

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JANUARY 26, 2009 TIME: 5:30PM

AGENDA

- 5:30PM – WORK SESSION RE: LEGISLATIVE DELEGATION
- 6:15PM – WORK SESSION RE: BLUE RIBBON COMMITTEE ON HOUSING

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

MAYOR'S AWARD

1. Portsmouth Police Explorer Cadets Re: Ice Storm
2. Recognition of Businesses that supported the Portsmouth Holiday Parade

V. ACCEPTANCE OF MINUTES – JANUARY 12, 2009

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) FOR FY09 CITYWIDE FACILITIES, STREETS, AND SIDEWALKS

VIII. APPROVAL OF GRANTS/DONATIONS

1. Acceptance of Grant from the State of New Hampshire in the amount of \$8,000.00 to assist with the development of a Medical Reserve Corps (MRC) database

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption to \$32,589.00 for single and \$40,201.00 for married and total assets may not exceed \$108,634.00 whether single or married
- B. First Reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption to \$32,589.00 for single and \$40,201.00 for married and total assets may not exceed \$108,634.00 whether single or married

- C. First Reading of Proposed Ordinance Amending Chapter 7, Article III, Section 7.344 – Use of Roller Skates, Coasters, and Skate Boards
- D. Second Reading/Adoption of Proposed Bonding Re: Citywide Capital Improvements
- E. Third and Final reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances
- F. Third and Final reading of Amendment to Chapter 7, Article VI, Section 7.604 – Truck Loading/Unloading Zones – Commercial Loading Zone Permits

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- 1. 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)

- 2. Letter from Anna Moskov, Director of Special Events, Cystic Fibrosis Foundation requesting permission to hold the 2009 Seacoast Safari for CF on Saturday, July 18, 2009. **(Anticipated action – move to refer to the City Manager with power)**
- 3. Letter from Kelly Sicard, Breathe New Hampshire requesting permission to hold the 24th annual Seacoast Bike Tour on May 16 & 17, 2009. **(Anticipated action – move to refer to the City Manager with power)**
- 4. Request from Danielle H. Philbrook, Siren 49 Hair Studio requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign in front of establishment **(Anticipated action – move to refer to the City Manager with power)**

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- 1. Letter from Midge Nelson, Rotary Club of Portsmouth Sunrise requesting permission to hold a Road Race on Thanksgiving Day, 2009.
- 2. Letter from James G. Noucas and John Tabor, Co-Chairmen, Portsmouth Listens Steering Committee requesting permission to hold the 2nd Annual Sustainability Fair on May 16, 2009.

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 Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption to \$32,589.00 for single and \$40,201.00 for married and total assets may not exceed \$108,634.00 whether single or married
 - 1.2 First Reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption to \$32,589.00 for single and \$40,201.00 for married and total assets may not exceed \$108,634.00 whether single or married
 - 1.3 First Reading of Proposed Ordinance Amending Chapter 7, Article III, Section 7.344 – Use of Roller Skates, Coasters, and Similar Devices
2. Public Hearing/Second Reading of Proposed Ordinance Amendments and Resolutions:
 - 2.1 Second Reading of Resolution Authorizing a Bond Issue of up to Three Million Five Hundred Thousand Dollars (\$3,500,000) for FY09 Citywide Facilities, Streets, and Sidewalks (**Action on this matter should take place under Section VII. A. & IX. A. of the Agenda**)
3. Third and Final Reading of Proposed Ordinance Amendments:
 - 3.1 Third and Final Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (**Action on this matter should take place under Section IX. B. of the Agenda**)
 - 3.2 Third and Final Reading of Amendment to Chapter 7, Article VI – Truck Loading/Unloading Zones – Commercial Loading Zone Permits (**Action on this matter should take place under Section IX. C. of the Agenda**)

City Manager's Items Which Require Action

1. Request for License Agreement Re: 22-26 Market Street

Informational Items

1. Events Listing
2. Snow Storm Expenditures Update
3. 2008 Market Activity & Growth Estimates
4. News Release Re: Garage Lighting Replacement Project

B. MAYOR FERRINI

1. Appointments to be Considered:
 - Donald Coker – Reappointment to Planning Board
 - Charles Bradley – Portsmouth Housing Authority

C. COUNCILOR DWYER

1. *Request to Establish a First Reading Re: Revised Ordinance Recreation, Parks and Open Space Board. (See attached revised proposed ordinance)

D. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the January 8, 2009 meeting
2. Parking Committee Action Sheet and Minutes of the January 8, 2009 meeting
3. *Letter of Support Re: Timberland's move to Portsmouth

E. COUNCILOR SPEAR

1. *Taxi Commission Ordinance Change

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

**DIANNE M. KIRBY
DEPUTY CITY CLERK**

(*Indicates verbal report)

INFORMATIONAL ITEMS

1. Conservation Commission minutes of the November 12, 2008 meeting
2. Historic District Commission minutes of the December 3, 2008 meeting.
3. Planning Board minutes of the November 20, 2008 and December 18, 2008 meetings.

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: January 23, 2009

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

From: John P. Bohenko, City Manager

Re: City Manager's Comments on January 26, 2009 City Council Agenda

Work Sessions:

5:30 p.m.

1. **Work Session Re: Legislative Delegation.** On Monday evening at 5:30 p.m., the City Council will conduct a work session with the Legislative Delegation regarding an update and clarification on legislative issues of interest to the City of Portsmouth (see attached agenda).

6:15 p.m.

2. **Work Session Re: Blue Ribbon Committee on Housing.** On Monday evening at 6:15 p.m., the City Council will conduct a work session with members of the Blue Ribbon Committee on Housing.

As you may recall, in November 2008 the Blue Ribbon Committee on Housing submitted its final report to the City Council. At that time, staff gave a presentation on the final report recommendations and the City Council requested a work session be scheduled to discuss the report's recommendations in greater detail. (See attached agenda.)

All members of the Blue Ribbon Committee on Housing are invited to attend. A copy of the Blue Ribbon Committee's final report is enclosed in the inside cover of your packet.

If I can provide any additional information, please do not hesitate to contact me.

Acceptance of Grants/Donations:

1. **Acceptance of Grant from State of New Hampshire.** The State of New Hampshire has made \$8,000 in grant funding available to the City to assist with development of a Medical Reserve Corps (MRC) database. Portsmouth heads a regional emergency planning team called the Portsmouth Area Emergency Planning Team (PAEPT), which is responsible for developing capacity to respond to natural and man made disasters that have a significant impact on the towns of Newington, Newcastle, Rye, Greenland, North Hampton and Portsmouth. A portion of the response effort may require qualified medical personnel that can staff an Acute Care Center (ACC) for hospital overflow in an overwhelming event, or assist with sheltering for persons with medical needs. Since hospital and clinical medical personnel will be consumed with their own emergency response, a Medical Reserve Corps (MRC) needs to be developed. This corps will be comprised of retired and part time, or otherwise available nurses, physicians, coroners, and related medical personnel, as well as non-medical personnel such as ham radio operators, interpreters, prior military or retired Fire Department members, etc.

I would recommend the City Council move to authorize the City Manager to accept and expend an \$8,000 grant from the State of New Hampshire to initiate the development of a Medical Reserve Corps database.

Items Which Require Action Under Other Sections of the Agenda:

1. **Consideration of First Reading of Proposed Resolutions and Ordinance Amendments:**

- 1.1 **First Reading Elderly & Disabled Exemptions.** As a result of the January 12th City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the attached proposed Resolutions amending Elderly and Disabled Exemption Income and Asset Limits.

Annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions pursuant to RSA 72:39-b and RSA 72:37-b and makes recommendations as to these levels.

Last year, the City Council adopted resolutions #7-2008 and #8-2008, which increased the income and asset levels for both the elderly and disabled exemptions by the rate of the Boston-Brockton-Nashua November 2006 through November 2007 consumer price index (CPI) of 3.4%.

The current elderly and disabled exemption income levels are \$31,640 for a single taxpayer, \$39,030 for married taxpayers, and an asset limit of \$105,470.

If qualified, for elderly taxpayers, the exemption off the assessed value of the property is as follows:

- Age 65 to 74 \$125,000
- Age 75-79 \$175,000
- Age 80 + \$225,000

If qualified, for disabled taxpayers, the exemption off the assessed value of the property is \$100,000.

This year, the current November 2007 to November 2008 CPI is .7%. The latest COLA increase for Social Security benefits and SSI payments is 5.8% beginning December 2008. These differences may cause some taxpayers who currently receive the elderly and disabled exemptions to be disqualified due to the higher COLA adjustment received from Social Security.

As discussed at your last meeting, the City Council instructed me to bring back adjustments to these exemptions using the ten year average for the November to November CPI which is 3.0% rather than the one year average which was .7%. This ten year average will help reduce the number of taxpayers to be disqualified who currently receive either the disabled or elderly exemption.

If the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers by the current November to November ten year average CPI of 3.0%, this would increase the limits (rounded up) as follows:

Single	\$32,589 increase of \$ 949
Married	\$40,201 increase of \$1,171
Asset Limit of	\$108,634 increase of \$3,164

This adjustment would be for assessments as of April 1, 2009 for the 2009 tax year or FY10.

The Assessor's Office mails a notification annually to all elderly and disabled persons who currently receive this exemption to update their applications. All new applicants must submit an application and required documentation by April 15th of each year.

If the City Council wishes to make any adjustments in these exemptions, it would require a revision of the existing resolutions as well as a public hearing and a majority vote of the City Council. I have attached for your information the tax impact of the elderly and disabled exemptions for FY09 using the ten year average.

I would recommend the City Council move to make the following two separate motions:

- 1) *Move to pass first reading and schedule a public hearing and adoption of the Resolution for Elderly Exemptions, as submitted, at the February 9, 2009 City Council meeting. (Resolution requires two readings and a majority vote.) Action on this matter should take place under Section IX of the Agenda.*
- 2) *Move to pass first reading and schedule a public hearing and adoption of the Resolution for Disabled Exemptions, as submitted, at the February 9, 2009 City Council meeting. (Resolution requires two readings and a majority vote.) Action on this matter should take place under Section IX of the Agenda.*

- 1.2 **First Reading of Proposed Ordinance Amending Chapter 7, Article III, Section 7.344 – Use of Roller Skates, Coasters, and Skate Boards.** As a result of the January 12, 2009 City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the attached proposed ordinance amending Chapter 7, Article III, Section 7.344 – Use of Roller Skates, Coaster, and Similar Devices to reflect a new title Use of Roller Skates, Coasters and Skate Boards as well as other changes to the ordinance. The City Council approved the minutes of the December 11, 2008 Traffic and Safety Committee, which requested an ordinance change regarding roller skates, skateboards and similar devices.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed ordinance amendment, as submitted, at the February 9, 2009 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

2. **Public Hearing/Adoption of Resolution:**

- 2.1 **Public Hearing/Adoption of Proposed Bonding Resolution for up to Three Million Five Hundred Thousand (\$3,500,000.00) for FY09 Citywide Facilities, Streets and Sidewalks.** As a result of the January 12, 2009 City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the proposed bonding resolution for up to three million five hundred thousand (\$3,500,000.00) for FY09 citywide facilities, streets and sidewalks improvements. The Fiscal Year 2009 Capital Improvement Plan, which was approved by the City Council last April, identified \$4,775,000 of citywide improvements that would require bonding. Because of the economic situation, the City staff and I are recommending that the amount be reduced by \$1,275,000.

The projects that the staff is recommending to move forward on are as follows:

- *Citywide Street Paving, Management and Rehabilitation - \$2,500,000: (page 139 & 140 of the City's Capital Plan). In 1993, the City implemented a pavement Management Program to assist on*

prioritizing street rehabilitation. This bonding would fund the repairs to several streets (see the proposed streets for improvements attached) over a two-year period.

- *Citywide Sidewalk Reconstruction Program - \$500,000:* (page 110 & 111 of the City's Capital Plan). This program relies on a management program and is funded on a two-year schedule to address the need to upgrade existing sidewalk surfaces on a priority basis. The sidewalks scheduled for this bonding are:

Middle Street Phase II - \$250,000

State Street Sewer Separation Project 2 - \$250,000

- *Replacement of Chiller System at the City Hall Municipal Complex - \$200,000.*
- *Gateway Improvements – Exit 7 - \$300,000:* (page 138 of the City's Capital Plan). This project is to facilitate specific improvements along the Market Street right-of-way as it extends from Exit 7 to the downtown. As part of the approved or pending projects, much work is being done at the Exit 7 interchange. These improvements arise from cooperative efforts between the City and the NHDOT. This project would continue efforts to make enhancements pedestrian traffic, provide some traffic calming measures and enhance to this corridor such as lighting, plantings, overlooks, etc. Funding for this project was identified in the Capital Improvement Plans for \$500,000 in bonding. The city staff believes that this could be reduced to \$300,000 to implement Phase I of the project, which would be the improvements to the Deer Street intersection and improvements to Market to Russell Streets.

The staff is recommending the delay of the following projects:

- Window replacements at City Hall - \$40,000
- Municipal Athletic Fields, Fencing, Bleachers, Safety Netting - \$150,000
- South Mill Pond Recreation Area – Tennis Courts Rehabilitation - \$150,000
- Connie Bean Center/Spinnaker Point – Facility Upgrades - \$100,000
- Public Works – Facility Upgrades - \$250,000
- Closed Circuit Camera System at the Police Department - \$50,000
- Building Improvements at the Police Department - \$60,000
- Scott Avenue Bridge Replacement - \$150,000
- Corporate Drive-Rye Street to Goose Bay Drive - \$125,000
- Gateway Improvements Exit 7 - reduction of \$200,000

These reductions total \$1,275,000, which would require a revised bond request of \$3,500,000 from the original request of \$4,775,000. (See attached proposed Bond Resolution.)

For your information, City staff will be making a presentation on this proposed bonding resolution prior to the public hearing.

I would recommend that the City Council move to adopt a bonding resolution for up to three million five hundred thousand (\$3,500,000.00) for FY09 citywide facilities, streets and sidewalks. Please note that bonding resolutions require two readings and a public hearing and two-thirds vote of the City Council. Action on this matter should take place under Section IX of the Agenda.

3. **Third and Final Reading of Proposed Ordinance Amendments and Resolutions:**

- 3.1 **Third and Final Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances.** As a result of the January 12, 2009 City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached proposed changes to Chapter 7, Vehicles, Traffic Parking Omnibus Ordinances. These changes were either implemented by the Parking Committee for testing during the last year or are part of ongoing improvements to the parking ordinance and are forwarded to the City Council for approval. Attached are diagrams showing the changes to the ordinances.

I would recommend that the City Council move to pass third and final reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee. Action on this item should take place under Section IX of the Agenda.

- 3.2 **Third and Final Reading of Amendment to Chapter 7, Article VI – Truck Loading/Unloading Zones – Commercial Loading Zone Permits.** As a result of the January 12, 2009 City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached proposed ordinance amendment to Chapter 7, Article VI – Truck Loading/Unloading Zones for Commercial Loading Zone permits. During the City Council meeting of October 20, 2008, the Council approved the Parking Committee minutes of October 9, 2008, which requested an ordinance for Commercial Loading Zone permits.

For the Council's information, attached please find copies of the Commercial Loading Zone Permit – Rules and Regulations as well as the application for Commercial Loading Zone Permit – 2009.

I would recommend that the City Council move to pass third and final reading of the proposed changes to Chapter 7 of the Ordinances, as recommended by the Parking Committee. Action on this item should take place under Section IX 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 VIII of the Agenda.

City Manager's Items Which Require Action:

1. **Request for License Agreement Re: 22-26 Market Street.** Substantial interior renovations are being made to 22-26 Market Street for the purpose of constructing restaurant space in the former bank location. The owner, LBJ Properties, and the contractor Stolz & Ehre LLC, seek a license to use three parking spaces in front of the property until May 30, 2009 for the placement of a dumpster, the off-loading of deliveries and related construction purposes. The area of license is shown on the attached Exhibit A. Also attached is an aerial photograph of the proposed license area. The City will be compensated \$60.00 per day for the loss of the three spaces. There will be no encumbrance of the sidewalk.

I would recommend the City Council move to authorize the City Manager to negotiate and enter into a License Agreement with LBJ Properties and Stolz & Ehre for purposes of facilitating construction activities at 22-26 Congress 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 January 12, 2009.
2. **Snow Storm Expenditures Update.** For your information, attached is a copy of a memorandum from Steve Parkinson, Public Works Director, regarding an update on the snow storm expenditures. Please note that these costs do not include overtime wages for the past week. As you can see, the Public Works Department is in excess of the original appropriation for FY09. It will be my intent to come back to the City Council in April to ask for the additional funds from contingency to cover this shortfall. Also, please note that we will be applying for federal assistance as it relates to the ice storm that may replenish these funds.
3. **2008 Market Activity & Growth Estimates.** As requested by Councilor Eric Spear at the meeting of the Committee of the Whole, attached is a copy of the 2008 Market Activity and Growth Estimates in the City of Portsmouth developed by the City Assessor.

4. **News Release Re: Garage Lighting Replacement Project.** For your information, attached is a copy of a news release regarding the garage lighting replacement project, which begins on Monday, January 26th and it is expected to be completed at the end of Monday, February 2nd.