

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MAY 19, 2008 TIME: 7:00PM

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

AGENDA

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

PRESENTATIONS

- 1. Retirement Bill (HB1645) – State Senator Martha Fuller Clark
- 2. School Board Status Report Re: Portsmouth Middle School Project – Mitchell Shuldman, School Board Chair
- 3. Overtime Tracking Report Re: Police, Fire and Public Works Departments

- V. ACCEPTANCE OF MINUTES – MAY 5, 2008

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Coalition Legal Fund
 - Town of Hampton - \$1,000.00

- VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the amount of \$16,000,000.00

- IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donation for Overnight Art Event
 - Susan Conway - \$1,000.00
 - Fidelity Charitable Gift Fund for George Friese - \$1,000.00
 - Jumpin Jay's Fish Café - \$500.00
 - Dos Amigos Burritos - \$500.00
 - Empresa Resource Group - \$200.00

- Karen & Anthony Maneen - \$100.00
- Susan Carlisle - \$100.00
- The Betty LaBranch Agency - \$50.00

(Anticipated action – move to approve and accept the donations for

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Monte Bohanan, The Music Hall, requesting permission to close Chestnut Street on Saturday, May 31, 2008 from 9:00 a.m. – 4:00 p.m. to hold their on sale date for next season
- B. Letter from John Wright, Granite State Pedicabs, requesting permission to operate a pedal driven tricycle with a two passenger cab (Pedicab) for rides around the city
- C. Letter from Cindi Blanchette, Portsmouth City Soccer Club, requesting permission to offer local businesses to hang banners at Leary field during the soccer season – mid August to mid November
- D. Letter from John Dussi, Northern Tier Real Estate Acquisition & Development, LLC, requesting to plant 5 or 6 eastern redcedar juniper evergreen bushes on the sidewalk in front of 172 Hanover Street
- E. Letter from School Administrative Unit Fifty supporting the School Board’s proposed 2008/2009 budget
- F. Letter from Lynne Langley & Cristy Cardoso, Atlantic Heights Community Garden Committee, requesting to create a Community Garden project in the Atlantic Heights Neighborhood on City property located on Bedford Way

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager’s Items Which Request 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 in the Amount of \$16,000,000.00 ***(Action on this item should take place under Section VIII of the Agenda)***
- 2. Letter from John Dussi, Northern Tier Real Estate Acquisition & Development, LLC ***(Action on this item should take place under Section X of the Agenda)***

City Manager's Items Which Require Action

1. Request from School Department to Establish Work Session on a Quarterly Basis Re: Education Issues
2. Request to Establish First Reading Re: Authorizing Payment by Credit Card Pursuant to RSA 80:52-C

Informational Items

1. Events Listing
2. Planning Board Interim Report Back Re: Borthwick Forest
3. Financial Reporting Award
4. Report Back Re: Banfield Road

B. MAYOR FERRINI

1. Appointments to be Considered:
 - Ruth Griffin – Reappointment to Portsmouth Housing Authority
 - Cristy Cardoso – Appointment to Mayor's Blue Ribbon Citywide Neighborhood Steering Committee
 - James Melfi – Reappointment to Mayor's Blue Ribbon Citywide Neighborhood Steering Committee
 - William St. Laurent – Reappointment to Mayor's Blue Ribbon Citywide Neighborhood Steering Committee
2. Central Veterans Council – Memorial Day Parade and Services
3. July 7, 2008 City Council Meeting
4. *Reports

C. COUNCILOR SMITH

1. Mayor's Blue Ribbon Consolidation of Committees

D. COUNCILOR RAYNOLDS

1. Sagamore Creek Bridge

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]

(*Indicates verbal report)

**KELLI L. BARNABY, CMC/CNHMC
CITY CLERK**

INFORMATIONAL ITEMS

1. Historic District Commission minutes of the March 26, 2008; April 2, 2008; and April 9, 2008 meetings
2. Site Review Technical Advisory Committee minutes of the April 29, 2008 meeting

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 16, 2008
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on May 19, 2008 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.

Presentations:

1. **Martha Fuller Clark Re: Retirement Bill (HB1645).** The Mayor has requested Senator Martha Fuller Clark make a presentation to the City Council regarding Senate amendments to HB1645 which is the Omnibus Retirement Bill. I have attached for your information a copy of the Mayor's letter to Senator Clark along with the appropriate section of the Local Government Center Bulletin that discusses this matter.
2. **School Board Status Report Re: Portsmouth Middle School Project.** Mitchell Shuldman, School Board Chair, will give the City Council a status report regarding the Portsmouth Middle School project.
3. **Overtime Tracking Report Re: Police, Fire & Public Works Departments.** As requested by the City Council on Monday evening, the Police Chief, Fire Chief and Public Works Director will give a report on overtime monitoring and tracking. Some of the reports that they will be reviewing include overtime by cause, overtime as a percentage of the salary, year-to-date overtime expenditures, overtime hours and leave earned, accrued and used. These are management tools that were recommended in the Matrix Overtime Audit that was conducted back in 2006.

Acceptance of Grants/Donations:

1. **Donation to the Coalition Legal Fund.** Attached is a copy of a check from the Town of Hampton in the amount of \$1,000.00 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 and Resolutions:**

- 1.1 **First Reading of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the Amount of \$16,000,000.** Attached under Section VIII of the Agenda is a Resolution for FY09 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 FY08 will be issued in October and is not due until December 1, 2008 even though our fiscal year starts on July 1, 2008. Similarly, the second half bill is not due until June 1, 2009.

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 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 2nd 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 item should take place under Section VIII of the Agenda.

2. **Letter from John Dussi, Northern Tier Real Estate Acquisition & Development, LLC.** Attached under written communications is a copy of a letter from John Dussi, Northern Tier Real Estate Acquisition & Development, LLC, requesting to plant 5 to 6 eastern red cedar juniper evergreen bushes on the sidewalk in front of 172 Hanover Street.

I would recommend that the City Council move to refer this matter to the Trees and Greenery Committee for report back to City Council. Action on this item should take place under Section X of the Agenda.

Consent Agenda:

1. **Acceptance of Donations to Art-Speak for Overnight Art Event.** Art-Speak has received the following donations for the Overnight Art Event:

- \$1,000.00 from Susan Conway
- \$1,000.00 from Fidelity Charitable Gift Fund for George Friese
- \$500.00 from Jumpin Jay's Fish Café
- \$500.00 from Dos Amigos Burritos
- \$200.00 from Empresa Resource Group
- \$100.00 from Karen & Anthony Maneen
- \$100.00 from Susan Carlisle
- \$50.00 from The Betty LaBranch Agency

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

City Manager's Items Which Require Action:

1. **Request from School Department to Establish Work Session on a Quarterly Basis Re: Education Issues.** Attached is a copy of a letter from Dr. Robert J. Lister, Superintendent of Schools, requesting that the School Board and Dr. Lister meet quarterly with the City Council in a work session to discuss educational issues. *If the City Council agrees with the attached letter, I would recommend that you schedule work sessions on September 15, 2008 and December 15, 2008. Once the City Council schedule is established for the next calendar year, we could schedule future work sessions.*
2. **Request to Establish First Reading Re: Authorize Payment by Credit Card Pursuant to RSA 80:52-C.** As you may recall during a budget work session, the Finance Director indicated that she would like to commence a pilot program to utilize credit cards for the payment of water and sewer bills. If this pilot program is successful, we would like to expand payment of parking fines and other city related payments. In order to accept credit cards, state statute RSA 80-52-C requires the following:

“The legislative body, by ordinance adopted in accordance with RSA-39, may authorize the municipality’s treasurer or other appropriate municipal official to accept payment of local taxes, charges generated by the sale of utility services, or other fees by use of a credit card. Any municipality adopting such an ordinance may add to the amount due, in addition to any penalties and interest payable, a service charge for the acceptance of the card. The municipality, at the time of billing shall disclose the amount of the service charge.”

In accordance with the RSA, I am requesting that the City Council authorize first reading of an ordinance at the June 2nd meeting that would authorize these credit card payments in accordance with state law.

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 5, 2008.
2. **Planning Board Interim Report Back Re: Borthwick Forest.** Attached for your information is a copy of a memorandum from David Holden, Planning Director, regarding an interim report back to City Council concerning the proposed zoning amendments of 37 acres of land frequently called “Islington Woods” and located off Islington Street (also know as Borthwick Forest).
3. **Financial Reporting Award.** For your information, the City has received notification that our comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2007, qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting, and its attainment represents a significant accomplishment by a government and its management. The City has received this award consecutively since 1995.
4. **Report Back Re: Banfield Road.** As a result of the May 5th City Council meeting, attached is a copy of a memorandum from City Attorney Robert Sullivan, regarding a report back to City Council concerning flooding on Banfield Road.