

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 6, 2010 TIME: 7:00PM

AGENDA

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

PRESENTATION

- 1. Proposed Study Circles Re: Budget Citizen Deliberation Pilot Project – Jim Noucas and John Tabor

V. ACCEPTANCE OF MINUTES – AUGUST 2, 2010 AND NOVEMBER 22, 2010

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

- A. Authorization for Portsmouth Regional Hospital to Accept Ventilators for Emergency Preparedness Purposes (***Sample motion – move to authorize Portsmouth Regional Hospital to accept, maintain and deploy the respiratory equipment on its behalf***)
- B. Acceptance of the 2010 Justice Assistance Grant to the Police Department from The Bureau of Justice Assistance - \$18,208.00 (***Sample motion – move to approve and accept the grant to the Portsmouth Police Department, as listed***)
- C. Acceptance of Donation for Historic Markers (***Sample motion – move to accept and expend \$525.00 in donations from the Frank Jones Farm Neighborhood for the design, fabrication and installation of an historic marker about Frank Jones & Maplewood Farm***)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (***Sample motion – move to pass first reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee, and schedule a public hearing and second reading at the December 20, 2010 City Council meeting***)
- B. First reading of Ordinance amending Chapter 7, Article II, Taxicabs – of the Ordinances of the City of Portsmouth be stricken in its entirety and replaced (***Sample motion – move to pass first reading for the Taxi Ordinances, as recommended by the Taxi Commission, and schedule a public hearing and second reading at the December 20, 2010 City Council meeting***)
- C. Third and Final reading of Ordinance amending Chapter 10, Article 5, Section 10.517 – Rooftop Appurtenances and Other Rooftop Features (***Sample motion – move to pass third and final reading on the proposed Ordinance amendment, as presented***)

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donations for Art-Speak for Overnight Art
- Thomas & Annabelle Cocchiaro - \$100.00
 - Leanne Spees - \$100.00
- (Sample motion – move to accept and approve the donations to Art-Speak for Overnight Art, as presented)***
- B. Acceptance of Donations for Art-Speak
- Paul McEachern - \$50.00
 - Olde Port Properties - \$100.00
 - Precision Auto Service - \$150.00
 - Elisabeth & Jeffrey Robinson - \$25.00
 - Joyce Volk - \$25.00
- (Sample motion – move to accept and approve the donations to Art-Speak for operations, as presented)***
- C. Letter from Heidi Roy, National Multiple Sclerosis Society, requesting permission to hold the 2011 Walk MS Portsmouth on Saturday, April 16, 2011 from 10:00 a.m. – 2:00 p.m.
(Anticipated action – move to refer to the City Manager with power)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

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

1. Consideration of First Reading of Proposed Ordinance Amendments:
 - 1.1 First reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances ***(Action on this Item should take place under Section VIII of the Agenda)***
 - 1.2 First reading of Ordinance amending Chapter 7, Article II - Taxicabs Ordinance ***(Action on this Item should take place under Section VIII of the Agenda)***
2. Third and Final Reading of Proposed Ordinance Amendments and Resolutions:
 - 2.1 Third and Final Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, Section 10.517 – Rooftop Appurtenances and Other Rooftop Features ***(Action on this Item should take place under Section VIII of the Agenda)***

City Manager's Items Which Require Action

1. Approval of Portsmouth Police Ranking Officers Association Tentative Agreement
2. Report Back Re: Town of Greenland Paramedic Intercept Services
3. Report Back Re: Vision Appraisal Online
4. Proposal to Remove Deed Restrictions on Connie Bean
5. Greenleaf Recreation Center Lease to Portsmouth Housing Authority
6. Discover Portsmouth Center – One-Year Lease Extension
7. Request for a License from Jane Gee, owner of janegee for property located at 10 Ladd Street to install a projecting sign
8. Proposal to Rename a Segment of Winchester Street
9. Albacore Way Street – Acceptance of Deed and Acceptance of Public Street

Informational Items

1. Events Listing
2. Economic Development Commission Agenda and Minutes
3. Public Meeting Notice Re: Public Undeveloped Land Assessment

B. MAYOR FERRINI

1. FY12 Budget Guidelines
2. Proposed Study Circles Re: Budget Citizen Deliberation Pilot Project (***Sample motion – move to proceed with the proposed Study Circles as presented and to authorize the City Manager to provide the necessary staff support as available and necessary***)
3. *Reports

C. COUNCILOR DWYER

1. *Joint Building Committee Update

D. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the November 18, 2010 meeting
2. Parking Committee Action Sheet and Minutes of the November 18, 2010 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. Notification that the Board of Adjustment Minutes of the September 21, 2010 and October 19, 2010 meetings are available on the City's website for your review
2. Notification that the Planning Board Minutes of the October 21, 2010 meeting 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: December 2, 2010

To: Honorable Mayor Thomas G. Ferrini and City Council Members

From: John P. Bohenko, City Manager

Re: City Manager's Comments on December 6, 2010 City Council Agenda

Presentation:

1. **Proposed Study Circles Re: Budget Citizen Deliberation Pilot Project – Jim Noucas and John Tabor.** As discussed at the Retreat on November 20, 2010, [attached](#) is a proposal from Jim Noucas and John Tabor regarding proposed Study Circles for the FY12 Budget process. Subsequent to the presentation, the Mayor has requested that this matter be acted on under his name.

Acceptance of Grants/Donations:

1. **Authorization for Portsmouth Regional Hospital to Accept Ventilators for Emergency Preparedness Purposes.** The City of Portsmouth was asked to be a participant in this grant award with the State of New Hampshire and Portsmouth Regional Hospital which will provide two ventilators to be purchased and owned by the State and to be located at the Portsmouth Regional Hospital. The City will be receiving no funds and it will have no responsibility for the ventilators. Pursuant to the grant agreement, the City's only responsibility is to "authorize Portsmouth Regional Hospital to accept, maintain and deploy the respiratory equipment on its behalf." Portsmouth Regional Hospital has all obligations with regards to record keeping and the upkeep of the ventilators. Portsmouth's participation as an authorizing community is necessary because Homeland Security Funds are being used to purchase the ventilators.

As you know, Portsmouth Regional Hospital is an integral part of the Portsmouth Area Emergency Planning Team, participating regularly in emergency response planning, training drills, and providing services. The City has entered into a series of

Memorandums of Understandings with Portsmouth Regional Hospital relative to emergency preparedness programs for Portsmouth and the other Seacoast communities.

The State of New Hampshire has requested that this grant agreement be executed by December 1, 2010. As stated above, Homeland Security Funds are being used for the purchase of the ventilators and those funds will expire at the end of the year. The Department of Health and Human Services was delayed in circulating the required paperwork. Given the City's limited role as the authorizing community (the City receives no funds or equipment) and given further that the grant agreement may be terminated by any party with thirty (30) days written notice, the Assistant City Attorney indicated that the City Manager has the authority to execute this agreement. Should there be any concern or objection, the agreement can be terminated and the ventilators returned to the Department of Health and Human Services for disposition to another community.

I would recommend the City Council move to authorize Portsmouth Regional Hospital to accept, maintain and deploy the respiratory equipment on its behalf. Action on this matter should take place under Section VII of the Agenda.

2. **Acceptance of Police Department Grant.** [Attached under Section VII of the Agenda is a memorandum](#), dated November 17, 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 grant:

- a. 2010 Justice Assistance Grant – A grant in the amount of \$18,208.00 has been received from the Bureau of Justice Assistance. These monies represent our portion of a grant being shared jointly by five Rockingham County Police Departments. Portsmouth will purchase the items listed in the grant notice attached with its allocation.

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 move to approve and accept the grant to the Portsmouth Police Department, as listed. Action on this matter should take place under Section VII of the Agenda.

3. **Acceptance of Donation for Historic Markers.** As you may recall, in May 2009, the City Council received a request from the members of the Frank Jones Farm Neighborhood Group to erect an historic marker to inform residents and visitors of the many contributions Frank Jones made to this area. At the time, the City Council referred the matter to the City Manager with power. In following up with the neighborhood, the design of this marker has progressed and will be incorporated in the City's ongoing efforts to replace historic markers.

As a result of a cost sharing arrangement with the neighborhood, the City has received donations totaling \$525.00 for the historic marker about Frank Jones. The donations have been collected from the following people:

Edward & Jean Baldassarre; Sherry Brandsema & Robert Hogan; Charles & Eva Cogswell; Aubrey, Emelie, Francine & Frederick Horvath; K.J. Knope & Fredrick McMullen; Walter G. Lewis & Patricia J. Taylor; Bob, Cindy, Joshua & Nathaniel Lister; Katherine R. Mallen; The Patch Family; George & Karen Pierce; Robert Proulx; The Sirmaian Family; H. Dixon & Monique Turner; and George & Helen Weiss.

I would recommend the City Council move to accept and expend \$525.00 in donations from the Frank Jones Farm Neighborhood for the design, fabrication and installation of an historic marker about Frank Jones & Maplewood Farm. Action on this matter should take place under Section VII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. Consideration of First Reading of Proposed Ordinance Amendments:

1.1 **First Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances.** On March 20, 2000 the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Parking Ordinance, which authorized the Parking Committee to modify city parking regulations as appropriate. This Ordinance revision has made the City more responsive to the changing parking needs of the downtown.

Before the new procedure was approved, it required three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. The process from when a request was received to when the sign was changed often took 3 months or longer to complete.

Under the new procedure, the process is streamlined. The Parking Committee takes formal action, presents the action to the City Council in the form of monthly meeting minutes, and implements the action only after the City Council adopts the meeting minutes. The public hearing process is still accomplished, but only after the action has been in place for one year, or less, as the Council deems appropriate. This way, the Council and the public have the benefit of seeing how the recommended parking change worked before formally adopting it.

The new procedure also benefits the City by fostering a continuing dialogue and analysis of downtown parking issues. The Parking Committee meets monthly to monitor on-street and off-street parking utilization data and operations. The recommended actions that result from these meetings are made in the context of a comprehensive review of current parking conditions.

[Attached](#) under Section VIII of the Agenda are proposed changes to Chapter 7, Vehicles, Traffic Parking Omnibus Ordinances that were approved by the Parking Committee at their October 14, 2010 meeting. These changes were either implemented by the Parking Committee for testing during the last year or are part of ongoing improvements to be parking ordinance and are forwarded to the City Council for approval. [Attached are diagrams](#) showing the changes to the Ordinance.

If the City Council moves to schedule a public hearing, there will be a detailed Powerpoint presentation on the proposed changes.

I would recommend that the City Council move to pass first reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee, and schedule a public hearing and second reading at the December 20, 2010 City Council meeting. Action on this item should take place under Section VIII of the Agenda.

- 1.2 **First Reading of Ordinance Amending Chapter 7, Article II -Taxicabs Ordinance.** Per vote of the Taxi Commission, City Councilor Robert Lister would like to bring the [attached ordinance](#), under Section VIII of the Agenda, forward to the City Council to request that it be brought up for first reading.

There are numerous changes throughout the ordinance which make it impractical for the Council to consider each amendment separately. Rather, it has been determined by the Commission that the most straightforward approach would be to present an entirely new ordinance. However, the major changes between this version of the Taxi ordinance and that which it would replace are as follows:

1. Changed the wording in the ordinance replacing “permit(s)” with “medallion(s)”.
2. Changed the wording in the ordinance replacing “firm or corporation” with “business entity”.
3. Changed Section 7.210: MEDALLIONS AND INSPECTIONS REQUIRED subsection 3 from “June” to “April”.
4. Deleted subsections D. and E. from section 7.211: LICENSE REQUIRED and added said sections to Section 7.214: MEDALLION/LICENSE SUSPENSION OR REVOCATION & HEARING as subsection B. and D.
5. Added to Section 7.219 No taxicab shall be operated unless it is equipped with a meter in good condition “*calibrated by an individual authorized by the State of New Hampshire.*”...

6. Changed Section 7.222: MAXIMUM NUMBER OF TAXICABS from “not more than thirty (30) taxicabs” to “not more than twenty five (25) taxicabs”.

I would recommend that the City Council move to pass first reading for the Taxi Ordinance, as recommended by the Taxi Commission, and schedule a public hearing and second reading at the December 20, 2010 City Council meeting. Action on this item should take place under Section VIII of the Agenda.

2. **Third and Final Reading of Proposed Ordinance Amendment:**

- 2.1 **Third and Final Reading of Proposed Ordinance Amending the City Ordinances, Chapter 10 – Zoning Ordinance, Article 5, Section 10.517 – Rooftop Appurtenances and Other Rooftop Features.** As a result of the November 22nd City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance](#) Amending the City Ordinances, Chapter 10 – Zoning Ordinance, Article 5, Section 10.517 – Rooftop Appurtenances and Other Rooftop Features.

As you may recall, at the October 4, 2010 City Council meeting, the Council referred the [attached request](#) from Peter J. Loughlin, Esquire, on behalf of Service Credit Union, to the Planning Board for report back to the City Council. [Attached is a memorandum](#) from Rick Taintor, Planning Director, regarding this matter. At the October 21, 2010 Planning Board meeting, the Board voted unanimously to recommend that the City Council enact the proposed Zoning Ordinance Amendment as presented.

I would recommend that the City Council move to pass third and final reading on the proposed Ordinance amendment, as presented. Action on this matter will take place under Section VIII of the Agenda.

Consent Agenda:

1. **Acceptance of Donations for Art-Speak for Overnight Art.** Art-Speak requests that the following donations totaling \$200.00 for Overnight Art be accepted by the City Council:

- Thomas & Annabelle Cocchiaro \$100.00
- Leanne Spees \$100.00

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 IX of the Agenda.

2. **Acceptance of Donations for Art-Speak.** Art-Speak requests that the following donations, totaling \$350.00 be accepted by the City Council for Art-Speak's operations. These funds are donations resulting from Art-Speak's Annual Appeal letter.

➤ Paul McEachern	\$50
➤ Olde Port Properties	\$100
➤ Precision Auto Service	\$150
➤ Elisabeth & Jeffrey Robinson	\$25
➤ Joyce Volk	\$25

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

City Manager's Items Which Require Action:

1. **Approval of Portsmouth Police Ranking Officers Association Tentative Agreement.** The Police Commission has approved a revised Tentative Agreement with the Portsmouth Police Ranking Officers Association to expire on June 30, 2014.

The highlights of the settlement are as follows:

- Term: 6-Year agreement - July 1, 2008 – June 30, 2014.
- Salaries: 10-year rolling COLA average, effective June 16, 2010 (2.98%), effective July 1, 2010 2.82% and then each July 1 thereafter during the term of the contract. No COLA adjustment for any time prior to June 16, 2010.
- Health Insurance
 - Effective June 16, 2010, Employee contribution to Comp100 and Blue Choice will increase to 20%.
 - Effective June 16, 2010, Employee contribution to Matthew Thornton will increase to 15.5%, subject to increases if premium gap narrows.
 - City may offer 2 new plans under Blue Choice and Matthew Thornton with \$5 co-pay for office visits; \$25 for emergency room; and \$10/\$20/\$45 for prescriptions.
 - PPROA will serve on City-wide committee to study health insurance options.
 - Lifetime maximum = \$2 Million.
- Overtime:
 - Paid leave taken for Vacation, Sick Leave, Personal days, Bereavement, Military Leave, and Administrative Leave for pending discipline will not count as time worked for overtime purposes. Notwithstanding the above, Officers called in or held over by management to work periods contiguous to their regularly scheduled shifts shall be paid at the overtime rate. Nothing in this provision shall affect the overtime for call-back, court minimum, outside details or grant funded shifts.

- Provision that 1 hour overtime will be paid for any early call or holdover in excess of 15 minutes has been deleted.
- Effective July 1, 2013, eight (8) of the hours required for annual New Hampshire Police Standards and Training Council (NHPSTC) certification on programs not required by the PPD will be without compensation.
- Educational Incentive: Effective July 1, 2012, \$500 for AA, \$1000 for BA/BS, \$1500 for MA/MS/PhD/JD. These incentives are non-cumulative.
- “Donning and Doffing”: The Union agrees not to support directly or indirectly a claim against the City or Commission for pre and post-shift donning and doffing wages for the duration of this contract.
- Promotion: Maintain a minimum 15% gap between top step patrol and first step Sergeant.
- Liability Insurance: Increase benefit from \$1 Million to \$2 Million and add ADD coverage up to \$20,000, both changes prospective only.
- Life Insurance: Increase to \$40,000 effective first of the month following City Council approval.
- Bereavement Leave: Add “Civil Union Partner”.
- Special Detail and Patrol Stipends: Increase by rolling 10-year COLA average effective date of City Council approval.
- Sec. 14: Increase TSOR pay requirement from 5 to 10 consecutive days.
- Sec. 19: Change Washington’s Birthday to Presidents’ Day.
- Sec. 24(G): Delete obsolete section on medical exams for employees on workers’ compensation.
- Longevity and Clothing Allowance: Apply rolling 10-year COLA adjustments to longevity schedule and clothing allowance effective upon City Council approval.

[Attached](#) for your review are the following documents:

- The Tentative Agreement outlining the changes to the contract.
- Copy of the contract with insertions and deletions.
- Cost Analysis of the six year agreement.

The Portsmouth Board of Police Commissioners is requesting that the City Council approve the revised Tentative Agreement between the Portsmouth Board of Police Commissioners and the Portsmouth Police Ranking Officers Association. Action on this matter is required.

2. **Report Back Re: Town of Greenland Paramedic Intercept Services.** As you will recall, at the November 8th City Council meeting, the Council referred the request from the Town of Greenland for the City of Portsmouth to provide paramedic intercept services, to the Fire Commission for report back to the City Council. (See the attached letter from Karen Anderson, Town Administrator). Also, attached is a letter from Richard Gamester, Chair of the Fire Commission, indicating that they support the proposal and urge the City Council to approve the development and execution of a municipal service agreement with the Town of Greenland, regarding paramedic intercept services.

I would recommend the City Council move to accept the recommendation of the Fire Commission, and to authorize the City Manager to execute the appropriate documents to implement the paramedic intercept services with the Town of Greenland.

3. **Report Back Re: Vision Appraisal Online.** As you will recall, at the City Council Retreat on November 20, 2010, there was discussion regarding providing additional assessment data on the City Website. The City Assessor has researched the cost of placing the additional property data for the City of Portsmouth online, which would be estimated at \$2,800.00 annually and would include free monthly updates from Vision Appraisal Systems. The online database would include a copy of the building picture and sketch along with basic information as follows:

- Parcel ID
- Property Location
- Building Picture
- Parcel Value
- Owner of Record
- Ownership History
- Land Use – (i.e. single family, condominium, office, etc.)
- Land Valuation
- Construction Detail
- Building Valuation
- Outbuildings – (i.e. garages, sheds, pools, etc.)
- Extra Features – (i.e. finished basements, fireplaces, etc.)
- Sketch of Building
- Sub Area Summary (breaks down sketch detail into square foot area)

If the City Council approves this proposal, it would take approximately two weeks to get this information on the City Website. Because there have been concerns raised by residents as it relates to privacy issues, I would recommend that the City Council act on this matter at your December 20, 2010 meeting to allow people to comment if they so wish at that meeting, and further, I will request that the City Assessor make a short presentation regarding this proposal on December 20th.

I would recommend the City Council move to authorize the City Manager to bring this matter back at the December 20, 2010 City Council meeting.

4. **Proposal to Remove Deed Restrictions on Connie Bean.** When the City acquired the Connie Bean Center from the Army & Navy Association in 1948, the Association required that the property be used for “recreational, educational or civic” purposes. As the City Council is aware from other presentations, discussions and decisions, the Connie Bean Center is no longer able to serve its recreational purposes without substantial investment given the change over time in building and life safety codes. [Attached](#) for reference is the documentation previously circulated from the Fire Department relative to the safety issues that make the structure problematical.

The Army and Navy Association is no longer in existence; thus, the only means for releasing the property restriction is to use a mechanism under State law which allows the Probate Court to modify or release restrictions on property when there has been a sufficient change in circumstances that the charitable purpose is no longer being met. In recent discussions with the Attorney General’s Office, it has been suggested that the City could proceed in a two-step fashion. The City could first proceed with a legal action to relieve the property of the restriction. That first action would be subject to the City filing a second action when the City determines the future re-use of the property. In this two-step process, the City would be better poised to evaluate re-use alternatives with prospective developers as the first step would clear the title and the only remaining issue would be the allocation/dedication of funds from a re-use. Such allocation/dedication of funds would need the approval of the City Council, the Attorney General’s Office and the Probate Court and would be designated for other “recreational, education or civic” purposes to honor the charitable intent of the grantor.

As the City Council is already familiar with the limitations of the Connie Bean Center, I have kept this comment brief. This request for authorization to proceed is for the purpose of having a clear record for the Probate Court of the need for action. The Legal Department recommends that the City Council expressly authorize the commencement of legal action to relieve the Connie Bean Center from the deed restriction that limits its re-use. This in no way binds the City Council to the future use of the Connie Bean Center. The recreation activities now at the Connie Bean will continue until the City Council decides on the properties reuse.

The City Council finds that the Connie Bean Center is no longer able to serve its recreational, educational and civic purposes without substantial investment given the change in building and life safety codes and authorizes the City Manager to commence legal action to relieve the Connie Bean Center from the deed restriction that limits its re-use.

5. **Greenleaf Recreation Center Lease to Portsmouth Housing Authority.** As you are aware, in April of this year, the Portsmouth Housing Authority approached the City about its interest in leasing the Greenleaf Recreation Center. In the PHA’s proposal, the recreation center would remain open to the public and have an emphasis on serving the residents of the nearby 100-unit housing development at Wamesit Place.

As you may know, in 1999 the City obtained the Greenleaf Recreation Center at no cost via a public benefit conveyance from the National Park Service (NPS). At that time, the City and the Portsmouth Housing Authority developed a successful reuse proposal and converted the former Coast Guard facility into a recreation center. As a result, the City is responsible for ensuring the building continues to be open to the public and used for public recreational purposes. Staff has consulted closely with the National Park Service on the appropriateness of the proposed lease terms summarized below and the National Park Service has approved of the proposal.

This proposal represents an opportunity to collaborate with the PHA to better utilize this resource and increase the activity at the building. The building, which is currently not staffed, will be staffed by a Resident Services Coordinator at the PHA; new programming will be introduced and existing programming will be maintained. This proposal is consistent with the recently completed Recreation Needs Study, which recommends finding a separate entity to operate the Greenleaf Recreation Center.

Below are the proposed lease terms developed between the City, the NPS, and the PHA.

- Ownership: The City will retain ownership of the property.
- Lease Term: Three years.
- Rent: The property will be leased to the PHA for \$1 per year.
- Parties to the Lease: The City will lease the building to the Portsmouth Housing Development Limited, a 501(c)(3) entity, and the property will be managed by the Portsmouth Housing Authority.
- Area to be leased: The Greenleaf Recreation Center and associated parking and grounds. The building includes multi-purpose recreation rooms, meeting and office space, a kitchen, and a garage bay. The leased area will not include the Skateboard Park.
- Deed Restriction: The Lessee will be responsible for operating the building consistent with the terms of the deed associated with the original public benefit conveyance from the National Park Service to the City of Portsmouth.
- Property Improvements: No internal or external property improvements or alterations will be undertaken without the written approval of the City Manager.
- Maintenance of Leased Area: Maintenance of the lease area will be entirely the responsibility of the lessee.
- Programming: All programming and uses of the Greenleaf Recreation Center shall be consistent with the deed restriction on the property and be open to the public. In

addition to ensuring this facility is open to the public, additional recreational programming will be targeted to residents of the nearby 100-unit affordable housing development known as Wamesit Place.

- Trash disposal: The lessee will be responsible for disposal of all trash and recyclables. No dumpsters will be located on the site.
- Utilities: All utility charges will be paid by the lessee.
- Insurance: The lessee will be responsible for maintaining all standard insurance policies.

I would recommend the City Council move to authorize the City Manager to negotiate and execute a three-year lease of the Greenleaf Recreation Center to the Portsmouth Housing Authority for the purposes of operating a community recreation center open to the general public with an emphasis on serving the residents of the nearby Wamesit Place housing development.

6. **Discover Portsmouth Center – One-Year Lease Extension.** As you know, the Portsmouth Historical Society is currently leasing the former Public Library at the corner of Islington and Middle Street under a three (3) year agreement. That lease is set to expire on December 31, 2010 and the Historical Society has requested an extension. Staff and the Historical Society recommend that the parties enter into a one-year extension prior to expiration of the current lease. The Historical Society seeks to appear before the City Council in a future work session to discuss its long-term vision for the property and explore a long-term lease.

By way of background, pursuant to the existing lease, the Historical Society has an obligation to maintain the premises and to use the premises for certain public purposes. The Historical Society has fulfilled those purposes and the Discover Portsmouth Center appears to be a viable enterprise, adding value to the community. No rent is paid under the existing lease; however, the Historical Society has made investments in the building infrastructure. The Historical Society is also prepared to review the successes and challenges of its fundraising and grant writing efforts to secure funds for further improvements to the historic buildings. There are currently two subtenants of the Historical Society, those subtenants being the Seacoast African American Cultural Center and Starr Island Corporation.

The proposed one-year extension would include minor adjustments to the existing lease relative to parking and utilities. (See attached existing lease.) The parking lot was reconfigured last year such that there are now six (6) spaces along the former library building. Those spaces would be dedicated to the Historical Society and its subtenants. The spaces along what is known as the Keefe House, and which include two handicapped spaces, will remain public and subject to municipal regulation. The City will continue to maintain and clear snow from the entire lot. In addition, the one- year extension will

adjust the current arrangement with regard to the cost associated with heating the building in the winter. Under the current lease, the City assumes the costs for heating the building in the winter, which costs have ranged from approximately \$11,500.00 to \$14,000.00 in this most recent year. Under the proposed extension the City would cap its contribution to the heating costs at \$10,000.00 and the Historical Society would be responsible for amounts over \$10,000.00. This adjustment acknowledges that there are now subtenants in the building year round, whose tenancy has increased heating costs since the initial lease was entered into three (3) years ago.

I would recommend the City Council authorize the City Manager to negotiate and execute a one-year lease extension of the former public library property for the Portsmouth Historical Society, such extension to include an adjustment to parking and utilities.

7. **Request for a License from Jane Gee, Owner of janegee for Property Located at 10 Ladd 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 Jane Gee owner of janegee for property located at 10 Ladd Street, to install a projecting sign on a new bracket ([see attached photographs](#)).

This request was received by the Planning Department on November 9, 2010, and reviewed by the Planning Board on November 18, 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 Jane Gee, owner of janegee to install a projecting sign on a new bracket at 10 Ladd Street and further authorize the City Manager to execute a License Agreement for this request.

8. **Proposal to Rename a Segment of Winchester Street.** Attached is a copy of a memorandum from Rick Taintor, Planning Director, dated November 30, 2010, regarding a proposal to rename a segment of Winchester Street. At the November 18, 2010 Planning Board meeting, the Board voted unanimously to recommend that the segment of Winchester Street closest to Lafayette Road (up to the first corner) be renamed as “Cardinal Lane”. The segment that is proposed to be renamed is shown on the [attached map](#).

I would recommend the City Council move to accept the Planning Board’s recommendation, as presented, that the segment of Winchester Street between Lafayette Road and the first corner to be renamed “Cardinal Lane”.

9. **Albacore Way Street – Acceptance of Deed and Acceptance of Public Street.** Attached is a memorandum from Rick Taintor, Planning Director, regarding the acceptance of the deed and the acceptance of a public street for Albacore Way. Also, [attached is a letter](#) from Atlantic Pointe Builders, LLC. At the Planning Board’s meeting of November 18, 2010, the Board voted unanimously to recommend that the City Council take the following actions:

- a) Accept the deed to Albacore Way, and
- b) Accept Albacore Way as a City street.

I would recommend the City Council move to accept the Planning Board’s recommendation, as presented.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on November 22, 2010. In addition, this now can be found on the City’s website.
2. **Economic Development Commission Agenda and Minutes.** Attached for your information are copies of the Economic Development Commission Agenda for the Friday, December 10, 2010 meeting and the draft meeting minutes of November 5, 2010.
3. **Public Meeting Notice Re: Public Undeveloped Land Assessment.** A public meeting will be held on Tuesday, December 7, 2010 from 6:30 p.m. to 7:30 p.m., at the Portsmouth Public Library, in the Levenson Room, to present the results of a study of undeveloped City owned property. This Public Undeveloped Land Assessment (PULA) was undertaken for the Conservation Commission in order to inventory all City owned parcels which do not currently have buildings or have not been otherwise developed. Ninety-one City parcels were the focus of this study. This project provides a database and mapping system that can easily be updated and added to in the future. Key issues

identified by this project include a description of the important conservation values of each parcel and recommendations for access and appropriate public use of each parcel.

Each parcel was inventoried to assess the property for the existence and extent of the following:

- A. Wildlife corridors
- B. Invasive species
- C. Access
- D. Parking access
- E. Historical features
- F. Rare plants
- G. Rare animals
- H. Dumping
- I. Water craft access
- J. Non-point source discharge site
- K. Wetland restoration site

This report provides a starting point for overall management of City-owned properties. The information presented establishes a baseline for future management decisions. Follow-up studies may be required to address some of the findings of this study including invasive species management, non-point source discharge mitigation, and wildlife corridor protection.