept the Recreation Board's recommendation to approve the placement of a beverage machine at Central Field Little League with the following stipulations:*

- 1) *The machine will be in place Mid-April through October,*
- 2) *The machine will be "boxed in" with a wooden structure with a matching color to the rest of the buildings at the site,*
- 3) *The machine will not be illuminated at all at any time,*
- 4) *The machine be secured to prevent vandalism/theft; and,*
- 5) *The machine offer only water (no "soft drinks" or "sports drinks").*



6. **Report Back Re: Workforce Housing Trust Fund.** As you know, on January 26th, the City Council voted to accept the final report and recommendations of the Blue Ribbon Committee on Housing titled “A Road Map to Affordable Housing” dated November 18, 2008. The report contains a series of recommendations and the Council requested a report back on one of the Report’s high priority/immediate recommendations, which is the development of a Workforce Housing Trust Fund. [A draft Workforce Housing Trust Fund document is attached for your review.](#)

Below, is an excerpt from the Blue Ribbon Committee on Housing’s final report regarding the Workforce Housing Trust Fund recommendation.

*Issue 1: How Can the City Take a Leadership Role to Create Workforce Housing?*

Land costs are at a premium in the City and market rate housing is in high demand. Developers need incentives to develop workforce housing. The Blue Ribbon Committee on Housing discussed various options that would incentivize private as well as non-profit housing developers to construct workforce housing. Those incentives could take the form of regulatory or monetary incentives.

*Solution (High Priority/Immediate):* The City should establish a Workforce Housing Trust Fund to create incentives for the private sector to develop workforce housing targeted to those earning 80% to 120% of the median area income. Such a trust fund would need to be established by the City Council, with expenditures requiring Council approval. The City would have the flexibility to control affordability requirements and development characteristics and create partnership initiatives where public funds could leverage private investment. It should be noted that it will take time to “grow” the trust fund to a level sufficient to become self supporting. For example, if the trust fund were capitalized initially at \$500,000 and it earned 6% interest, \$30,000 in interest income would be available to expend at the end of the first year without tapping into the principal; if it were capitalized initially at \$1 Million and it earned 6% interest, \$60,000 in interest income would be available to expend at the end of the first year without tapping into the principal.

The Blue Ribbon Committee on Housing anticipates the Workforce Housing Trust Fund would be structured as follows:

Primary Purpose: To fund the creation of additional units of workforce housing affordable to those earning between 80% to 120% of median family income.

Use of Funds: The Workforce Housing Trust Fund should be used by the City to facilitate the following activities in partnership with public, non-profit, and private housing developers:

- acquire land to be used for the development of workforce housing;
- purchase and rehabilitate existing housing for workforce housing;
- construct new workforce housing;
- retain existing workforce or affordable housing; and

- provide workforce housing subsidies through programs such as the City's existing HomeTown Program.

Capitalization of Trust Fund: Such a fund could be capitalized as follows:

- allocate a percentage of the annual payment that comes to the City through the Municipal Services Agreement (MSA) with the Pease Tradeport (e.g. 5% of the annual MSA payment would be \$100,000);
- allocate UDAG (Urban Development Action Grant) funds on a matching basis, with \$2 of UDAG money – up to a maximum amount – placed in the trust for every \$1 in private contribution; and
- conduct research to determine if/how the trust fund could be augmented through the use of impact fees, which are a charge on new development to pay for offsite improvements that are necessitated by the new development.

Financial Management: Similar to other City trust funds, the Workforce Housing Trust Fund should be invested and managed by the Trustees of Trust Funds to insure fund growth.

*I would recommend the City Council move to authorize the City Manager to bring back the Workforce Housing Trust Fund document for a vote at the March 16, 2009 City Council meeting.*

### ***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 9, 2009. As you can see on the listing, I have highlighted those events that will have two events going on at the same time.
2. **Trustees of the Trust Fund Proposed Revision to Prescott Park Dock Policy.** [Attached, for your review, is a proposal from the Trustees of the Trust to implement a new Dock Policy for the 2009 Summer Season.](#) The major proposed changes to the policy would be to have a seasonal dock rental in which no more than ten (10) slips would be available for the seasonal rental rate. The primary reason for the seasonal rental provision in their policy would be to raise additional revenue on a consistent basis. That additional revenue is estimated to be approximately \$30,000 per year and would be placed in a capital reserve fund for improvements to the docks.

I am providing you with this proposal in advance of a request by the Trustees of the Trust Fund to come to your March 16, 2009 City Council meeting to receive approval of this proposed policy. Unless I hear an objection from the City Council, this matter will appear on the March 16, 2009 City Council Agenda. At that time, the Trustees of the Trust will be in attendance to answer any questions you might have. I have been advised by the City Attorney that in order for the Trustees of the Trust Fund to proceed with this proposal, that a vote of the City Council on allowing them to implement this policy would be needed. If you have any questions regarding this matter, please do not hesitate to give me a call.

3. **Report Back Re: Skate Board Ordinance.** Be advised that the Traffic & Safety Committee will be meeting on March 12<sup>th</sup>, therefore, a recommendation regarding the Skate Board Ordinance will be provided at the April 6<sup>th</sup> City Council meeting.
  
4. **Memorandum from Jon Frederick, Parking Manager Re: Pay & Display.** Under written communications on the Agenda, [attached is a memorandum](#) from Jon Frederick, Parking Manager, regarding the petition from George McQuilken concerning pay and display parking meters.