

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, FEBRUARY 3, 2015 TIME: 6:15PM

AGENDA

• **6:15PM – WORK SESSION WITH SCHOOL DEPARTMENT RE: CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS**

I. CALL TO ORDER (6:15PM)

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. Comprehensive Annual Financial Report (CAFR) – Scott McIntire of Melanson, Heath & Company, P.C. Auditors' Financial Report for the Year Ending June 30, 2014 (Annual Audit)

V. ACCEPTANCE OF MINUTES – JANUARY 20, 2015

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARING

- A. CAPITAL IMPROVEMENT PLAN (CIP) FY2016-2021 *(Action on this matter will be taken at the February 17, 2015 City Council meeting)*

VIII. APPROVAL OF GRANTS/DONATIONS

(There are no items on under this section of the Agenda)

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:

Proposed increase of Elderly Exemption by 1.7%

Single	\$36,311.00 increase of \$607.00
Married	\$44,793.00 increase of \$749.00
Asset Limit of	\$121,039.00 increase of \$2,023.00

(Sample motion – move to pass first reading and authorize the City Manager to bring back for public hearing and adoption of the proposed Resolution at the February 17, 2015 City Council meeting)

- B. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption:

Proposed increase of Disabled Exemption by 1.7%

Single	\$36,311.00 increase of \$607.00
Married	\$44,793.00 increase of \$749.00
Asset Limit of	\$121,039.00 increase of \$2,023.00

(Sample motion – move to pass first reading and authorize the City Manager to bring back for public hearing and adoption of the proposed Resolution at the February 17, 2015 City Council meeting)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Police Department Grant & Donation:
- Acceptance of Training Grant from Police Standards & Training Council for Lt. Darrin Sargent to attend the Leadership Seacoast Program - \$837.50
 - Donation from Lynne Howard for the Portsmouth Police Explorers Post - \$50.00

(Sample motion – move to approve and accept the grant and donation to the Portsmouth Police Department, as presented)

- B. *Acceptance of Donation to the Coalition Legal Fund:
- Town of Center Harbor - \$5,00.00

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

- C. Request for License from Helen Marks, owners of Spiritual Readings by Duchess for property located at 195 State Street for 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 Helen Marks, owner of Spiritual Readings by Duchess for a projecting sign at property located at 195 State Street and, further, authorize the City Manager to execute License Agreements for this request)

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***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***

- D. Request for License from Terrence Parker and Jeff Demers, owners of Terra Firma Landscape Architecture & Jeff Demers Design for property located at 163 Court Street for 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 Terrence Parker and Jeff Demers, owners of Terra Firma Landscape Architecture & Jeff Demers Design for a projecting sign at property located at 163 Court Street and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director’s Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***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***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Mark Epply regarding an article from the New York Times entitled “When the Parking Space Becomes a Park”

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. First Reading of Proposed Resolution and Ordinance Amendments:
 - 1.1 First Reading of Proposed Resolutions Amending Elderly and Disabled Exemptions Income and Asset Limits (***Action on this item should take place under Section IX of the agenda***)
2. Public Hearing
 - 2.1 Public Hearing Re: Proposed Capital Improvement Plan (CIP) FY2016-2021 (***Action on this matter should take place at the February 17th City Council meeting***)

City Manager's Items Which Require Action:

1. Request for Approval of the Financial Disclosure Statement
2. Request to First Reading Re: Refinancing Bond Issue for Library
3. Request to Establish Work Session on Monday, March 23, 2014 at 6:30 p.m. Re: Master Plan and Impact Fees
4. Request for Change of City Council Work Session from Monday, April 13, 2015 to Monday, April 27, 2015

Informational items

1. Events Listing
2. City Council Policy 2010-02 Regarding Brick Sidewalks and Driveway Aprons
3. Reminder of Upcoming City Council Work Sessions:
 - Thursday, February 5, 2015 Re: Proposed Second Parking Garage at 165 Deer Street at 6:30 p.m.
 - Monday, February 9, 2015 Re: AIRBNB and Abandoned/Derelict Buildings at 6:30 p.m.
4. Rockingham County Budget Discussion
5. News Release and Flyer Re: Community Development Block Grant Program for FY2015-2016
6. Islington Street Charrette
7. Land-use Compliance Agent

B. MAYOR LISTER

1. Appointment to be Voted:
 - Phyllis Eldridge – Reappointment to the Trustees of the Trust Funds

C. ASSISTANT MAYOR SPLAINE

1. Taxi Commission recommendations concerning Taxi Commission / Uber / Ride-Sharing Services (***See attached Memos from Assistant Mayor Splaine, City Attorney Sullivan and Commissioner Lawrence Cataldo***)

D. COUNCILOR LOWN

1. Plastic Bag Ordinance (***See attachment***)

E. COUNCILOR DWYER

1. *Update on Portsmouth Middle School Project

F. COUNCILOR SPEAR

1. *Election of Mayor and Council Candidates Proposed Charter Amendment

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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


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

**Indicates Verbal Report*

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 29, 2015
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on February 2, 2015 City Council Agenda

Work Session:

6:15 p.m.

1. **Work Session with School Department Re: Capital Improvement Plan (CIP) Projects.**
As requested by the City Council, the Mayor has scheduled a Work Session with the School Department for Monday, February 2nd at 6:15 p.m. before the regularly scheduled meeting to discuss the School Department's CIP request.

Presentation:

1. **Comprehensive Annual Financial Report (CAFR).** Scott McIntire of Melanson, Heath & Company, P.C. will report on the Annual Audit and Financial Statements for the Year Ending June 30, 2014. On the inside cover of your packet, I am providing you with a copy of the City's Comprehensive Annual Financial Report (CAFR), which includes the financial statements for the fiscal year ending June 30, 2014 (Annual Audit). The Fiscal Year 2014 Audit was prepared by the firm of Melanson, Heath & Company, P.C. Also, [enclosed on the inside cover of your packet is the Management Letter](#) for the year ending June 30, 2014, prepared by our auditor. On Monday evening, Scott McIntire from Melanson, Heath & Company will be in attendance to make a presentation on the aforementioned report.

Items Which Require Action Under Other Sections of the Agenda:

1. First Reading of Proposed Resolution and Ordinance Amendments.

- 1.1 **First Reading of Proposed Resolutions Amending Elderly and Disabled Exemptions Income and Asset Limits.** As requested by the City Council at the January 20th 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 #1-2014 and #2-2014 which increased the income and asset levels for both the elderly and disabled exemptions by the Social Security cost of living adjusting for 2014 of 1.5% from the previous year. The current elderly and disabled exemption income levels are \$35,704 for a single taxpayer, \$44,044 for married taxpayers, and an asset limit of \$119,016.

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 November to November CPI of the Boston-Brockton-Nashua November consumer price index (CPI) and Social Security SSI benefit payments payable in January 2015, are both the same with a 1.7% increase. As directed by the City Council at the January 20th meeting, the increases to the income and asset levels will be as follows:

- Single \$ 36,311 increase of \$607
- Married \$ 44,793 increase of \$749
- Asset Limit of \$121,039 increase of \$2,023

Any adjustment if approved would be for assessments as of April 1, 2015 for the 2015 tax year or FY16.

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.

An amendment to these Resolutions requires a first reading, 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 FY15.](#)

On Monday evening, I am requesting that the City Council act on first reading of the following Resolutions:

a) *I recommend the City Council move to pass first reading and schedule a public hearing and adoption of the proposed Resolution at the February 17th City Council Meeting, increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption by 1.7% as follows:*

- Single \$ 36,311 increase of \$607
- Married \$ 44,793 increase of \$749
- Asset Limit of \$121,039 increase of \$2,023

b) *I recommend the City Council move to pass first reading and schedule a public hearing and adoption of the proposed Resolution at the February 17th City Council Meeting, increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption by 1.7% as follows:*

- Single \$ 36,311 increase of \$607
- Married \$ 44,793 increase of \$749
- Asset Limit of \$121,039 increase of \$2,023

Action on this matter should take place under Section IX of the Agenda.

2. **Public Hearing.**

2.1 **Public Hearing Re: Proposed Capital Improvement Plan (CIP) FY2016-2021.** In accordance with Section 7.7 of the City Charter, a Public Hearing on the proposed Capital Improvement Plan for FY2016-21 will take place on Monday evening at 7:00 p.m. At that time, I will be giving a brief overview of the Plan and have requested that staff be available to answer questions if necessary. In addition, I will have copies available of the summary pages for the public, as well as the capital expenditures that will be proposed in the FY2016 budget. Also, a copy of the Capital Plan is on our web page (www.cityofportsmouth.com). The City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the Public Hearing and before the City Manager submits the budget to the City Council. I anticipate that I will be transmitting my proposed FY2016 budget to you on or about April 27, 2015. Given that projected date, I am suggesting the City Council adopt the proposed Capital Improvement Plan at your February 17, 2015 City Council meeting.

I would suggest that action on this matter be taken at the February 17th City Council meeting, at which time I will recommend adoption of the CIP with any appropriate amendments. Action on this matter should take place under Section IX of the Agenda.

Consent Agenda:

1. **Acceptance of Police Department Grant and Donation.** Attached [under Section X of the Agenda is a memorandum](#), dated January 21, 2015 from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following grant and donations:
 - a) A training grant in the amount of \$837.50 from Police Standards & Training Council for Lt. Darrin Sargent to attend the Leadership Seacoast Program.
 - b) A donation in the amount of \$50.00 from Lynne Howard in support of the Portsmouth Police Explorers Post.

I recommend that the City Council move to approve and accept the grant and donation to the Portsmouth Police Department. Action on this matter should take place under Section X of the Agenda.

2. **Acceptance of Donation to the Coalition Legal Fund.** The City of Portsmouth has received the following donation to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax:
 - Town of Center Harbor \$500.00

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.

3. **Request for License to Install Projecting Signs.** Attached [under Section X of the Agenda](#) are requests for projecting sign licenses (see [attached memorandums from Rick Taintor, Planning Director](#)):
 - Helen Marks, owner of Spiritual Readings by Duchess for property located at 195 State Street.
 - Terrence Parker and Jeff Demers, owner of Terra Firma Landscape Architecture & Jeff Demers Design for property located at 163 Court Street.

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

City Manager's Items Which Require Action:

1. **Request for Approval of the Financial Disclosure Statement.** As you are aware, the City Council adopted the Conflict of Interest Mandatory Disclosure Ordinance at the December 22, 2014 City Council meeting. The adoption of this Ordinance calls for the creation of a Financial Disclosure Statement to be produced by the City Clerk's Office for approval by the City Council. For your information, [attached is a copy of a Financial Disclosure Statement.](#)

Action on this matter is required.

2. **Request for First Reading Re: Refinancing Bond Issue for Library.** In reviewing the City's debt schedule, a refunding (refinancing) opportunity is available which may result in total future savings. The City issued a \$6,960,000 bond on August 1, 2005. The proceeds financed the construction of the Public Library.

The original bond terms included a call provision which allows the issuer the option to pay off bonds prior to the maturity date by issuing another bond at a lower interest rate.

The average coupon rate (interest) for the remaining life of the bonds is 4.199%. Keeping in mind that interest rates are subject to change, the City, by opting to refinance this bond in the current market, could experience a savings in excess of \$278,000, net of all issuance costs, over the remaining life of the bonds.

I recommend the City Council move to authorize the City Manager to bring back for first reading on February 17th a Bond Resolution of up to Three Million Four Hundred Sixty Three Thousand Dollars (\$3,460,000) to refinance the remaining portion of a callable bond issued August 1, 2005 and all related costs. (The Refunding Resolution requires two readings and a public hearing with two-thirds vote of the City Council.)

3. **Request to Establish Work Session on Monday, March 23, 2015 at 6:30 p.m. Re: Master Plan and Impact Fees.** I have discussed with the Mayor scheduling a Work Session regarding the Master Plan and Impact Fees. I am requesting that the City Council establish a Work Session on Monday, March 23, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding Impact Fees and the Master Plan.

I recommend that the City Council establish a Work Session on Monday, March 23, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding Impact Fees and the Master Plan.

4. **Request for Change of City Council Work Session from Monday, April 13, 2015 to Monday, April 27, 2015.** I am requesting that a City Council Work Session scheduled for April 13, 2015 be changed to April 27, 2015. The reason is that data will be available for a Work Session regarding the Pease Wastewater Treatment Plant.

I recommend the City Council move to change the Work Session from April 13, 2015 to April 27, 2015, as requested.

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 20, 2015. In addition, this can be found on the City's website.
2. **City Council Policy 2010-02 Regarding Brick Sidewalks and Driveway Aprons** For your information, [attached is a copy of City Council Policy 2010-02 regarding Brick Sidewalks and Driveway Aprons](#) as amended and adopted by the City Council at the January 20, 2015 City Council meeting.
3. **Reminder of Upcoming City Council Work Sessions:** Just a reminder that the City Council will hold the following Work Sessions:
 - a) On Thursday, February 5, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, to receive a presentation and discuss a proposed second parking garage at 165 Deer Street. The Economic Development Commission has been invited to attend the work session.
 - b) On Monday, February 9, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers:
 - Airbnb
 - Abandoned/Derelict Buildings
4. **Rockingham County Budget Discussion.** County Commissioner Kevin St. James has requested a meeting with the City Council regarding the proposed Rockingham County Budget. I have discussed this matter with the Mayor, and we will have Commissioner St. James attend a meeting on February 9th at 6:00 p.m. prior to the Work Session. Any City Council members wishing to attend this discussion with Commissioner St. James may do so. This will be posted as a meeting and conducted in the Eileen Dondero Foley Council Chambers. For your information, the proposed Rockingham County FY 2015 Budget can be viewed online at <http://co.rockingham.nh.us/finance/budgets/2015proposedbudget.pdf>.
5. **News Release and Flyer Re: Community Development Block Grant Program for FY2015-2016.** For your information, [attached is a news release regarding the Community Development Block Grant \(CDBG\) Program for FY 2015-2016.](#)

6. **Islington Street Charrette.** The Planning Department will be holding the Islington Street Charrette, an intense, participatory visioning, design and public input process beginning on February 20th at the Frank Jones Center, 400 Route 1 Bypass ([see attached map showing the project area](#)). The format for the Charrette will be similar to the recently completed North End Charrette with the Opening Session beginning at 6:00 p.m. on Friday, February 20th. Roundtable meetings on Saturday, February 21st will include a 10:00 a.m. session with business owners, land owners, and developers; a 12:30 p.m. session will be held to discuss building scale and design; and a 2:00 p.m. session to discuss public realm and civic spaces. All roundtable meetings are open to the public. On Sunday, February 22nd at 5:00 p.m., the Interim Pinup and Review Session will be held and on Monday, February 23rd at 6:00 p.m. the Closing Session and Presentation will be held in the Eileen Dondero Foley Council Chambers. The consultant Town Planning and Urban Design Collaborative (TPUDC) will be holding Open Studio every day of the Charrette between February 20th and February 23rd from 9:00 a.m. to 9:00 p.m., at the Frank Jones Center. Parking is available at no charge at the Frank Jones Center lot.

7. **Land-Use Compliance Agent.** For your information, as part of the Planning and Building Inspection Departments' on-going efforts to improve compliance with Land-use Board approvals, the City has hired a Land-use Compliance Agent. Vincent Hayes will begin working for the City on Monday, February 2, 2015. Mr. Hayes was most recently employed by the Town of Franklin, Massachusetts as a Planner/Design Review Coordinator. In addition to his planning and design review work for the Town of Franklin, Mr. Hayes has spent the past year serving the Town of Bellingham on their Master Plan Implementation Committee. Mr. Hayes has a BS from Framingham State University in Town and Regional Planning and is working on his Masters in Economic and Community Development.