

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, SEPTEMBER 19, 2011 TIME: 7:00PM

AGENDA

- 6:30PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS RSA: 91-A:2, I (b-c)

I. CALL TO ORDER [7:00PM or thereafter]

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. ACCEPTANCE OF MINUTES – SEPTEMBER 6, 2011

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

A. *Grant Application for African Burying Ground (***Sample motion – move to authorize the City Manager to apply for, accept and expend a grant of up to \$5,000.00 from the Rosamond Thaxter Foundation for the construction of the African Burying Ground Memorial Park – We Stand in Honor of Those Forgotten***)

B. Acceptance of Donation to the Coalition Legal Fund

- Town of Tuftonboro- \$5,000.00

(Sample motion – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. First reading of Ordinance Amending Chapter 10, Article 4, Section 10.421.10 – District Location and Boundaries of the zoning ordinance of the City of Portsmouth and the City of Portsmouth Zoning Map be amended by rezoning the property located off Bartlett Street/Cate Street at Assessors Map 165, Lot 1 from Industrial (I) to Business (B) District

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

A. Request for a License from Philip McLaughlin, owner of McLaughlin Law Offices for property located at 75 Court Street to install a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Philip McLaughlin, owner of McLaughlin Law Offices to install a projecting sign on an existing bracket and, further, authorize the City Manager to execute a License Agreement for this request***)

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form; and***
- ***Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and***
- ***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***

- B. Letter from Peter Somssich, Parade Coordinator, advising the City Council that the September 25, 2011 Portsmouth Peace Treaty parade has been canceled and they would instead like to request permission to hold a Concert & Rally to Celebrate Labor Day and the Portsmouth Peace Treaty in Market Square (close Porter Street to Market Square) on September 25, 2011 at 2:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from John Tinios, Popovers on the Square, requesting permission to extend outdoor seating through Veterans Day Weekend Sunday, November 13, 2011 at no additional cost to the Licensee
- B. Letter from Dexter Legg requesting a license for a new driveway at 4 Moebus Terrace ***(Sample motion – move to the Planning Board for report back)***

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda – Consent Agenda

1. Consideration of First Reading of Proposed Ordinance Amendments:
- 1.1 First reading of Ordinance Amending Chapter 10, Article 4, Section 10.421.10 – District Location and Boundaries of the zoning ordinance of the City of Portsmouth and the City of Portsmouth Zoning Map be amended by rezoning the property located off Bartlett Street/Cate Street at Assessors Map 165, Lot 1 from Industrial (I) to Business (B) District ***(Action on this matter should take place under Section VIII of the Agenda)***

City Manager's Items Which Require Action

1. Proposed Agreement between the Police Commission and the Portsmouth Police Patrolman's Union, NEPBA Local #11
2. Proposed Agreement Re: Senior Transportation
3. Establish Public Hearing Re: Supplemental Appropriation for Indoor Pool for FY12
4. Request to Accept Sewer Easement off of Spring Street

Informational Items

1. Events Listing

B. MAYOR FERRINI

1. Appointments to be Considered:
 - Joseph Couture – Reappointment to the Portsmouth Housing Endowment Fund Advisory Board
 - Brian Groth – Appointment as an Alternate to the Planning Board
 - John Weaver – Appointment to the Board of Library Trustees
 - Peter Vandermark – Appointment to the Conservation Commission
 - Jennifer Wilhelm – Appointment to the Conservation Commission
2. Appointments to be Voted:
 - William Gladhill – Appointment as Regular member to the Planning Board (*currently serves as an Alternate member*)
 - John Crist – Appointment to the Board of Library Trustees
3. Resignation of James Horrigan from the Conservation Commission

C. COUNCILORS DWYER, SPEAR AND SMITH

1. Report Back Re: Transportation Governance Committee (***Sample motions – (1) move to request the Mayor to establish a Blue Ribbon Committee on Transportation; and (2) move to instruct the City Attorney to draft an ordinance for first reading at the October 3, 2011 City Council meeting combining the functions of the Traffic & Safety Committee and Parking Committee***)

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 July 13, 2011 meeting is available on the City's website for your review
2. Notification that the Site Review Technical Advisory Committee Minutes of the August 2, 2011 and August 30, 2011 meetings 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: September 15, 2011
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on September 19, 2011 City Council Agenda

6:30 p.m. – Non-meeting with counsel.

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

Acceptance of Grants/Donations:

1. **Grant Application for African Burying Ground.** The African Burying Ground Committee has identified the Rosamond Thaxter Foundation as a potential funding source for the construction of the African Burying Ground Memorial Park - We Stand in Honor of Those Forgotten. The grant amount is up to \$5,000. The Foundation requires that the City Council approve the funding request prior to submission.

I would recommend the City Council authorize the City Manager to apply for, accept and expend a grant of up to \$5,000 from the Rosamond Thaxter Foundation for the construction of the African Burying Ground Memorial Park - We Stand in Honor of Those Forgotten. Action on this item should take place under Section VII of the Agenda.

2. **Acceptance of Donation to the Coalition Legal Fund.** Attached is a copy of a check from the Town of Tuftonboro in the amount of \$5,000.00 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 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 Ordinance Amending Chapter 10, Article 4, Section 10.421.10 –District Location and Boundaries of the zoning ordinance of the City of Portsmouth and the City of Portsmouth Zoning Map be amended by rezoning the property located off Bartlett Street/Cate Street at Assessors Map 165, Lot 1 from Industrial (I) to Business B) District.** At the City Council meeting on September 6, 2011, the Council voted to accept the Planning Board's rezoning recommendation as presented in Planning Director Rick Taintor's memorandum dated August 24, 2011 and to bring back for first reading a zoning amendment to reflect this proposed change at the September 19, 2011 City Council meeting. As outlined in Mr. Taintor's [attached memo](#), the proposed zoning amendment would result in the rezoning of land at 30 Cate Street (Map 165, Lot 1) from Industrial (I) to Business (B). Also, [attached is a proposed Ordinance](#) to implement the recommended Zoning Map amendment and an exhibit illustrating the zoning district change.

I would recommend that the City Council move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented at the October 3, 2011 City Council meeting. Action on this item should take place under Section VIII of the Agenda.

Consent Agenda:

1. **Request for a License from Philip T. McLaughlin, owner of McLaughlin Law Offices for property located at 75 Court Street to install a projecting sign.** [Attached](#) under Section IX of the Agenda is a request from Philip T. McLaughlin, owner of McLaughlin Law Offices for property located at 75 Court Street for a Projecting Sign License ([see memorandum from Rick Taintor, Planning Director](#)).

I would recommend the City Council move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute a License Agreement for this request. Action on this matter should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Proposed Agreement between the Police Commission and the Police Patrolman's Union, NEPBA Local #11.** The Police Commission has approved a Tentative Agreement with the Portsmouth Patrolman's Association to expire on June 30, 2014. I am forwarding the Tentative Agreement to the City Council for action.

The Portsmouth Patrolman's Association reached a Tentative Agreement on June 28, 2011. I have [attached the following documents](#) for your review:

- [A letter from Thomas Flygare, City Negotiator outlining the changes to the contract](#)
- [A copy of the contract showing the insertions and deletions to implement the Tentative Agreement if approved.](#)
- [Various Cost Analyses.](#)

Action is required on this matter.

2. **Proposed Agreement Re: Senior Transportation.** As discussed at the September 12th City Council Work Session, [attached is a proposed Agreement](#) between the City of Portsmouth and the Mark Wentworth Home d/b/a Wentworth Connections to provide transportation for senior citizens. Also, [attached is the summary of the presentation](#) that was provided at the September 12th Work Session which outlines the history and the funding requirements for this program. I am requesting that you approve this proposed Agreement.

I would recommend the City Council move to authorize the City Manager to enter into an Agreement between the Mark Wentworth Home d/b/a Wentworth Connections and the City of Portsmouth from July 1, 2011 through June 30, 2012.

3. **Establish Public Hearing Re: Supplemental Appropriation for Indoor Pool for FY12.** As was discussed at the September 12th City Council Work Session, the City Council may establish a public hearing for Monday, October 3, 2011 for the purpose of acting on a proposed supplemental appropriation for FY12 in order to fund the operation of the indoor pool for FY12 (July 1, 2011 through June 30, 2012). In order to maintain the operation of the indoor pool through a public/private partnership with Save the Indoor Portsmouth Pool (SIPP), a non-profit, the proposed amount of this supplemental appropriation is \$150,000 for FY12. I am recommending that this appropriation come from the City's fund balance. [Attached is the presentation](#) which was provided at Monday's September 12th Work Session. As you are aware, this proposed supplemental appropriation is the first step in a five-year commitment to fund the pool through this public/private partnership in which the City will provide supplemental funds for the operation and SIPP will provide funds for capital improvements.

I would recommend the City Council move to establish a public hearing for Monday, October 3, 2011 for the purpose of a supplemental appropriation of \$150,000 for the operation of the indoor pool for FY12.

4. **Request to Accept Sewer Easement off of Spring Street.** As part of the Lincoln Avenue Sewer Separation Project, the City was required to obtain an easement to place a portion of the public sewer on the property of Mr. & Mrs. Getman on the southside of Spring Street ([see attached easement work plan](#)). A portion of the public sewer/drain line already extended onto the Getman's property prior to the Sewer Separation Project, but there was no earlier deed for that minor encroachment. The proposed easement deed encompasses the newly constructed sewer line and releases any claim the City might have had to continue to use the older sewer/drain line.

I would recommend the City Council move to authorize the City Manager to accept a Sewer Easement from Frank W. Getman, Jr. and Ingrid C. Getman.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on September 6, 2011. In addition, this now can be found on the City's website.