

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 20, 2011 TIME: 6:00PM

AGENDA

• 6:00PM – WORK SESSION RE: WORTH LOT PARKING GARAGE

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

PRESENTATIONS

- 1. Mayor's Awards – Portsmouth Girls Lacrosse State Champions – Division II
- 2. Mayor's Awards – Portsmouth Varsity Baseball Team – Record Breaking Accomplishment and Regular Season
- 3. *Annual Report Art-Speak
- 4. Proposed Betterment Assessment for Commerce Way

V. ACCEPTANCE OF MINUTES – MAY 16, 2011 AND JUNE 6, 2011

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Grant for Household Hazardous Waste Collection (***Sample motion – move to accept and expend a \$4,381.00 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract***)
- B. Acceptance of Community Development Block Grant (CDBG) (***Sample motion – move to accept and expend a Community Development Block Grant (CDBG) in the amount of \$594,463.00 from the U.S. Department of Housing and Urban Development***)

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. Acceptance of Donation to the Coalition Legal Fund
- Town of New Castle - \$500.00
- (Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)***
- B. *Acceptance of Donations for USS Virginia
- Harold Whitehouse - \$30.00
 - The Ceres Bakery Creative - \$40.00
- (Anticipated action – move to approve and accept the donations for the USS Virginia, as presented)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Deb Weeks, The Green Monkey Restaurant, requesting permission to place 1 two-yard dumpster and 3 eco-movement totes for composting and recycling on Church Street for a 1 year period
- B. Letter from Julie Slayton Frank, South Church, requesting renewal of their Dumpster License Agreement
- C. Letter from Grace K. Staller, The Descendants of the Signers of the Declaration of Independence, Inc., requesting permission to place a small plaque at the gravesite of William Whipple located in North Cemetery
- D. Letter from Ben Anderson, Prescott Park Arts Festival Executive Director, requesting permission to place 5 directional signs at the following locations:
- Route 1 Bypass Maplewood exit
 - Market and Bow Street corner
 - Pleasant and State Street corner
 - Pleasant and Marcy Street corner
 - State and Marcy Street corner
- E. Letter from Richard Wagner, AIDS Response Seacoast Director, requesting permission to provide free HIV testing from a Mobile Testing Unit in downtown Portsmouth from 3:00 p.m. to 6:00 p.m. on Monday, June 27, 2011

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

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

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

City Manager's Items Which Require Action

1. Proposed Amendment to the Professional Management Association (PMA) Collective Bargaining Agreement and Non-Union Employees Re: Health Insurance
2. Art-Speak Annual State of the Art Report and Memorandum of Understanding (MOU) Renewal Request
3. Report Back Re: Cocheco Valley Humane Society Event
4. Report Back Re: the Revised Proposal from John Tinios, Owner of Popovers on the Square, for use of City Owned Property for Outdoor Seating with Alcohol Service
5. Proposed Amendment to Worth Development Agreement Re: Parking
6. Request for Approval of Pole License #63-0510
7. Request for a License from Scott Segee and Liz Wright owners of Fa La Lo of Portsmouth LLC for property located at 7 Commercial Alley to install a projecting sign
8. Request for a License from Ted Alex, owner of True North Property Management for property located at 208 Market Street to install a projecting sign
9. Request for Approval of Porter Street Dumpster License Agreement

Informational Items

1. Events Listing
2. Fireworks Display Re: Independence Day
3. Report Back Re: Letter from Jennifer Wilhelm

B. MAYOR FERRINI

1. Appointment to be Considered:
 - Leslie Stevens – Appointment to the Trees and Public Greenery Committee
2. Appointments to be Voted:
 - Richard Katz – Reappointment to the Historic District Commission
 - Nancy Beach – Reappointment to the Cable Television and Communications Commission
 - Steven Berg – Reappointment to the Portsmouth Housing Endowment Fund Advisory Board
3. *City Manager's Evaluation Committee
4. *Reports

C. ASSISTANT MAYOR NOVELLINE CLAYBURGH

1. Final Report of City Charter Advisory Committee (*Proposed motion – move that the Report of the City Charter Advisory Committee be accepted, and; that a Work Session be established at 6:00 p.m. prior to the regular City Council meeting of July 18, 2011, and; that the matter be placed on the agenda for the July 18, 2011 meeting so that the City Council may vote on the recommendations made by the Committee and on any other charter amendments which might be proposed by the Council*)

D. COUNCILOR DWYER

1. Authorize Joint Building Committee (JBC) to Oversee Construction of the Youth Recreational Facility (*Proposed motion – move to authorize the Joint Building Committee (JBC) to oversee construction of the Youth Recreational Facility in accordance with memorandum dated June 16, 2011*)

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 Historic District Commission Minutes of May 4, 2011 meeting are available on the City's website for your review
2. Notification that the Conservation Commission Minutes of May 11, 2011 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: June 16, 2011

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

From: John P. Bohenko, City Manager

Re: City Manager's Comments on June 20, 2011 City Council Agenda

6:00 p.m. – Work Session

1. **Worth Lot Parking Garage.** As requested by the City Council, on Monday evening at 6:00 p.m., there will be a work session regarding the proposed construction of the Worth Lot Parking Garage. The purpose of the work session will be to receive input and direction from the City Council for preliminary design of the proposed garage. City staff will make a brief presentation relative to this matter. I have [attached for your information a copy of the memorandum and report](#) dated April 13, 2011 from Jon Frederick, Director of Parking and Transportation, as well as a [map and amortization schedule](#).

Presentations:

1. **Mayor's Awards – Portsmouth Girls' Lacrosse State Champions – Division II.** Mayor Thomas Ferrini will present awards to the Portsmouth Girls Lacrosse State Champions for Division II.
2. **Mayor's Awards – Portsmouth Varsity Baseball Team.** Mayor Thomas Ferrini will present awards to the Portsmouth Varsity Baseball Team for a record breaking accomplishment and regular season.
3. **Annual Report Art-Speak.** In accordance with Art-Speak's Memorandum of Understanding, on Monday evening, Steve McHenry, Chair of Art-Speak, will present the annual Art-Speak report to the City Council.

4. **Proposed Betterment Assessment for Commerce Way.** On Monday evening, Everett Eaton, Chair of the Economic Development Commission, along with City staff and representatives from Commerce Way will be making a presentation, regarding a proposed Betterment Assessment for Commerce Way. For your information, I have [attached the following documents](#) regarding a proposed Betterment Assessment:

1. Letter dated June 14, 2011 from Everett Eaton, Chair of EDC to City Council regarding Betterment Assessment Request from Commerce Way, LLC.
2. Letter dated June 14, 2011 from Attorney Malcolm R. McNeill, Jr. requesting Conditional Layout for Existing Private Way with Betterment Assessment.
3. Proposed Master Plan for Commerce Way.
4. Relevant State Statutes.

Please note there is no action being requested on this matter at this time.

Acceptance of Grants/Donations:

1. **Acceptance of Grant for Household Hazardous Waste Collection.** As you are aware, \$28,000 has been committed from the Water & Sewer Enterprise Fund for two household hazardous waste collection events in the FY '12 budget.

Household hazardous waste collection events help protect our water supply and reduce the potential of hazardous waste being dumped or inappropriately disposed of. In the interest of protecting public health and ensuring household hazardous waste and unwanted household hazardous products are disposed of in an environmentally sound manner, the City has been hosting the collection event for more than ten years. Over 200,000 gallons of hazardous waste have been properly disposed of during that time. An average of 350 families take advantage of the collection events every year. This year, the program was expanded to include prescription drug disposal with the assistance of the City of Portsmouth Police Department.

In the spirit of being a good neighbor, the City provides the services to residents of Newington and Greenland also. The expenses are shared between the communities on a prorated basis - per vehicle per community.

A grant in the amount of \$4,381.00 from the Department of Environmental Services (DES) has been applied for and is available to the City to assist in managing the cost of these events. This grant would supplement the City funds proposed in the FY '12 budget.

I would recommend the City Council move to accept and expend a \$4,381.00 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract. Action on this matter should take place under Section VII of the Agenda.

2. **Acceptance of Community Development Block Grant (CDBG).** The U.S. Department of Housing and Urban Development has informed the City that a Community Development Block Grant (CDBG) in the amount of \$594,463 will be made available to Portsmouth for FY 2011-2012. 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 several months to solicit input and prioritize projects with regard to the expenditure of these funds. [A copy of the FY 2011-2012 CDBG Budget is attached.](#)

I would recommend the City Council move to accept and expend a Community Development Block Grant (CDBG) in the amount of \$594,463 from the U.S. Department of Housing and Urban Development. Action on this matter should take place under Section VII of the Agenda.

Consent Agenda:

1. **Acceptance of Donation to the Coalition Legal Fund.** [Attached is a copy of a check from the Town of New Castle](#) in the amount of \$500.00 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 IX of the Agenda.

2. **Acceptance of Donations for USS Virginia.** The City of Portsmouth has received the following donations totaling \$70.00 for the USS Virginia party:

- Harold Whitehouse \$30.00
- The Ceres Bakery Creative \$40.00

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

City Manager's Items Which Require Action:

1. **Proposed Amendment to the Professional Management Association (PMA) Collective Bargaining Agreement and Non-Union Employees Re: Health Insurance.** As you are aware, health insurance is one of the major driving factors in the budget. Per the City Council's request and at my direction, the Human Resources Department has been working with the Professional Management Association and the non-union employees to look at other alternatives to their current health insurance coverage.

As you are aware, health insurance is a mandatory subject of bargaining and cannot be unilaterally changed. Therefore, in working with the Professional Management Association, they have agreed to change from HealthTrust (Anthem Blue Cross) to School Care (Cigna). The Supervisory Management Alliance changed to SchoolCare in 1999 and has been extremely happy with their

coverage. As a result, we would like to offer PMA and non-union employees the same agreement that we have with the SMA bargaining unit, which is as follows:

- The employee's premium share for any SchoolCare plan (Single, 2-Person, Family) will be fourteen percent (14.0%) of the total premium. It should be noted that the SchoolCare plan has a higher deductible for office visits, prescription drugs and various restrictions on network physicians, which increases the cost to employees and allows for the savings that I will be describing later in this memorandum. Further, depending on the plan selected, this may result in higher individual and family deductibles.
- Should the parties return to the current menu of health insurance plans during the term of the present collective bargaining agreement, the employee's premium share will be twenty percent (20%) of the Comp 100 and Blue Choice plans and fifteen and one-half percent (15.5%) of the Matthew Thornton plans.

In addition, we have offered to change their dental plan from Delta Dental to Cigna dental insurance and increased the cap on benefits from seven-hundred fifty dollars (\$750) to one thousand five hundred dollars (\$1,500).

If all employees maintain the same plan (e.g. POS or HMO) that they are currently on when they switch to SchoolCare, the City will save a net \$110,000 per year including the cost of the added dental benefit (total additional cost of dental benefit \$2,300 for the entire group). However, in discussions with the employees, Human Resources feels that many may move to the HMO plan which is less expensive, resulting in additional savings to the City. Human Resources has also been approached by another union who would also like to consider changing to SchoolCare.

Since this change requires an amendment to the current collective bargaining agreement, it will require City Council approval in order to implement this change effective August 1, 2011, to achieve maximum savings.

[Attached is a copy of the Memorandum of Agreement between the City of Portsmouth and the Portsmouth Professional Management Association](#) that needs to be approved. It is important to note that if the City Council approves this agreement it will apply to all of the non-union employees and employees with individual contracts. These include the following positions: Deputy City Manager, City Attorney, Assistant City Attorney, City Clerk, Human Resources Director, Human Resources Coordinator, Assessor, Prosecutor, Executive Assistant, Administrative Secretary, Administrative Clerk, Police Chief, Deputy Police Chief, Fire Chief, Assistant Fire Chief, Deputy Fire Chief and City Manager.

I would like to commend Dianna Fogarty, Human Resources Director and the Management staff in recognizing the challenges the City is facing and taking the lead to assist the City Council and the taxpayers in controlling costs.

I would recommend the City Council move to approve the Memorandum of Agreement between the Portsmouth Professional Management Association and the City of Portsmouth, as presented and, further, approve this change for non-union employees.

2. **Art-Speak Annual State of the Art Report and Memorandum of Understanding (MOU) Renewal Request.** At the June 20, 2011 City Council meeting under Presentations, Art-Speak will give its annual report on arts and culture in the City and request renewal of the Memorandum of Understanding (MOU) between the City and Art-Speak for the period July 1, 2011 through June 30, 2012.

In addition to information on the City's cultural community, the report will address Art-Speak's activity in the past year with respect to the requirements outlined in the MOU such as:

- 1) Promote appreciation, awareness, participation, and dialogue in the support of arts and culture in the City of Portsmouth;
- 2) Serve in an advisory capacity for all City government departments;
- 3) Provide an annual state-of-the-City cultural report;
- 4) Convene an annual arts and cultural forum;
- 5) Provide business and cultural exchanges; and
- 6) Provide regional and state cultural collaboration opportunities.

The report will include information on Art-Speak's successful 2010 Overnight Art Exhibit, the (H)art program at the Portsmouth Middle School, coordination of the ongoing American for the Arts Economic Impact Study, coordination of the African Burying Ground donation administration, the launch of the Art Acquisition Committee and professional development program for professional photographers.

In 2010/11 Art-Speak successfully leveraged the \$20,000 in UDAG funds granted to the organization through donations and other grants for Art-Speak operations and programs (including Overnight Art, annual appeal and the Middle School's (H)Art programs) totaling over \$18,000. The FY 11-12 UDAG Budget includes another \$20,000 for Art-Speak to continue the work outlined in the annual report.

By supporting the activities of Art-Speak, the City of Portsmouth advocates and leverages the power of the local creative economy and continues to be a model for other communities.

I would recommend that the City Council move to authorize the City Manager to extend the Art-Speak Memorandum of Understanding from July 1, 2011 through June 30, 2012.

3. **Report Back Re: Cocheco Valley Humane Society Event.** As you will recall, at the May 16th City Council meeting, the Council referred the request from the Cocheco Valley Humane Society to the Peirce Island Committee and Recreation Board for a report back to City Council. The Cocheco Valley Humane Society requested permission to hold their 14th Annual Dog Walk and Vendor Fair on Sunday, October 2, 2011 at Peirce Island. [Attached is a report back](#) from the Peirce Island Committee and Recreation Board recommending the City Council deny the aforementioned request of Cocheco Valley Humane Society.

I would recommend the City Council move to accept the report back from the Peirce Island Committee and Recreation Board to deny the request, as presented.

4. **Report Back Re: the Revised Proposal from John Tinios, Owner of Popovers on the Square, for use of City Owned Property for Outdoor Seating with Alcohol Service.** Attached is a written proposal for alcohol service provided via email by Popovers on the Square owner John Tinios on Monday, June 6, 2011, as well as an exterior table layout plan submitted subsequently by Mr. Tinios. As you know, at the June 6th City Council meeting, the Council briefly discussed this matter and voted to refer Popovers' proposal to the City Manager for review and report back to the City Council at the June 20, 2011 meeting. In short, Mr. Tinios' current proposal is to use a portion of the City sidewalk in Market Square in front of his establishment for outdoor seating (40 seats) where alcohol would be served; this approximately 623 square foot area would be for the exclusive use of Popovers. At my direction, City staff met with Mr. Tinios on site on June 9th and have reported that they do not have concerns with his proposal.

As you know, a similar proposal from Mr. Tinios was discussed at the May 16, 2011 Council meeting, in which he requested the removal or relocation of the two City street trees located closest to the building. The City Council voted on May 16th to refer that matter to the Trees and Public Greenery Committee for a report back. The Trees and Public Greenery Committee held a special meeting on site on the morning of May 23, 2011, which was attended by John Tinios. At that meeting, Mr. Tinios indicated he had received feedback from the public that there was not support for removing the trees. The Committee agreed with this sentiment and voted for the record to retain the trees. Removal of the trees is no longer part of Mr. Tinios' proposal and his plan is to place the tables and chairs away from the trees (beyond the edge of the tree grates that are flush with the brick sidewalk). In addition, in order to provide added protection to the two trees that will be within the seating area, the Public Works Department will be installing upright iron tree guards.

If Popovers' proposal is approved by the City Council, this will be a pilot use of the City sidewalk for this purpose similar to the use of a portion of Vaughan Mall (500 square feet) by The District Restaurant (previously Pesce Italian Kitchen + Bar) for outside alcohol service. As you know, the City Council approved an Area Service Agreement for The District Restaurant at the June 6, 2011 Council meeting and, if the Council approves tonight's request from Popovers, they would also sign a very similar Area Service Agreement for the use of City property for outdoor alcohol service in Market Square. Attached are the criteria used for the development of the Area Service Agreement for The District Restaurant revised to reflect Popover's request.

Please note that Mr. Tinios asks that the area service fee be reduced to 25% (or \$2,500) of the \$10,000 seasonal fee. In the case of The District Restaurant, which is for the use of approximately 500 square feet in Vaughan Mall, the Area Service Agreement specifies that the \$10,000 fee will be prorated on a per day basis by that portion of the season remaining from the date of execution of the Agreement. The season is 6 months, from April 15th to Columbus Day; so, for example, if the Agreement was not executed until July 15th, one-half of the \$10,000 fee would be owed.

While the City has received a number of additional requests, I would like to see no additional approvals for service of alcohol on City property for the coming season. Rather, I believe we should focus on 2 pilots for this season – The District and Popovers – and, based on that

experience, come back to the City Council some time this winter to develop a policy relative to liquor service on City property that could potentially be more broadly applied during the 2012 season.

I would recommend the City Council authorize the City Manager to enter into an Area Service Agreement with Popovers on the Square for outdoor liquor service on City land in Market Square and pro rate the fee on a per day basis.

5. **Proposed Amendment to Worth Development Agreement Re: Parking.** [Attached is a copy of a letter from Attorney Robert Shaines on behalf of Worth Development](#) seeking to amend the City's agreement with Worth Development regarding the Worth Parking Lot. Specifically, in light of the City Council's recent adoption of Sunday parking fees, Worth Development would like to amend the Agreement so that the 23 parking spaces which it is allowed to reserve at an agreed upon daytime parking rate for Monday to Saturday now be made available on Sunday. Since that Agreement was approved by the City Council, if the amendment is to be made it should also be approved by the City Council. [Attached is a copy of the Agreement.](#) The following is a proposed written amendment to accomplish the goal sought by Worth Development Corporation:

Motion: To amend the relevant portion of Section 4 of the Agreement between Worth Development Corp. and the City dated August 29, 2006 to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

4. The City will continue to allow Worth, its successors or assigns, to reserve for daytime use of its tenants, exclusive of ~~Sundays and~~ Holidays, twenty-three (23) parking spaces in the Worth Lot. The spaces will be selected and designated by the City. In consideration of the use of the spaces, Worth will pay to the City in six month increments in advance a sum equal to the City's monthly daytime parking rate normally charged by the City for vehicle parking in the High Hanover Parking Facility.

I would recommend the City Council move to approve the aforementioned amendment and, further, authorize the City Manager to execute the amended Agreement.

6. **Request for Approval of Pole License #63-0510.** [Attached is a request for a Pole License Agreement](#) from PSNH, License #63-0510. This request is to license one pole located on McDonough Street that is needed as a guy pole to support their lines heading up Rockingham Street. Currently, the lines are held up via attachment to the brick building as seen in the [attached picture](#). The new pole will be located on the curb line approximately five feet off the building. This new pole poses no impact to existing City infrastructure. The Public Works Department recommends approval of this license.

I would recommend that the City Council approve the request from PSNH for pole license agreement, #63-0510, as recommended by the Public Works Department.

7. **Request for a License from Scott Segee and Liz Wright owners of Fa La Lo of Portsmouth LLC for property located at 7 Commercial Alley to install a projecting sign.** Attached is a copy of a memorandum from Rick Taintor, Planning Director, outlining his recommendation regarding a request from Scott Segee and Liz Wright, owners of Fa La Lo of Portsmouth LLC for property located at 7 Commercial Alley, to install a projecting sign on an existing bracket. Attached are the photographs. The proposed sign complies with the zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed and shall be 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 Director with the aforementioned stipulations and approve the request of Scott Segee and Liz Wright, owners of Fa La Lo of Portsmouth LLC to install a projecting sign on an existing bracket at 7 Commercial Alley and, further, authorize the City Manager to execute a License Agreement for this request.

8. **Request for a License from Ted Alex, owner of True North Property Management for property located at 208 Market Street to install a projecting sign.** Attached is a copy of a memorandum from Rick Taintor, Planning Director, outlining his recommendation regarding a request from Ted Alex, owner of True North Property Management for property located at 208 Market Street, to install a projecting sign on an existing bracket. Attached are the photographs. The proposed sign complies with the zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed and shall be 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 Director with the aforementioned stipulations and approve the request of Ted Alex, owner of True North Property Management, to install a projecting sign on an existing bracket at 208 Market Street and, further, authorize the City Manager to execute a License Agreement for this request.

9. **Request for Approval of Porter Street Dumpster License Agreement.** In 2008, Jay McSharry was granted a License by the Portsmouth City Council to place a dumpster, totes for recyclables and other receptacles in a designated area on Porter Street. That License has expired and Mr. McSharry seeks a new License. [See attached correspondence](#) from Mr. McSharry.

Staff recommends that a License be granted for a 10' by 12' area, which is consistent in size with the prior License granted. Within this 10' x 12' area, Mr. McSharry can place a dumpster, totes and other receptacles as the restaurant conditions may require. Critical to the allowance of the receptacles is that the receptacles and the area around them remain clean and tidy and that Porter Street remain open and passable at all times. Such terms will be incorporated in the granting of a License.

The Director of Public Works believes there is sufficient space within the right-of-way of Porter Street to allow for the receptacles in this area. The Fire Department has reviewed this request and has no objection.

I would recommend the City Council move to authorize the City Manager to enter into a new License Agreement with Jay McSharry for waste receptacles on Porter Street.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on June 6, 2011. In addition, this now can be found on the City's website.
2. **Fireworks Display Re: Independence Day.** For your information, the Annual Fireworks Display celebrating Independence Day will be held on Sunday, July 3rd at 9:15 p.m., at Leary Field. There will be a DJ with music starting at 7:00 p.m.
3. **Report Back Re: Letter from Jennifer Wilhelm.** As you will recall, at the June 6th City Council meeting, the Council referred the [attached letter from Jennifer Wilhelm](#) to the Peirce Island Committee for report back to the City Council, regarding her concerns for Peirce Island's healthy ecosystem. [Attached is a report back](#) from the Peirce Island Committee regarding this matter.