

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MAY 16, 2011 TIME: 7:00PM

AGENDA

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

MAYOR'S AWARD

- 1. Deputy Fire Chief Steven Griswold - Retirement

- V. ACCEPTANCE OF MINUTES *(There are no minutes for acceptance this evening)*

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 10, ARTICLE 4, SECTION 10.420 – (DISTRICT LOCATION AND BOUNDARIES) REZONING OF LAND AT 54 ROGERS STREET FROM MUNICIPAL (M) TO MIXED RESIDENCE OFFICE (MRO) - AND ZONING MAP REFERENCED IN CHAPTER 10

- VIII. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Grant for African Burying Ground Fundraising Costs - \$4,000.00
(Sample motion – move to accept a grant for a total of \$4,000.00 from Centrix Bank and further, expend this grant on fundraising costs associated with the African Burying Ground Memorial Park)

- IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes not to exceed Sixteen Million Dollars (\$16,000,000.00)
- B. Second reading of Proposed Ordinance Amending Chapter 10, Article 4, Section 10.420 – (District Location and Boundaries) Rezoning of Land at 54 Rogers Street from Municipal (M) to Mixed Residence Office (MRO) - and Zoning Map referenced in Chapter 10

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donation to the Coalition Legal Fund
 - Town of Center Harbor - \$500.00
(Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)
- B. Letter from Briana Marshall, Big Brothers Big Sisters, requesting permission to close Chestnut Street on Saturday, August 20, 2011 from 3:30 p.m. – 4:30 p.m. to hold the 2nd Annual Stiletto Race ***(Anticipated action – move to refer to the City Manager with power)***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Rachel McCoy, Cochecho Valley Humane Society, requesting permission to use Peirce Island on October 2, 2011 for the 14th annual Dog Walk and Vendor Fair entitled Parade Your Pooch ***(Sample motion – move to refer to the Recreation Board and Peirce Island Committee for report back)***
- B. Letter from Cindy Braun, Girls on the Run, requesting permission to hold a 5k Road Race on Saturday, June 18, 2011 at the Pease International Tradeport
- C. Letter from Attorney Robert Shaines, Shaines & McEachern, PA, requesting the City Council authorize the City Manager to execute a release deed discontinuing the easement for property located at 80 Woodlawn Circle ***(Sample motion – move to refer to the Planning Board for report back)***
- D. Letter from Michael Shingleton, Share Our Strength, requesting permission to seek donations on the streets of Portsmouth and at the entrances of businesses on Saturday May 21, 2011 or Saturday, May 28, 2011
- E. Letter from John Tinios, Owner of Popovers on the Square, Requesting Use of City Owned Property for Outdoor Seating with Alcohol Service ***(Sample motion – move to authorize the City Manager to proceed with the request of Popovers and, further, obtain any approvals necessary by the Trees and Public Greenery Committee)***
- F. Report from Association of Portsmouth Taxpayers regarding the Police Department Budget

XII. 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 and Resolutions:
 - 1.1. First Reading of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes not to exceed Sixteen Million Dollars (\$16,000,000.00) (**Action on this item should take place under Section IX of the Agenda**)
2. Public Hearing/Second Reading of Proposed Ordinance Amendments:
 - 2.1 Public Hearing/Second Reading of Proposed Ordinance Amending Chapter 10, Article 4, Section 10.420 – (District Location and Boundaries) Rezoning of Land at 54 Rogers Street from Municipal (M) to Mixed Residence Office (MRO) - and Zoning Map referenced in Chapter 10 (**Action on this item should take place under Section IX of the Agenda**)
3. Letter from John Tinios, Owner of Popovers on the Square, Requesting Use of City Owned Property for Outdoor Seating with Alcohol Service (**Action on this item should take place under Section XI of the Agenda**)

City Manager's Items Which Require Action

1. Request to Dispose of Surplus Vehicles
2. Request for a License from Michael Buckley, owner of Surf Portsmouth RNC for property located at 99 Bow Street to install a projecting sign
3. Proposed Work Session on Worth Lot Parking Garage

Informational Items

1. Events Listing
2. Informational Session Re: Retirement Bill
3. City Council Work Session Re: FY12 Final Budget Review

B. MAYOR FERRINI

1. Appointments to be Considered:
 - Cristy Cardoso – Reappointment to the Citywide Neighborhood Committee
 - Kathleen Birse Siegel – Reappointment to the Recreation Board

2. Appointments to be Voted:
 - Thomas Heany – Reappointment to the Portsmouth Housing Authority
 - Jacqueline Cali-Pitts – Reappointment to the Recreation Board
 - Elaine Syracuse – Reappointment to the Recreation Board
 - Elissa Hill Stone – Appointment as Regular Member to the Conservation Commission (currently serves as an alternate)
3. Resignation of Sharon Morrison from the Citywide Neighborhood Steering Committee
4. *Reports

C. COUNCILOR KENNEDY

1. *Adoption of FY12 Budget

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. 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 April 6, 2011 meeting is 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: May 12, 2011
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on May 16, 2011 City Council Agenda

Acceptance of Grants/Donations:

1. **Acceptance of Grant for African Burying Ground Fundraising Costs.** As you know, the African Burying Ground Committee is moving forward with fundraising plans for the construction of the African Burying Ground Memorial Park – *We Stand in Honor of Those Forgotten*. In preparation for the fundraising effort, the Committee has been awarded a grant of \$4,000 from Centrix Bank as part of their Community Investment Program. This funding will be used for development and printing costs associated with fundraising materials. As these grants are provided for fundraising soft costs and will be expended immediately, rather than for the construction of the Memorial, they will be deposited in a City account rather than in the African Burying Ground Trust, which has been established as a repository for construction and maintenance funds.

I would recommend the City Council move to accept a grant for a total of \$4,000 from Centrix Bank and further, expend this grant on fundraising costs associated with the African Burying Ground Memorial Park. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **Consideration of First Reading of Proposed Ordinance Amendments and Resolutions:**
 - 1.1 **First reading of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes not to exceed Sixteen Million Dollars (\$16,000,000.00).** Attached under Section IX of the Agenda is a Resolution for FY12 authorizing borrowing in anticipation of taxes. As you are aware, by state law, the City bills for property taxes twice a year in arrears. For example, the first half tax bill in FY11 will be issued in October and is not due until December 1, 2011 even

though our fiscal year starts on July 1, 2011. Similarly, the second half bill is not due until June 1, 2012.

Because property taxes constitute our single largest source of revenue, this lag in billing may cause a temporary cash flow problem for us in both the beginning and the middle of the fiscal year. If necessary, this resolution would allow us to borrow money on a short-term basis until the property taxes come in. The [attached Resolution](#) requires two readings of the City Council and a Public Hearing.

I would recommend the City Council move to pass first reading and hold a Public Hearing and adoption of the Resolution at the June 6th City Council meeting. Please note that borrowing resolutions need only two readings and must be adopted by a two-thirds vote of the City Council. Action on this matter should take place under Section IX of the Agenda.

2. **Public Hearing/Second Reading of Proposed Ordinance Amendments:**

- 2.1 **Public Hearing/Second Reading of Proposed Ordinance Amending Chapter 10, Article 4, Section 10.420 – (District Location and Boundaries) Rezoning of Land at 54 Rogers Street from Municipal (M) to Mixed Residence Office (MRO) – and Zoning Map referenced in Chapter 10.** As a result of the May 2nd City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached proposed Ordinance](#) amending Chapter 10, Article 4, Section 10.420 – (District Location and Boundaries) Rezoning of Land at 54 Rogers Street from Municipal (M) to Mixed Residence office (MRO) – and Zoning Map referenced in Chapter 10. [Attached is a memorandum from Rick Taintor, Planning Director](#), regarding this matter.

Rick Taintor, Planning Director, will be present to answer any questions, regarding this proposed ordinance amendment.

I am recommending that the City Council move to pass second reading and schedule a third and final reading on the proposed Ordinance, as presented, at the June 6, 2011 City Council meeting. Action on this item should take place under Section IX of the Agenda.

3. **Letter from John Tinios, Owner of Popovers on the Square, Requesting Use of City Owned Property for Outdoor Seating with Alcohol Service.** [Attached under written communications is a letter and plan from John Tinios](#) requesting that Popovers on the Square be allowed to use approximately 700 square feet of the City sidewalk in Market Square in front of his establishment for outdoor seating where alcohol would be served. [Several photos of the general area in front of Popovers are attached for your reference.](#) Please note that the two City street trees directly in front of the building would likely need to be removed/relocated in order to implement the plan that is proposed. Because

these are public trees, this matter would have to be reviewed and approved by the Trees and Public Greenery Committee.

As you know, a similar request to use approximately 500 square feet of the Vaughan Mall pedestrian way was made by Pesce Italian Kitchen + Bar and at the March 7, 2011 City Council meeting, City staff provided a [report back](#) regarding a pilot program for use of City property for outdoor seating with alcohol service. On that evening, the Council voted to approve the pilot program for use of City property for outdoor seating with alcohol service, as presented. David Takis, the new owner of Pesce, which will now be District Restaurant, plans to have alcohol service in this area of Vaughan Mall according to the pilot program requirements approved by the Council.

The March 7, 2011 City Council report back, which outlines the criteria for an Area Service Agreement, has been revised to reflect the Popover request ([please see attached](#)).

Motion to authorize the City Manager to proceed with the request of Popovers and, further, obtain any approvals necessary by the Trees and Public Greenery Committee. Action on this item should take place under Section XI 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 Center Harbor 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 X of the Agenda.

City Manager's Items Which Require Action:

1. **Request to Dispose of Surplus Vehicles.** The City currently has twelve surplus vehicles and 1 mower for disposal ([see attached list](#)). In the past, we have sold the surplus vehicles through a sealed bid process to the highest bidder. According to City Ordinance Section 1.505, property valued at \$500.00 or more must receive approval from the City Council prior to bidding.

I would recommend the City Council move to authorize the City Manager to dispose of surplus vehicles and other equipment by the sealed bid process.

2. **Request for a License from Michael Buckley, owner of Surf Portsmouth RNC for property located at 99 Bow 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 Michael Buckley, owner of Surf Portsmouth RNC for property located at 99 Bow Street, to install a projecting sign on a new 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 Michael Buckley, owner of Surf Portsmouth RNC to install a projecting sign on a new bracket at 99 Bow Street and further authorize the City Manager to execute a License Agreement for this request.

3. **Proposed Work Session on Worth Lot Parking Garage.** As a result of the May 2nd City Council meeting, I am requesting a work session on Monday, June 20, 2011 at 6:00 p.m., regarding the proposed Worth Lot Parking Garage.

I would recommend the City Council move to establish a work session on Monday, June 20, 2011 at 6:00 p.m., in the Eileen Dondero Foley Council Chambers, regarding the Worth Lot Parking Garage.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on May 2, 2011. In addition, this now can be found on the City's website.

2. **Informational Session Re: Retirement Bill.** For your information, [attached is a news release](#), regarding an informational session concerning Senate Bill 3 on Tuesday, May 17, 2011, at 6:30 p.m., in the Eileen Dondero Foley Council Chambers. Senators Jeb Bradley and Nancy Stiles will present an overview of the proposed retirement legislation and answer questions about this proposal.

3. **City Council Work Session Re: FY12 Final Budget Review.** [Attached is a copy of the agenda](#) for the City Council Work Session on Wednesday, May 18, 2011 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding the FY12 Final Budget Review. Prior to the work session, Mayor Ferrini has requested a non-meeting with counsel starting at 6:00 p.m., regarding negotiations.