

BLUE RIBBON COMMITTEE ON THE PRESCOTT PARK MASTER PLAN

Outline of Report Back And Recommendations for Governance 11-29-2016

I. Blue Ribbon Committee Report Back: A Plan for Prescott Park - Outline

A. Introduction to Report Back by Blue Ribbon Committee

B. *Weston & Sampson Final Deliverable

I. Introduction

II. Existing Conditions Narrative (with report as an appendix)

III. Process Description

IV. Park First Approach

V. Design Tenets

VI. The Preferred Plan

VII. Phasing and Opinions of Probable Cost

VIII. Conclusion

C. Blue Ribbon Committee Recommendations for Governance

I. Governance Framework

II. Recommendations for Governance Moving Forward

III. Principles for Operating Agreements

IV. Recommended Provisions for Operating Agreements

***Content to come from Weston & Sampson**

II. Governance Framework (Summary)

1. The City Council is the policy making body of the City of Portsmouth and controls City-owned land and its uses
2. The City of Portsmouth owns the land that makes up Prescott Park
3. The Portsmouth City Charter Article V; section 5.3, charges the City Manager to oversee all City property

4. Deed restrictions establish the eligible uses of the property (“parks and recreational purposes”)
5. The Will of Josie F. Prescott establishes a Trust (financial) whose income “shall be used for the maintenance” of the Park.
6. Current proceeds from the Trust are insufficient to fund the annual operating costs of the Park (full and part time salaries, supplies, and maintenance costs, etc.).
7. The City’s Trustees of Trust Funds oversee the Trust (financial) in their role as defined in State statute.
8. The City’s Trustees of Trust Funds have provided the supervision and oversight in the Park as a matter of tradition as opposed to a requirement of any document or law.
9. The Charitable Trust Division at the State of NH Attorney General’s Office oversees Trusts and property held in trust to ensure they are used in a manner consistent with the intent of the maker of the Trust.

III. Recommendations for Park Governance going Forward

1. The Blue Ribbon Committee on Prescott Park (BRC PP) recommends governance practices be carried out in a manner consistent with the deeds for the park parcels and city ordinances.
2. BRC PP Recommends Prescott Park come under the management control of the City Manager as set forth in the City Charter effective upon adoption of this report.
3. BRC PP Recommends the City Council commit to implementing the Master Plan, which should be identified in the City’s Capital Improvement Plan.
4. BRC PP Committee recommends replacing existing operating agreements with Park Licenses to be entered into with effective dates beginning January 1, 2018.
5. BRC PP Recommends the Mayor appoint a *Blue Ribbon Prescott Park Policy Advisory Committee* (Advisory Committee) to advise the City Manager with

respect to programming an operations of licensees in Prescott Park. Representation on the Advisory Committee should be made up of a member of the City's Trustees of Trust Funds, a City Councilor, two residents of the community, and a representative of organizations with formal user agreements with the City. The City Manager shall appoint up to two staff advisers who would be non-voting.

The recommended charge for the *Blue Ribbon Prescott Park Policy Advisory Committee* is to provide advice to the City Manager in the area of park programming and operations of park licensees (this includes, providing input on policies and the terms of the licenses).

6. Because Blue Ribbon Committees expire with the City Council two-year term, the Committee Recommends the City Council evaluate the Advisory Committee structure in December of 2017.
7. BRC PP recommends construction of park improvements and facilities be planned, funded (including through public-private partnerships) and owned by the City and in conformance with this Master Plan, including compliance with guidelines for capacity and use in the 2017 Weston & Sampson Final Report and duly adopted future updates.
8. BRC PP Committee recommends the City encourage and permit a variety of formal programs within the Park. Priority should be given to programs which celebrate the visual and performing arts, the City's maritime connection and history; history & culture one event or combination of events should fit within the Park's overall and overarching use as park.
9. BRC PP Committee recognizes the value and function of the Public Forum area in Prescott Park and recommend it be retained and be improved to make the area more attractive to users.
10. BRC PP Committee recommends the City provide and/or permits others to provide amenities, which directly enhance the user's experience of Prescott

Park as a park; including availability of restrooms and food and refreshments.

11. BRC PP Committee recognizes the value and purpose of open green spaces and urban parks as places of respite, recreation and enjoyment. Maintaining this special status includes limiting commercialization, which unchecked, can disrupt the park atmosphere. In this vein, the City Manager should apply the following criteria when negotiating the terms of financial transactions in the park by licensees:
 1. Exchange of funds for goods and services should be limited.
 2. Exchanges of funds for goods or services which are permitted should be expressly addressed in license agreements.
 3. Any proposed sale of goods should shall be for a public benefit and improve user experience.
12. BRC PP Committee recommends the City assess a variety of models for providing programming within the Park, this may include the City providing programming or authorizing programming through contracts, agreements, permits with qualified entities (i.e. maritime history & culture; visual arts; performing arts; and refreshments/food, etc.)
13. BRC PP Recommend the City Manager develop formal materials (such as park use request forms, guidelines for users, and other documents) to assist the City administration and potential users who may seek to hold events in Prescott Park. Documentation may vary for different types of events e.g. major users that operate/reserve space in the park on a regular basis; occasional user requiring designated space (e.g., yoga), informal/spontaneous use (no approvals needed).
14. BRC PP Committee recommends the City Manager evaluate City ordinances (such as prohibition on bicycles in the park) in light of the adopted Master Plan and propose recommended ordinances changes accordingly.

IV. Principles for Future License Agreements

1. License agreements should be in compliance with this Master Plan (narrative, recommendations, and physical space plan) and consistent with the Governance recommendations above, including *Park Usage and Capacity Guidelines* as well as all governance related recommendations above including but not limited to limiting transactions in the Park.
2. License should clearly outline the public benefit.
3. License agreements shall make plain all City ordinances will apply (in addition to deed restrictions).
4. License agreements should require that unimpeded pedestrian access through the park be maintained at all times
5. Revenues generated through agreements/activities in the park should be used to fund maintenance costs and capital improvements for the Park.
6. In programming the use of the stage, City policies for the stage and/or license agreements for scheduling the stage should address the expectation and terms for use of the stage by community-based performance groups seeking to perform on the stage. Examples of requirements of sub-agreements with community groups include: address number of community-based performance groups who will access to the stage; description of the time the stage should be made available; process for making selections; description of artistic standards criteria; terms of sharing revenues of any type.
7. The stage facility shall be controlled by the municipality and shall not be established as a public forum.

VI. Recommended Provisions of License Agreements

1. Explanation of public benefit
2. Description of areas to be used, including dimensions of outdoor areas
3. Provisions for public access
4. Nature and schedule of activities (type, frequency, # per day, etc.)
5. Hours of operation
6. Plan for compliance with capacity and use guidelines
7. Responsibilities of the tenant

8. Responsibilities of the City
9. Sound/noise
10. Liability/insurance
11. Limitations or prohibitions
12. Signage approval protocol
13. Enforcement mechanisms and penalties
14. Risk Assessment and Plans for managing risk (public and weather emergencies; risk of non-compliance with City ordinances by patrons; other risks)
15. Required reports/Evaluation of performance
16. Rent/Payments/Fees, clear explanation of the basis for the value of the rent/payments. (i.e. public benefit to the City, operating costs of the park; impacts of the use on the park; value of real estate)
17. Term (duration)
18. Requirements for sub-agreements (relationships with/accommodations for/supports for other users)
19. Other terms and provisions agreed to by the parties.