

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, FEBRUARY 17, 2015 TIME: 6:00 PM

AGENDA

- 6:00PM – WORK SESSION REGARDING AIRBNB

I. CALL TO ORDER (6:00 PM)

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Pavement Management Program – Peter Rice, Public Works Director

2. Update Re: 21 Brewster Street – Robert Sullivan, City Attorney

V. ACCEPTANCE OF MINUTES – FEBRUARY 3, 2015

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

A. 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

B. 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

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant from the New Hampshire Charitable Foundation – Piscataqua Region Community Fund for the Portsmouth Smart Growth Presentation and Work Shop - \$4,500.00 (**Sample motion – move to approve and accept from the New Hampshire Charitable Foundation \$4,500.00 for funding of Portsmouth Smart Growth for 21st Century (PS21) sponsorship of Jeff Speck Presentation and Workshop on Walkability**)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Bond Resolution of up to (\$3,460,000) Three Million Four Hundred Sixty Thousand Dollars to Refinance the remaining portion of a Callable Bond issued August 1, 2005 and all related costs (**Sample motion – move to pass first reading and schedule a public hearing and adoption at the March 2, 2015 City Council meeting of the proposed Bond Resolution of up to Three Million Four Hundred Sixty 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)

- B. Adoption 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 adopt the proposed Resolution increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption by 1.7%, as presented)

- C. Adoption 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 adopt the proposed Resolution increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption by 1.7%, as presented)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Kelly Heinze, Alzheimer's Association, requesting permission to hold the Seacoast Walk To End Alzheimer's on Sunday, October 4, 2015 (***Anticipated action – move to refer to the City Manager with power***)
- B. Acceptance of Donations to the Art-Speak Annual Appeal:
 - Jack and Pamela Blalock - \$50.00
 - Laurence McCullough - \$100.00(***Anticipated action – move to approve and accept the donations to the Art-Speak, as listed***)
- C. Acceptance of Donation for PACA Membership Dues (Art-Speak)
 - Pinetree Institute - \$75.00(***Anticipated action – move to approve and accept the membership dues for Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed***)
- D. Letter from Ashleigh Tucker, The Music Hall, requesting permission to hold the second annual Music Hall Open House event on Saturday, June 27, 2015 (***Anticipated action – move to refer to the City Manager with power***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Jerry Zelin regarding Harborcorp – Restrictive Covenant for Casino
- B. Letter from John Rawlings regarding 2 AIRBNB operating in his neighborhood which strongly impacts their quality of life and potentially property value
- C. Letter from Lauren Moore, Sexual Assault Support Services, requesting permission to set up a small table in Market Square in front of the North Church to hold the first annual Clothesline Project for one day in March or April (suggested dates listed in letter) from 11:00 a.m. to 3:00 p.m.
- D. Letter from Ellen & Dexter Legg requesting the City to maintain the integrity and characteristics of the neighborhoods of Portsmouth and protect all property owners by prohibiting short term rentals in residential districts

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 Resolutions and Ordinances:

- 1.1 First Reading of Proposed Bond Resolution of up to (\$3,460,000) Three Million Four Hundred Sixty Thousand Dollars to Refinance the remaining portion of a Callable Bond issued August 1, 2005 and all related costs (**Action on this item should take place under Section IX of the agenda**)
2. Public Hearing and Adoption of Proposed Resolutions:
 - 2.1 Public Hearing and Adoption 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**)

Proposed increase of Elderly & 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

City Manager's Items Which Require Action:

1. Adoption of Proposed Capital Improvement Plan (CIP) FY2016 - FY2021
2. Request for First Reading of \$23.2 Million Dollar Bond Re: Proposed Second Parking Garage at 165 Deer Street
3. Request for WSCA Antenna License

Informational items

1. Events Listing
2. Land use Compliance

B. ASSISTANT MAYOR SPLAINE

1. Letter requesting a Resolution to the U.S. Supreme Court In Support of Marriage Equality

C. COUNCILOR SHAHEEN

1. *Brewster Street Rooming House

D. COUNCILOR KENNEDY

1. *Portsmouth Small Business. How is the city supporting small businesses?

E. COUNCILOR MORGAN

1. *Update Re: Brewster Street Rooming House
2. *Impact Fees

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. 2014 Board and Commission Attendance Records

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 COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, FEBRUARY 3, 2015

PORTSMOUTH, NH
TIME: 6:15PM

At 6:15 p.m., the City Council held a Work Session with the School Department regarding Capital Improvement Plan (CIP) Projects.

I. CALL TO ORDER (7:00PM)

At 7:15 p.m., Mayor Lister called the regular City Council meeting to order.

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear and Thorsen

III. INVOCATION

Mayor Lister asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Joe Plaia led in the Pledge of Allegiance to the flag.

Mayor Lister acknowledged Peter Rice, Public Works Director and the entire Public Works staff for all their work with the recent snow storms and their removal efforts. He requested that the residents be patient and understanding due to the amount of snow that we have had in the last week.

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)

Scott McIntire provided a review of the City of Portsmouth Comprehensive Annual Financial Report for the Year Ending June 30, 2014. Scott reported that a review of our financial statements are in accordance with accounting principles generally accepted in the United States and the standards applicable to financial audits contained in Government Auditing Standards. He advised the City Council that the City's Unassigned Fund Balance is \$11,790,868.00 and the total for all Fund Balances is \$44,620,852.00. He spoke to the increase in anticipated revenues for motor vehicles and parking fees.

Councilor Dwyer said one thing in the Management Letter indicates that we should have outside audits throughout the year. Scott stated that is a recommendation to increase the role of an internal audit and is made a great deal of time. City Manager Bohenko said we are looking at someone coming in on an hourly basis from the outside to conduct an audit review. He said he and Finance Director Belanger have been speaking regarding this matter.

Councilor Shaheen commended City Manager Bohenko and Finance Director Belanger for the excellent work.

Mayor Lister also acknowledged Judie Belanger, Finance Director; Andrew Purgiel, Deputy Finance Director and the entire Finance Department staff.

V. ACCEPTANCE OF MINUTES – JANUARY 20, 2015

Councilor Lown moved to approve and accept the minutes of the January 20, 2015 City Council meeting. Seconded by Councilor Kennedy and voted.

VI. PUBLIC COMMENT SESSION

Sarah Minella, Rise Above Plastics (RAP), spoke to the mission of RAP and the issues related to plastic bag usage. She addressed the ordinance which was drafted by a local attorney and requested that Portsmouth strongly consider adopting the ordinance which would make Portsmouth the first in the State of New Hampshire to have such an ordinance. She reported that Newburyport, MA and Portland, ME are putting this type of ordinance into effect this year.

Joe Plaia, representing Great Bay Taxi, spoke regarding the issues related to UBER operating in the City of Portsmouth. He said the City has regulations on taxis and his client feels that UBER has been allowed to operate unfairly. He said the background checks for UBER drivers are not adequate and people driving UBER vehicles have DWI's on their records. He said the insurance is also not adequate and insurance companies are refusing to insure them. Attorney Plaia expressed concern regarding the lack of inspections by the City for the UBER vehicles.

Clayton Schermerhorn, Kingston, NH resident, said he is the competition in the City of Portsmouth for taxis. He said people prefer taking rides in his taxis versus other companies in the City.

Mark Brighton spoke opposed to the City enacting an ordinance regulating the use of plastic bags.

Arthur Clough said that residents are being pushed out of the City of Portsmouth due to the high taxes. He said the City has grown too much and he is concerned with the lack of control in terms of growth in the City. He also said we need to bring in people with other points of view for serving on Boards and Commissions in the City.

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***)

Mayor Lister read the legal notice, declared the public hearing open and called for speakers.

Rick Becksted said the Capital Improvement Plan (CIP) has some big numbers and more than taxpayers or businesses have to pay. He said the City is going to have neighborhoods feuding against each other. He said building a parking garage should not be part of the CIP. He said if a parking garage is built he hopes it does not cost the taxpayers any money. He suggested purchasing the Frank Jones Center. Mr. Becksted said we need to look at what we are spending with the CIP.

Cliff Lazenby thanked the Public Works Department for their hard work over the last few days with the snow storm and the snow removal. He said the Planning Director, City Manager, Public Works Director and various departments do important work on the CIP. He said there is a gap in the CIP process and deals with balance in all wards of the City. He said there should be equitable funds given throughout the City. Residents from Peverly Hill Road have suffered from no sidewalks and speeding vehicles while other neighborhoods get their projects completed. Mr. Lazenby said you cannot tell the long range trends because the City does not keep track of that. He said residents do not have access to this valuable information because it is not measured by the City. He spoke to a spreadsheet created by the Citywide Neighborhood Committee to measure areas in the City where projects have been completed over other areas.

Marie Kelleher said that there needs to be more equitable distribution of funds in the CIP for Wards 3 and 4. She said requests from Peverly Hill Road have been made many times over the years. She stated that the City has devalued resident's homes on Peverly Hill Road from not doing projects as requested by the neighborhood.

Lee Frank said there should be a need based approach for CIP funds. He said Madison Street needs to be completely resurfaced and have new sidewalks installed. He said the street is in terrible condition.

Rick Condon said Madison Street does need to be resurfaced with new sidewalks. He said he has lived in his home since 1986 and the street has never been resurfaced.

Sara Sellman said there needs to be better visibility on how the CIP is created. She said there are areas in Ward 2 that are in terrible condition. The sidewalks are so bad on Madison Street, parents walk their kids down the middle of the street.

Elizabeth Gaddy said Madison Street needs to be repaved and there needs to be new sidewalks and requested the City to make it a safer street.

Kelly Mason said a need based approach for CIP makes sense. She supports this for schools as well.

Julia Russell spoke in support of Peverly Hill Road requests for improvements. She said she has lived there for 20 years and would like to see improvements made in her life time.

Cristy Cardoso, Citywide Neighborhood Committee, said often in their meetings they're asked by people how do you get the City to address an issue in their neighborhood. She said the Committee tells residents to keep asking the City to make the improvements or what ever issues they may be facing.

Arthur Clough said we need to gear up in the City we have some safety issues that need to be addressed. He said sidewalks are a concern in the City. He said we need to recognize some of the emergent situations.

Dean Colburn said he lives at the crest of Peverly Hill Road and if he tries to back out of the driveway he will be hit by a car, it is that dangerous. He said he recently put in a circular driveway so the family no longer have to deal with backing out onto Peverly Hill Road. He said there should be a place for bicycles on Peverly Hill Road. He also recently learned because he lives on Peverly Hill Road his home is less valuable than others in different areas of the City.

Erik Anderson said the component of the budget in the CIP is important. He said we are approaching a \$100 Million Dollar budget and a large portion of the budget is already set. He said there is a concern when you look at the CIP and the number of projects.

Paul Mannle said some items in the CIP should be thrown out for the same reason the Council did not approve the Fire Department's request for a Heavy Use Vehicle. He said that line item had been in the CIP since 2007 and when the Bonding Resolution came forward, you deny the funding. He also said some of the details for the projects need to be updated.

Dick Bagley said we are coming out of the worse times with the recession. The State is in bad shape. He complimented City Manager Bohenko and Finance Director Belanger for their work on our funds. He said you cannot have a CIP budget without priorities, there is really no sense in providing public input now because nothing will change. He said economic development takes precedent over schools. The City of Dover has Work Sessions where you can engage. The City needs to figure out our priority and a way for the residents to participate.

Harold Whitehouse asked the City Council to add a line item to reconstruct the bridge on Junkins Avenue to flush the mill pond. He said the culverts are not doing their job to flush the waters properly.

With no further speakers, Mayor Lister declared the Public Hearing closed.

City Manager Bohenko asked Public Works Director Rice to speak on Peverly Hill Road. Director Rice said the project received a grant for \$400,000.00 to install a sidewalk. He reported the City selected a contractor and then Federal Government pulled the funds with the Government shutdown. He reported since that time the funds are available again and the scope of work has been looked at to expand the project. Director Rice said Public Works is working with the DOT on this to look at road design before installing sidewalks. He said there are a number of things the Public Works Department wants to do. He said we want to move the sidewalk project forward and we are trying to finalize the scope of work.

City Manager Bohenko said he would ask for a presentation on the street paving management plan for the next City Council meeting by Public Works Director Rice.

Assistant Mayor Splaine requested a summary of items for Peverly Hill Road and what it would cost to implement the items for the next City Council meeting.

Councilor Thorsen said when he reviewed the data and the differences between Wards 3 and 4 he was amazed. He said Wards 1, 2 and 5 encompasses the downtown and 3 and 4 do not. He said how much are we doing in the downtown versus outside neighborhoods.

Mayor Lister declared a brief recess at 9:05 p.m. At 9:15 p.m., Mayor Lister called the meeting back to order.

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

Assistant Mayor Splaine moved to pass first reading and schedule a public hearing and adoption of the proposed Resolution at the February 17, 2015 City Council meeting, increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption by 1.7%, as presented. Seconded by Councilor Spear and voted.

- 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

Assistant Mayor Splaine moved 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. Seconded by Councilor Spear and voted.

X. 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***

Councilor Spear moved to adopt the Consent Agenda. Seconded by Councilor Shaheen and voted.

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"

No action required or taken.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request for Approval of the Financial Disclosure Statement

Councilor Spear moved to adopt the Financial Disclosure Statement, as presented. Seconded by Councilor Shaheen and voted.

2. Request to First Reading Re: Refinancing Bond Issue for Library

City Manager Bohenko explained that we have a refunding opportunity for the Library bond issue. In the bond we had included a call provision for use of a new bond at a lower rate. He said that this would give us a savings of \$300,000.00.

Councilor Spear moved 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 Thousand Dollars (\$3,460,000.00) to refinance the remaining portion of a callable bond issued August 1, 2005 and all related costs. Seconded by Councilor Shaheen.

Councilor Lown thanked City Manager Bohenko for bringing this matter to the attention of the City Council.

Motion passed.

3. Request to Establish Work Session on Monday, March 23, 2014 at 6:30 p.m. Re: Master Plan and Impact Fees

City Manager Bohenko said we are working with Mayor Lister to bring topics for Work Sessions forward.

Councilor Morgan suggested Bruce Mayberry was a consultant for the Existing Trends Report for the Master Plan in 2005 and she would like us to reach out to him on impact fees. City Manager Bohenko said he would reach out to him.

Councilor Kennedy would like to see a time line on the Master Plan. She would like it to be available to the public. City Manager Bohenko said he would put the time line online.

Councilor Spear moved to 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. Seconded by Councilor Shaheen and voted.

4. Request for Change of City Council Work Session from Monday, April 13, 2015 to Monday, April 27, 2015

City Manager Bohenko said he would like to change the April 13th Work Session to April 27th to allow more time to get additional information to the Council on the Pease Wastewater Treatment Plant.

Councilor Spear moved to change the Work Session from April 13, 2015 to April 27, 2015, as requested. Seconded by Councilor Shaheen and voted.

Councilor Morgan said she would like all and any reports to be submitted to the City Council at least 2 days prior to the meeting. City Manager Bohenko said we could do that but items would be subject to change.

Informational items

- 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.

Councilor Kennedy said she would like to allow for public input at the February 9th Work Session regarding the AIRBNB. Mayor Lister said we would limit it to 3 minutes for the public input on the AIRBNB Work Session.

Councilor Dwyer said the Council might not get too far in that Work Session because there is enabling legislation on that issue.

Mayor Lister said we are working very closely with the Legislative Delegation on this matter.

- Rockingham County Budget Discussion

City Manager Bohenko advised the City Council that Rockingham County Commissioner Kevin St. James would like to meet with the City Council at 6:00 p.m. prior to the Work Session on February 9th.

Councilor Morgan asked how often the Rockingham County Commissioner approaches us for a meeting. City Manager Bohenko said that this is the first time since he has been with the City.

- Islington Street Charrette

City Manager Bohenko reported that the Charrette will begin on February 20th at the Frank Jones Center – February 22nd. The Closing Session and Presentation will be held on Monday, February 23rd at the Eileen Dondero Foley Council Chambers.

- Land-use Compliance Agent

City Manager Bohenko announced that the City has hired a Land-use Compliance Agent. Vincent Hayes started working today and was most recently employed by the Town of Franklin, MA as a Planner/Design Review Coordinator.

B. MAYOR LISTER

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

Assistant Mayor Splaine moved to reappoint Phyllis Eldridge to the Trustees of the Trust Fund until January 1, 2018. Seconded by Councilor Lown and voted.

C. ASSISTANT MAYOR SPLAINE

1. Taxi Commission recommendations concerning Taxi Commission / Uber / Ride-Sharing Services

Assistant Mayor Splaine moved the recommendation of the Taxi Commission be approved to request the City Attorney to draft an ordinance for the next City Council meeting. Seconded by Councilor Morgan.

Assistant Mayor Splaine said that the Taxi Commission worked on this matter a great deal and is recommending redefining the Taxi Commission. He said they would like to eliminate the medallion system and create a registration process with the City Clerk and charge \$5.00 for the registration. He said the insurance requirements will need to be determined. Assistant Mayor Splaine continued to review the discussion which took place by the Taxi Commission on this matter.

Councilor Lown said he would support the motion to have the City Attorney look at this recommendation. He thanked Assistant Mayor Splaine and the Taxi Commission for bringing this forward. He said it is a change in technology and the only reservation he has is the complete deregulation of the fares.

Councilor Dwyer said we are the only State that does not require insurance. She said she wants to make sure that commercial insurance covers taxis. She also expressed concern with price gauging. She said users of taxis are elderly and disabled. She feels we are putting a vulnerable population at risk. Councilor Dwyer also stated that there is discrimination by UBER drivers and who they pick up and she is not sure how to address that matter.

Councilor Thorsen said there are a lot of questions. He said there is a potential of consumer abuse. He said we need to deal with the classification services and how they are regulated. He said UBER appears more like a limo service versus a taxi.

Councilor Shaheen said she shares the same concerns with price gauging and she has experienced it first hand with UBER during a business trip.

Motion passed.

D. COUNCILOR LOWN

1. Plastic Bag Ordinance

Councilor Lown moved to send the Proposed Ordinance to the City Manager to be reviewed by the new Recycling Coordinator, Sustainable Committee and the City Attorney. Seconded by Assistant Mayor Splaine.

Councilor Lown said the ordinance does not apply to single-use carryout plastic bags without handles provided to the customer for the following:

- To transport produce, bulk food, or meat from a produce, bulk food, or meat department within a store to the point of sale; or
- To hold prescription medication dispensed from a Pharmacy; or
- To segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Recycled Paper Bag

Prohibited Carryout Bags:

- No store, to include grocery store or Pharmacy, shall provide a Single-Use Carryout Plastic Bag to a Customer, at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this ordinance.
- No person shall distribute a Single-Use Carryout Plastic Bag at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless otherwise provided in this Section.

Motion passed.

Councilor Lown moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Shaheen and voted.

E. COUNCILOR DWYER

1. Update on Portsmouth Middle School Project

Councilor Dwyer provided a brief status update on the Portsmouth Middle School. She reported that there are still lists of items that need to be completed and the Joint Building Committee is working to make sure that those items are completed and holding back funds when necessary from the contractors.

Councilor Shaheen asked when an Open House would take place. Councilor Dwyer said in April or May.

F. COUNCILOR SPEAR

1. Election of Mayor and Council Candidates Proposed Charter Amendment

Councilor Spear stated it is his intent to bring a motion forward at the next City Council meeting regarding amendments to the City Charter that would be voted on at the next Municipal Election. He stated this would require voters to vote for a Mayoral candidate and City Council candidates separately.

Councilor Kennedy inquired as to the process with this proposed change to the Charter. City Attorney Sullivan said it depends on the proposal there are several ways to change the Charter. He said a Charter Amendment by the City Council is one way. The City Council approves some kind of Charter Amendment and then the City Council holds a public hearing and the Council votes to put it on the ballot. He said there are strict time lines you would have to make a decision by late summer.

Councilor Dwyer said how many Charter Amendments make a Charter Commission. City Attorney Sullivan said that is when the Charter Amendments added together change the form of government. He said in order to have a Charter Revision you have a Charter Commission write a report. He said amendments are simple.

Councilor Shaheen said if a proposal was to come forward that the City Council would be elected by Wards versus At-Large, what would that be considered. City Attorney Sullivan said he feels that is still an Amendment.

Councilor Morgan said as these ideas are brought forward we need to honor the residents. She said there would be a need for thorough dialogue and study circles. She said that this is very important and we need to know the pros and cons of each item.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Lown spoke to an article that appeared in the Union Leader on January 28th recognizing Portsmouth as a great city with having the largest number of young people with a Masters degree, the lowest tax rate in the State, and arts and culture.

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

At 10:30 p.m., Councilor Spear voted to adjourn. Seconded by Councilor Shaheen and voted.



Kelli L. Barnaby, CNHMC, CMC, MMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on **Tuesday**, February 17, 2015 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption to \$36,311.00 for single and \$44,793.00 for married and total assets may not exceed \$121,039.00 whether single or married. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

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

PSA-00081693

**THE CITY OF PORTSMOUTH
TWO THOUSAND FIFTHTEEN
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # - 2015

BE IT RESOLVED:

Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$36,311 for a single taxpayer or \$44,793 for married taxpayers, inclusive of social security payments and total assets may not exceed \$121,039 whether single or married The elderly exemption shall remain unchanged except as amended hereby.

THAT this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

**ADOPTED BY THE CITY COUNCIL:
, 2015**

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

NOTE: This exemption becomes effective for the tax year April 1, 2015.

LEGAL NOTICE

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

LEGAL NOTICE

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

PA00081690

**THE CITY OF PORTSMOUTH
TWO THOUSAND FIFTHTEEN
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # - 2015

BE IT RESOLVED:

Pursuant to RSA 72:37-b, City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$36,311 for a single taxpayer or \$44,793 for married taxpayers, inclusive of social security payments and total assets may not exceed \$121,039 whether single or married. The disabled exemption shall remain unchanged except as amended hereby.

THAT this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

**ADOPTED BY THE CITY COUNCIL:
, 2015**

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

NOTE: This exemption becomes effective for the tax year April 1, 2015.


Elderly & Disabled Exemption Impact

Exemption Type	Exemption Amount	Number Currently Receiving Exemption	Value Loss	Revenue Loss
65 through 74	\$ 125,000.00	35	\$ 4,375,000.00	\$ 74,287.50
75 through 79	\$ 175,000.00	38	\$ 6,650,000.00	\$112,917.00
80 and over	\$ 225,000.00	63	\$ 14,175,000.00	\$240,691.50
Disabled	\$ 100,000.00	10	\$ 1,000,000.00	\$ 16,980.00
Totals		146	\$ 26,200,000.00	\$444,876.00

Note: The current tax rate of \$18.10 would be decreased to \$17.99 a difference of 11 cents on the current tax rate if the elderly and disabled exemptions were not granted.

Memo

To: John P. Bohenko, City Manager

From: David S. Allen, Deputy City Manager 

Date: February 11, 2015

Re: New Hampshire Charitable Foundation Grant for Jeff Speck presentation

As you are aware, the City has partnered with Portsmouth Smart Growth for the 21st Century (PS21) over the past year on a number of planning related events. Most recently, PS21 worked to bring Jeff Speck to the City to speak to our citizens, elected officials, staff, and other interested parties on the subject of urban walkability. The events were well attended with over 200 participants over the two sessions.

PS21 applied for a grant to from the New Hampshire Charitable Foundation to cover a portion of the funding for Mr. Speck's fee for the events. PS21 is not a 501(c) (3) organization and therefore, they requested that the City act as the fiscal sponsor in order to accept the grant. The grant amount is \$4,500, with the balance of Mr. Speck's fee of \$7,500 will be paid by the City.

This memo is to request that the acceptance of the Grant from the New Hampshire Charitable Foundation for the funding of a portion of Mr. Speck's fee be brought to the City Council at the meeting of February 17.

**CITY OF PORTSMOUTH
TWO THOUSAND FIFTEEN**

PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION #_____

A RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTERESTS COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO.

BE IT RESOLVED:

THAT in order to reduce interest costs associated with the outstanding portion of the City's \$6,960,000 General Obligation Bonds dated August 1, 2005 (the "Refunded Bonds"), the City is authorized to issue refunding bonds in the amount of up to THREE MILLION FOUR HUNDRED SIXTY THOUSAND DOLLARS (\$3,460,000) to refinance all or any portion of the Refunded Bonds, and to pay associated interest costs, redemption premium and all issuance expenses associated therewith, such refunding bonds to be issued by the City Treasurer, with the approval of the City Manager, and otherwise in accordance with the Municipal Finance Act.

THAT the discretion of fixing the dates, maturities, rates of interest, forms and other details of such refunding bonds is hereby delegated to the City Treasurer with the approval of the City Manager.

THAT this resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

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

January 9, 2015

The Honorable Robert Lister, Mayor of Portsmouth
and Members of the Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03810

Dear Mayor Lister and Members of the City Council,

On behalf of the Alzheimer's Association, I would like to submit for the Agenda a proposed date for the 2015 Seacoast Walk to End Alzheimer's. Last September's Walk began and ended at Strawberry Banke on Sunday, September 28, 2014. This year we would like to hold the event on Sunday, October 4, 2015 at the Little Harbour School. Although a different location for the beginning and end to the walk, the route will be the same as the Little Harbour School was along our 2014 route. As a growing event, we believe that the Little Harbour School will be a better location for all of our participants. We understand the stress that such events can have on the surrounding community and assure you that the Alzheimer's Association is cognizant of your concerns.

We offer two route options for participants. The 1.3 and 2.7 mile routes will both go through the downtown area (using Congress Street). We are planning to use the same route as last year, but are flexible pending any construction changes that may arise. We will plan on engaging the help of the Portsmouth Police – as last year we hired a detail police officer to be on site and then on the route at crossings. The Walk will take place on the sidewalks through the city to minimize the impact on traffic. We understand what it means to be a good neighbor in the community and will be mindful of the residents in the City of Portsmouth.

We are expecting approximately 1,000 participants at this, our premier fundraising and awareness event for the Alzheimer's Association in the Seacoast area. In addition, approximately 50 combined volunteers and staff.

The Walk site opens at 8:30AM for registration, the Walk kicks off at 10AM and we are cleaned up by 1PM.

We look forward to working with you. Please feel free to reach out with any questions.

Sincerely,
Kelly Heinze
Development Officer
kheinze@alz.org
603-606-6590 ext. 2151



Memorandum

Date: February. 10, 2015
To: Honorable Mayor and Members of the City Council
From: Art-Speak Board of Directors
Re: Acceptance of Donation

Art-Speak requests that the Portsmouth City Council accepts \$150 in donations to the Art-Speak annual appeal

Donor and Amount:

Lawrence McCullough	\$100
Jack and Pamela Blalock	\$50

FEB 10 2015

Memorandum

Date: February 10, 2015

To: Honorable Mayor and Members of the City Council

From: Art-Speak Board of Directors

Re: Acceptance of Membership Dues

Art-Speak requests that the Portsmouth City Council accepts \$75 in membership dues for PACA from the following organization.

Donor and Amount:

Pinetree Institute

\$75

Hello John,

My name is Ashleigh Tucker and I am the Special Events Coordinator at The Music Hall. We are gearing up for our second annual Music Hall Open House event, slated for Saturday, June 27th. The timing of this event is still to be determined.

Much like our event last year, this event allows The Music Hall to connect to the greater Portsmouth community while offering free live performances and tours culminating in a donation based family feature film.

This year, we would like to seek permission in a street closure for this event so that there may be live performances on Chestnut St. from local area performers and entertainers which we consider to be our community partners.

Could you please consider the possibility of this street closure to help enhance our community giving event? We greatly appreciate it and I am happy to answer any further questions that you may have.

Ashleigh

--

Ashleigh Tucker

Special Events Manager & Rental Coordinator

The Music Hall

28 Chestnut Street

Portsmouth, NH 03801

603.433.3100 x 6014

www.themusichall.org

Save the date!

Portsmouth Singer Songwriter Festival

April 16-18, 2015

Details coming soon! [Sign up for our emails](#)

We Don't Oppose Harborcorp; We Want a Quality Project and No Casino

February 4, 2015

To the Editor:

For the past two years, citizens dismayed by the proliferation of big box buildings in Portsmouth's historic district have volunteered their time and energy by speaking at Historic District Commission meetings. Our purpose is not to stop development, but to encourage moderation in scale and excellence in design.

Harborcorp's plans present the greatest challenge thus far. The project will include, among other uses, a conference center large enough for over 700 guests and a Whole Foods supermarket occupying an acre of floor space to serve a regional clientele.

The project is huge by Portsmouth standards. Harborcorp proposes to construct one building covering three lots. Most of it will be five stories tall. The footprint of the proposed structure is shaped like an arm bent 45 degrees at the elbow. The upper arm, running 320 feet along Deer Street, is as long as the distance on Congress Street between Popovers Restaurant and Bull Moose Records. The forearm runs an additional 360 feet along Russell Street. The total footprint is 50 percent larger than Portwalk III, the recently completed behemoth that faces Maplewood Avenue.

We have five goals for this project.

First, we prefer that Harborcorp break the monolith into two or three buildings, connected by pedestrian bridges if necessary. The next best option is a single building that looks like several handsome buildings. Harborcorp and the Historic District Commission are pursuing the latter option and have made great strides in that respect, though more remains to be done.

Second, we do not want traffic generated by the Whole Foods Market or the conference

center to overwhelm Maplewood Avenue and the Christian Shore neighborhood around Dennett Street.

Third, the project should include enough parking to handle the needs it creates.

Fourth, the process the HDC follows for reviewing this project should include a close look at all elements, including height, mass, and architectural details. For example, in December 2014 Harborcorp used 3-D digital imaging software to display the building to the HDC, but most of those views were from far above ground level. After that event, one of us wrote to the HDC requesting more complete views from a pedestrian perspective. At the next work session, on January 29, 2015, Harborcorp's architect heeded that request, whereupon the HDC suggested more changes to the facade.

Our final goal is to ensure that the Whole Foods space and conference center are never converted into a casino. We have consequently asked Harborcorp on several occasions for a restrictive covenant prohibiting a casino on this site.

The January 31, 2015 Portsmouth Herald quotes Harborcorp's public relations consultant as insisting, "We have no intention at all of putting a casino in there." Then why hasn't Harborcorp committed to a restrictive covenant confirming those intentions?

Regardless of what Harborcorp's own plans may be, what if a future owner decides to convert this space to a casino? A restrictive covenant, recorded at the registry of deeds, is the most reliable tool to prevent that.

By: Karen Andersen

Andrew Bagley

Dick Bagley

Pat Bagley
Rick Becksted
Ann Bliss
Michael Bliss
Alexandra Borrie
Barbara Bowlus
Frances Buck
Mark Brighton
Lenore Weiss Bronson
Joe Caldarola
Larry Cataldo
Ramona Charland
Paul Ciani
Irja Cilluffo
Martha Fuller Clark
Joel Colodner
Marjorie Crean
Marya Danihel
Tom D'Evelyn
Erica Dodge
George Dodge
Diana Durham
William Eley

Nancy Elwell
Virginia Eshoo
Keith Eveland
Maxene Feintuch
Alan Gordon
Pam Gordon
Jonathan Gilbert
Kirsten C. Hales
Jerry Hejtmanek
Eliza Hobson
Rick Horowitz
Ted Jankowski
Elizabeth Jefferson
Clare Kittredge
Mary Krempels
Susan Lager
Rebecca Lucy
Duncan MacCallum
Jane M. Man
Paul Mannle
Rebecca McBeath
Blair McCracken
Janet McCracken

Laurie McCray

Bob McElwain

Mary Lou McElwain

Ann Morton

Matt Morton

Margaret O'Rourke

Dawn Przychodzien

Shawn Rafferty

Helen Reid

Judith Rubenstein

James Sears

Kelly Shaw

Katherine Soave-Bailey

Pat Spalding

Elizabeth Knies Storm

Donald Tirabassi

Rev. Maren Tirabassi

Nancy Tomb

Richard Tomb, M.D.

Barbara McLean Ward

Gerry Ward

Jerry Zelin

Judith Zelin

February 10, 2015

My wife and I are very concerned about the apparent proliferation of Portsmouth homeowners listing and renting their houses through this online marketplace. At least 2 of our neighbors have been engaged in renting their homes through Air BnB, and we have noticed a significant increase in traffic (many driving too fast!) and noise as a result. Ours is a quiet, residential neighborhood with a number of small children, and we believe the unregulated influx of transient strangers strongly impacts our quality of life (and potentially our property value) in a negative fashion. The City of Portsmouth should enact or enforce regulations designed to protect the safety and security of homeowners, and as a Portsmouth business owner I believe that the lost tax revenue should be an issue as well.

Thanks you.

John Rawlings

Chief Growth Officer & Founding Partner

T. 603.570.7332

M. 603.498.6379

www.silveroven.com

February 10, 2015

Dear City Counselors,



I am writing you on behalf of Sexual Assault Support Services (SASS) and the Americorps Victim Assistance Program (AVAP) to inquire about hosting our first annual Clothesline Project in Market Square.

The Clothesline Project is a visual display that bears witness to the pain experienced by victims of domestic and sexual violence, human trafficking, and stalking. During the public display, a clothesline is hung with shirts, each designed to represent a particular survivor's experience. The shirts are designed by the survivor and close supporters.

AVAP sponsors the New Hampshire Clothesline Project. The Clothesline Project displays over 3,000 T-shirts made by survivors and their families or friends. This powerful and moving exhibit graphically demonstrates the pervasive and horrific effects of domestic and sexual violence.

Held annually on the lawn of the New Hampshire State House and at Colby Sawyer College in New London, NH, the Clothesline Project is viewed by hundreds of members of the community in person and by thousands through social media campaigns.

The Purpose of the Project

1. To bear witness to the survivors.
2. To help with the healing process for the people who have lost a loved one to domestic and/or sexual violence or who are survivors of this violence
3. To educate, document, and raise society's awareness of the extent of the problem of violence.
4. To provide a nationwide network of support, encouragement and information for other communities starting their own Clothesline Project.

Why the Clothesline Project?

Few avenues exist for survivors to speak openly and honestly about the violence they have experienced. Making a shirt and hanging it on a publicly displayed clothesline becomes an integral component of a woman's healing. It is a complex process, from the initial decision to make a shirt, through the design and creation of the shirt.

We request permission to set up a table in Market Square in front of North Church. We would have a small display of previously designed Clothesline Project t-shirts and an information table. We would be inviting the community to participate in the Clothesline Project by designing their own unique t-shirts. These shirts would

then be collected and included in the State House and Colby Sawyer College displays. We would like permission for a table from 11 am to 3 pm on any **one** of the following days;

March: 13th, 14th, 15th, 20th, 21st, 22nd, 27th, 28th, 29th

April: 10th, 11th, 12th, 17th, 18th, 19th

Thank you,

Lauren Moore
Americorps Victim Assistance Program Advocate
Sexual Assault Support Service
7 Junkins Ave Portsmouth NH 03801
603.436.4107
avap@sassnh.org

February 8, 2015

To: Portsmouth City Council
Re: Short Term Rentals

Dear Mr. Mayor and City Councilors:

We write to ask the City to maintain the integrity and characteristics of the neighborhoods of Portsmouth and protect all property owners by prohibiting short term rentals in residential districts.

The City should preserve the current ordinance for Single Family Resident A and B districts, which today prohibits all lodging establishments, including boarding houses, bed and breakfast, inns and motels. Short term rentals of any nature sensibly fall within this prohibited category, and should be specifically banned in the ordinance. After all, the definition of Single Family Resident is clear: one house per lot, one family per house, and long term residence. Allowing short term rentals turns this definition on its head: the residential neighborhood becomes more transient; groups of renters generate more noise, more cars, more traffic and more disruption than a single family; and by-the-day or the-week renters have no commitment to Portsmouth, no vested interest in the neighborhood, and no innate sensitivity to the norms and behaviors of more permanent residents.

Fundamentally, short term rentals change the essential characteristics of the neighborhood. They affect the expectations and experiences of other property owners and over time diminish the value of surrounding properties.

Consider some examples. In our neighborhood two owners rent out their homes by the day or the week. In the past eighteen months one home has been rented on about twenty separate occasions—about half for weekends, and about half for seven days. Renters have been roughly an equal mix of single or extended families and groups of eight to ten adults, and have rented for vacations, reunions or wedding celebrations. In every instance, the home owners vacated the home for the entirety of the rental period.

Many of these rentals have disrupted the neighborhood. Several after-wedding parties have resulted in excessive noise and traffic. Strangers have knocked on our front door “looking for the party”. Renters have used our private dock and responded belligerently when politely asked to leave, and others have entered our yard to ask if they could borrow our kayaks. Other renters have sat around a fire pit drinking and partying until 3:00 am. In isolation this behavior could be considered acceptable by some: after all, these renters are vacationing or partying and are there to have fun. However, the sum of the behaviors is inappropriate for this neighborhood and inconsistent with the intent of the City’s zoning ordinance.


Portsmouth’s zoning ordinance promotes the good of the entire community and protects the rights of all property owners by defining appropriate land use...be it residential, commercial, industrial or mixed use. These definitions, particularly for residential districts, are reasonable and until recently clear. The phenomenon of short term rentals over the internet has challenged our ordinance definitions and unfortunately has led to confusion and conflict among neighbors. We urge the City to resolve this situation by clarifying the prohibition of all short term rentals in single family resident neighborhoods.

Sincerely,

Ellen M. Legg
Dexter R. Legg
4 Moebus Terrace
Portsmouth, NH

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: February 12, 2015
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on February 17, 2015 City Council Agenda

Work Session:

6:00 p.m.

1. **Airbnb.** As requested by the City Council, on Tuesday evening, the Council will hold a Work Session at 6:00 p.m., to discuss Airbnb and other short-term rental arrangements. City Attorney Robert Sullivan and Planning Director Rick Taintor will be available to answer any questions or concerns the City Council may have regarding this matter. The Planning Board has been invited to the Work Session.

Presentation:

1. **Pavement Management Program.** At Tuesday's City Council meeting, Public Works Director Peter Rice will make a presentation to the City Council regarding the pavement management program.
2. **Update Re: 21 Brewster Street.** City Attorney Robert Sullivan will give an update to the City Council regarding 21 Brewster Street at Tuesday's City Council meeting.

Acceptance of Grants and Donations:

1. **Acceptance of New Hampshire Charitable Foundation Grant.** Attached under section VIII of the agenda is a memorandum from David Allen, Deputy City Manager, requesting City Council accept a grant in the amount of \$4,500 for a presentation and workshop by Jeff Speck.

I recommend that the City Council move to approve and accept the grant in the amount of \$4,500 from the New Hampshire Charitable Foundation of Portsmouth Smart Growth for the 21st Century (PS21) sponsorship of Jeff Speck Presentation and Workshop on Walkability. Action on this matter should take place under Section VIII of the agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **First Reading of Proposed Resolutions and Ordinances.**
 - 1.1 **First Reading of Proposed Bond Resolution of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000) to Refinance the remaining portion of a Callable Bond issued August 1, 2005 and all related costs.** As a result of the February 3rd City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the [attached proposed Bond Resolution](#) of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000) to refinance the remaining portion of a callable bond issued August 1, 2005 and all related costs. 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 pass first reading and schedule a public hearing and adoption at the March 2nd City Council meeting of the proposed Bond Resolution of up to Three Million Four Hundred Sixty 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.) Action on this matter should take place under Section IX of the Agenda.

2. **Public Hearing and Adoption of Proposed Resolutions**

2.1 **Public Hearing and Adoption of Proposed Resolutions Amending Elderly and Disabled Exemptions Income and Asset Limits.** As requested by the City Council at the February 3rd City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption of 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. I have [attached for your information the tax impact of the elderly and disabled exemptions for FY15](#).

On Tuesday evening, I am requesting that the City Council act on the following Resolutions:

a) *I recommend the City Council move to adopt the proposed Resolution 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 adopt the proposed Resolution, 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

Amendment to these Resolutions requires a majority vote of the City Council. Action on this matter should take place under Section IX of the Agenda.

Consent Agenda:

1. **Acceptance of Donations to Art-Speak.** Art-Speak has received the following donations and Art-Speak requests that the City Council accept these donations on behalf of Art-Speak for their Annual Appeal:

- Lawrence McCullough \$100.00
- Jack and Pamela Blalock \$ 50.00

I recommend that the City Council move to approve and accept the donations to Art-Speak, as listed. Action on this item should take place under Section X of the Agenda.

2. **Acceptance of Membership Dues to Art-Speak.** Art-Speak has received the following membership dues for Piscataqua Arts & Cultural Alliance (PACA), a program of Art-Speak:

- Pinetree Institute \$ 75.00

I recommend that the City Council move to approve and accept the membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed. Action on this item should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Adoption of Proposed Capital Improvement Plan (CIP) FY2016 - FY2021.** 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 Tuesday 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.

As requested by the City Council, [attached is a spreadsheet from Steve Bartlett, School Business Administrator](#), regarding the Little Harbour School Project.

The following amendments have been forwarded by Councilor Jack Thorsen and Councilor Eric Spear ([see attached memorandum](#)):

- 1) Page 46 – Fire Station 3 Replacement move from FY16 to FY17.
- 2) Page 48 – Police Department Land Acquisition move from FY 16 to FY17.
- 3) Page 49 – Police Department Facilities move from FY17 to FY18.
- 4) Page 94 – Bike PED replacement of \$50,000 from General Fund with \$1 million appropriation in FY16 from bonding.

I recommend the City Council move to adopt the Capital Improvement Plan FY2016 - FY2021 with any appropriate amendments. Action on this matter should take place under Section IX of the Agenda.

2. **Request for First Reading of \$23.2 Million Dollar Bond Re: Proposed Second Parking Garage at 165 Deer Street.** As a result of the Work Session on February 5, 2015 regarding a proposed second parking garage at 165 Deer Street, I am requesting the City Council allow me to bring forward a first reading for a \$23.2 Million Dollar Bond for the March 16, 2015 City Council meeting, which is the second meeting in March.

I recommend the City Council move to authorize the City Manager to bring back for first reading a \$23.2 Million Dollar Bond for a proposed second parking garage at your March 16, 2015 City Council meeting, as presented.

3. **Request for WSCA Antenna License.** WSCA, Portsmouth’s community radio station, has requested permission to install an antenna at the water booster pump station in Newington. A draft license agreement has been negotiated subject to City Council approval. The [draft license is attached](#) and the key provisions are summarized below:
 - Five year term, City could terminate with 180 days notice;
 - \$50.00 monthly rent (\$600 annual. NHPR pays \$250 per month adjusted annually under a 10 year lease for an antenna at City Hall, but electricity not separately metered);
 - WSCA pays for electricity;
 - Antenna installation (and relocation if necessary) at no cost to the City;
 - No interference with City systems or equipment; and
 - No creation of public forum.

I recommend the City Council move to authorize the City Manager to enter into a five year License Agreement with WSCA for the installation and operation of an antenna at WSCA’s cost.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on February 3, 2015. In addition, this can be found on the City’s website.
2. **Land Use Compliance.** For your information, [attached is a memorandum from David Allen, Deputy City Manager](#), regarding a review of changes that have been implemented in the Planning and Inspection Departments to improve the internal process of compliance review and assurance with the City’s Land-Use Boards and Commissions – the Planning Board, Historic District Commission, Zoning Board of Adjustment, and Conservation Commission.

CITY OF PORTSMOUTH PORTSMOUTH, NH 03801

TO: Honorable Mayor Robert Lister & City Council Members

FROM: Jack Thorsen, Councilor
Eric Spear, Councilor

DATE: February 12, 2015

SUBJECT: Amendments to Capital Improvement Plan FY 2016 – FY 2021

We would like to make the following amendments to the proposed 2016 Capital Improvement Plan:

- 1) Page 46 – Fire Station 3 Replacement move from FY16 to FY17.
- 2) Page 48 – Police Department Land Acquisition move from FY 16 to FY17.
- 3) Page 49 – Police Department Facilities move from FY17 to FY18.
- 4) Page 94 – Bike PED replacement of \$50,000 from General Fund with \$1 million appropriation in FY16 from bonding.

LITTLE HARBOUR CODE UPGRADE PROJECT

ENERGY CONSERVATION MEASURES		TOTAL	PHASE I	PHASE II	PHASE III
Lighting		174,750	131,050	43,700	
Walk In Coolers		7,119	7,119		
Boilers and Hot Water Heaters		133,440	133,440		
Unit Ventilators		41,700	41,700		
ERVS		547,660	547,660		
Electric to Hydronic Conversion		695,000	521,250	173,750	
Kitchen Hood		17,290	17,290		
DDC Controls		222,400	166,800	55,600	
Solar PV		50,000		50,000	
Water Conservation		20,757	15,567	5,190	
Building Envelope		15,500	11,625	3,875	
General conditions		193,014	144,760	48,254	
ECM Performance Contract Subtotal		\$2,118,630	\$1,738,261	\$380,369	
CODE UPGRADE MEASURES					
ADA Upgrades - Lift		120,000	90,000	30,000	
Architecture/Engineering		100,000	100,000		
Asbestos Abatement		357,500	143,000	143,000	71,500
Asbestos Consultant		75,000	30,000	30,000	15,000
Cafeteria Ceiling		50,000			50,000
Ceiling Tiles		352,000	264,000	88,000	
Cleaning		21,000	10,500	10,500	
Disposal		8,000	4,000	4,000	
Electrical/ Fire Alarm		195,000	156,000	39,000	
Fire Protection Contractor		286,000	143,000	143,000	
Flooring		65,000	16,250	32,500	16,250
IT Infrastructure Replacement		126,700	63,350	63,350	
Kitchen Equipment Upgrades		100,000	50,000	50,000	
Mis Metal		15,000	15,000		
Moving		55,000	27,500	27,500	
Painting		21,000	10,500	10,500	
Public Address/Clock Replacement		13,000	6,500	6,500	
Roofing/Exterior		390,000	195,000	195,000	
White Boards		60,000	30,000	30,000	
Construction Management Subtotal		\$ 2,410,200	\$ 1,354,600	\$ 902,850	\$ 152,750
Subtotal CM + PC		\$4,528,830	\$3,092,861	\$1,283,219	\$152,750
Contingency- 10%		\$452,883	181,153	181,153	90,577
Total		\$4,981,713	\$3,274,014	\$1,464,372	\$243,327

LICENSE AGREEMENT

This Agreement is made this _____ day of _____, 2015 by and between the City of Portsmouth of 1 Junkins Avenue, Portsmouth, New Hampshire 03801 (Licensor) and Seacoast Arts and Cultural Alliance d/b/a Portsmouth Community Radio of 920 Islington Street, Portsmouth, New Hampshire 03801 (Licensee).

The Parties agree as follows:

1. Grant of License: Licensor does hereby grant Licensee permission to erect and maintain a 40 foot tall 2.5 inch diameter telescoping pole antenna with guy wires atop Licensor's property at Newington Booster Station Arboretum Drive, Portsmouth, New Hampshire (the "Property") shown as Exhibit A as well as permission to install and maintain a 5 foot tall, 18 inch wide locked plexiglass storage cabinet shown as Exhibit B, which will contain a 100 watt transmitter amplifier, an internet computer and emergency backup batteries inside Licensor's property in connection with Licensee's operation of a low power FM radio station. A copy of licensee's current FCC operating license is attached as Exhibit C.
2. Term: the term of this license shall be for a period of five years from the date of this agreement and may be renewed upon such terms and conditions as Licensor and Licensee agree. This license may be terminated by the Licensor with 180-days written notice or by the Licensee with 60 days written notice. In the event of fire or other casualty that substantially damages the Property or any portion of it so as to make it unfit for the use intended by Licensee, this Agreement shall terminate.
3. Annual Fee: Licensee shall pay Licensor an annual fee of \$600 payable in monthly installments of \$50 in advance on the first day of each month and shall be mailed to 1 Junkins Avenue, Portsmouth, New Hampshire or such other place as Licensor shall designate.
4. Electricity: Licensee shall arrange for the installation of a separate electrical submeter such as E-mon D-mon for the antenna and be responsible for payment of usage to Licensor at the standard KWH rate of electricity for the antenna.
5. Relocation of Antenna and Equipment: Licensee understands that the City is currently in design to upgrade the Property and that such upgrades may result in changes to the size, location and configuration of the structure and equipment. Licensee will relocate its antenna and equipment at its own expense as may be necessary as a result of Licensor's changes to its Property. The City will continue to allow Licensee to operate at the location through any relocation process.

6. Indemnification: Licensee shall install the antenna, storage cabinet and contents at its expense and shall indemnify and hold harmless Licensor from and against any and all losses, claims, liabilities and expenses, including reasonable attorneys' fees, which Licensor may suffer or incur in connection with Licensee's use or possession Licensor's property.
7. Insurance: Licensee shall be responsible for maintaining property insurance for its antenna and equipment as well as commercial general liability insurance in commercially reasonable amounts, but not less than \$1,000,000. The Licensee shall provide proof of insurance coverage to the satisfaction of the Licensor. The Licensor shall be named as an additional insured.
8. Remedy: Licensee shall promptly notify the Licensor of any damage to Licensor's property resulting from installation, maintenance and use of the antenna and remedy the damage promptly as coordinated and approved by the Licensor.
9. Access: Licensor shall provide Licensee reasonable access to the Property for the purpose of installing, inspecting, maintaining and repairing the antenna and related equipment. For non-emergency purposes, Licensee shall provide at least two business days advance notice of its need to access the Property unless otherwise agreed. Licensor will provide emergency access as needed as Property cannot be accessed without coordination with Licensor given the security requirements of the Property.
10. Licensor's Representative: Licensee shall coordinate all installation and access with Licensor's Director of Public Works or his designee.
11. Approvals and Permits: Licensee is responsible for obtaining any and all approvals and permits necessary to construct, repair, maintain and operate the antenna.
12. Surrender: The Licensee agrees to return the Property at the expiration of the term in good order and condition, reasonable wear and tear and damage by fire or other unavoidable casualty excepted. Licensee shall remove all of its equipment at the termination of this License and repair any damages caused the Property by such removal.
13. No Interference: Licensee's use of the Property shall not in any way interfere with the Licensor's water operations including its equipment and communications. In the event that the Licensee's use does interfere with the current and future water operations, Licensee and Licensor shall attempt to find a suitable place to relocate the antenna and equipment, such costs of relocation to be borne by Licensee.

14. No Public Forum: Licensor does not intend to create a public forum by the execution of this License. This Agreement has been negotiated for a limited purpose to maximize the property to the financial benefit of the City and in a manner which is not inconsistent with the City's own operations.
15. No Assignment: Licensee shall not assign any rights under this Agreement without the prior written consent of the Licensor.
16. Entire Agreement: This agreement constitutes the entire agreement of the parties and may not be modified or amended except by a writing signed by both parties.
17. Governing Law: This agreement shall be governed by the laws of the State of New Hampshire.

In witness whereof the parties have hereunto set their hands the date first above written.

City of Portsmouth

Seacoast Arts and Cultural Alliance

By: _____

By: _____

John P. Bohenko,

Richard Pickford

City Manager

Chairm, Board of Trustee

As authorized by vote of the Portsmouth City Council on: _____

Event Listing by Date

Starting Date: 2/ 3/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
2/15/2015 2/15/2015	FESTIVAL Caitlyn Hassett, Chair, Events Committee Portsmouth Gas Light 969-8657	Hanover Street/Market Street Parking Lot	Chamber of Commerce - Fire & I	9/22/2014
3/15/2015 3/15/2015	RACE Pease		New Heights	12/ 8/2014
3/29/2015 3/29/2015	ROAD RACE Donald Allison is the contact for this event. Telephone No. (617) 835-2378	Portsmouth High School	Eastern States 20 Mile	11/17/2014
4/18/2015 4/18/2015	WALK Emily Christian is the contact for this event. Telephone: 781-693-5154 This event begins at 10:00 a.m. to 2:00 p.m., start and finish at Little Harbour School.	Little Harbour School - start and finish	National Multiple Sclerosis So	10/20/2014
5/ 3/2015 5/ 3/2015	FESTIVAL Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m. Street closure - Pleasant Street - State Street to Market Square; no parking on Market Street - Bow Stree to ISSCo. entrance.	Downtown	Pro Portsmouth, Inc. - Childre	9/22/2014
5/ 3/2015 5/ 3/2015	WALK Richard B. Wagner is the contact for this event. This walk is from 10:00 a.m. from 5:00 p.m.	Lower Parking Lot of City Hall	AIDS Response Seacoast	1/20/2015
5/ 9/2015 5/ 9/2015	ROAD RACE Carolyn Ostrom, Community Relations Specialist (603) 610-5530 Cell: (617) 501-2728 costrom@vtnhkomen.org This race begins on the Peirce Island Bridge and finishes at Strawberry Banke - Hancock Lot	Strawbery Banke	Susan G. Komen New Hampshire R	9/22/2014
5/17/2015 5/17/2015	RACE Renee T. Bouchard is the contact for this event.(603) 431-5454. Date changed from May 3, 2015 by PDA.	Pease Tradeport	Madeline's Daughter Bridal Sho	12/ 8/2014
5/24/2015 5/24/2015	ROAD RACE Jeanine Sylvester is the contact for this event. Telephone Number 603-430-1212 This event begins at 11:00 a.m.	Redhook Ale Brewery	Runner's Alley	1/20/2015
6/13/2015 6/13/2015	FAIR Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m. throughout downtown	Downtown	38th Market Square Day - Pro P	9/22/2014
6/13/2015 6/13/2015	ROAD RACE Barbara Massar is the contact for this event. This event begins at 9:00 a.m. with roving closures for race course	Market Square	38th 10K Road Race - Pro Ports	9/22/2014

Event Listing by Date

Starting Date: 2/ 3/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
6/20/2015 6/20/2015	FUND Alyssa Salmon is the contact of this event. Contact No. 430-1140 x14.	Pleasant Street	Big Brothers Big Sisters of th	8/ 4/2014
6/27/2015 6/27/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014
7/ 4/2015 7/ 4/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Streets Music Se	9/22/2014
7/ 4/2015 7/ 4/2015	RACE This race is part of the Run Portsmouth Road Race Series 5K Races for 2015. David Hampson is the contact for this event. david.hampson@willis.com; Telephone No. 334-3032	Strawbery Banke	Easter Seals Veteran's Count	12/22/2014
7/11/2015 7/11/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014
7/18/2015 7/19/2015	BIKE TOUR Chris Vlangas, Development Director and Thomas MacLennan, Logistics Specialists are the contacts for this event.	Coastline and Mainland from Kittery, ME	Cystic Fibrosis Foundation	12/22/2014
7/18/2015 7/18/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014
7/25/2015 7/25/2015	MUSIC Barbara Massar is the contact for this event. The event begins at 5:00 p.,m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014
8/ 1/2015 8/ 1/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Streets Music Se	9/22/2014
8/ 1/2015 8/ 1/2015	RACE This is part of the Run Portsmouth Road Race Series 5K Races for 2015 Justin Finn is the contact for this event. justinf@secureplanninginc.com; Telephone No. 433-5515	Strawbery Banke Museum	Portsmouth Rotary Club - Thund	12/22/2014
8/22/2015 8/22/2015	BIKE TOUR Emily Christian is the Logistics Associate This event begins in Stratham Hill, over to Kittery, back through Portsmouth by way of Marcy Street to 1B.	Through the City to and from Stratham Hill Park	National Multiple Sclerosis So	1/ 5/2015
9/13/2015 9/13/2015	ROAD RACE This is part of the Run Portsmouth Road Race Series 5K Races for 2015 Wendy McCoolle is the contact for this event. wendy@mybreakfastcancersupport.org Telephone No. 759-5640	Portsmouth Middle School	Celebrate Pink 5K Road Race &	12/22/2014

Event Listing by Date


Starting Date: 2/ 3/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
9/26/2015 9/27/2015	BIKE TOUR Donna Hepp is the contact for this event. dhepp3@gmail.com or 414-258-3287	Rte. 1B over Memorial Bridge	Granite State Wheelmen	11/17/2014
9/26/2015 9/27/2015	FESTIVAL David Hallowell is the contact for this event.	Pleasant Street	Portsmouth Maritime Folk Festi	12/ 8/2014
9/26/2015 9/27/2015	TOUR This event is for two days. Caroline Amport Piper is the contact. Telephone (603) 686-4338	South End	Friends of the South End	11/17/2014
10/10/2015 10/10/2015	RACE This is part of the Run Portsmouth Road Race Series 5K Races for 2015 Catherine Edison of Community Child Care Center of Portsmouth is one of the contacts. CEdison@communitycampus.org and Ben Anderson or Meghan Toner of Prescott Park Arts Festival Tel. 436-2848	Start Memorial Bridge Portsmouth - Finish Prescott	Memorial Bridge Road Race	12/22/2014
11/26/2015 11/27/2015	RACE Matt Junkin of Seacoast Rotary Club is the contact for this event. mrjunkin@gmail.com; Tel. 591-0083	Strawbery Banke Museum	Seacoast Rotary Club - Turkey	12/22/2014
11/26/2015 11/26/2015	ROAD RACE Matt Junkin is the contact for this event.	Peirce Island - begins and ends	Seacoast Rotary Club	12/ 8/2014

Memo

To: John P. Bohenko, City Manager

From: David S. Allen, Deputy City Manager 

Date: February 11, 2015

Re: Land Use Compliance

The following is a review of the changes that have been implemented in the Planning and Inspections Department to improve the internal process of compliance review and assurance with the City's land-use Boards. As you are aware, the City's land use boards – the Planning Board, Historic District Commission, Zoning Board of Adjustment, and Conservation Commission – issue decisions based on specific plans and other documentation presented by applicants. In addition to these plans, applicants make specific representations to the land use boards, which are incorporated into the record and are considered binding on the applicant in the implementation of the project. The boards also may modify the proposed project through stipulations or conditions imposed as part of their approval decisions.

Often, a project will require review by multiple land use boards. These reviews take place at different times and in different stages of project development, at times resulting in plans approved by one board that may be slightly, or even significantly, different from those approved by another board. Such discrepancies first became apparent around 2009-2010, and the Planning Department has since instituted procedural measures to resolve conflicts between approvals. These measures may require the applicant to return to one of the boards for review of plan changes but also allow administrative approvals (for example, the Planning Director has the authority to grant administrative approval to minor site plan amendments).

Following the issuance of all required approvals by the land use boards, the applicant prepares construction drawings for approval by the Inspections Department. A building permit is issued by the Inspections Department based on those construction drawings. Historically review of the construction drawings for permit issuance has focused on building code compliance and life safety issues.

The Planning Department and Inspection Department have put together a process to improve the coordination for insuring project compliance with both the land-use board requirements as well as the building code/life safety issues. The Land Use Compliance Agent provides both departments a critical tool to insure that compliance is met relative to both areas

The compliance process that has been established is as follows:

- Prior to the City issuance of a building permit, an applicant is required to submit construction drawings. At the time of submission of the construction drawings, the design professional (either Licensed Architect or Engineer) shall provide a signed affidavit stating that the drawings submitted for issuance of the building permit are in compliance with all of the land use board approvals.

- In the case of a smaller residential project, in which an architect or engineer is not involved; the land-use compliance agent will review the plans for compliance with land-use board approvals.
- Multi-family and commercial projects within the Historic District will be required to hire a third-party professional to provide compliance review of the project.
- The Land-Use Compliance Agent will perform random inspections of permitted construction projects at various stages of the project to check on compliance.
- Prior to the issuance of the CO, the applicant shall have their design professional sign an affidavit certifying that the completed project is in compliance with all land-use approvals. In the case of a smaller residential project, again, with no architect or engineer involved, the land-use compliance agent will review the plans for compliance with land-use board approvals

To date, the new procedure has allowed the Planning and Building Inspection Departments to identify and have corrected a number of issues prior to construction.

Wednesday, February 11, 2015

To: Portsmouth City Councilors

I have asked that the following item be placed on the City Council Agenda for Tuesday, February 17th:

**Resolution To The U.S. Supreme Court
In Support Of Marriage Equality**

I have no Resolution to propose right now, but instead will ask that City Council members and residents who might support this position suggest wording for the Resolution, and I invite Council members to co-sponsor it for introduction at the Monday, April 6th Council meeting.

I am taking this approach so that we can be as inclusive as we can be on this matter of importance to many of our Portsmouth citizens.

The U.S. Supreme Court is taking up a decision of the 6th U.S. Circuit Court of Appeals that upholds laws in Kentucky, Michigan, Ohio and Tennessee that define marriage as the union of a man and a woman. The Court will likely hear the case in late April, and make a decision in June.

In the meantime, many Americans are coming forward to join in an Amicus Brief. Edie Windsor, who won her lawsuit in 2013 when the Court struck down a central portion of the so-called "Defense of Marriage Act," is the first signature on that Brief. That Act is the law that had denied federal benefits to legally married gays and lesbians. In early 2013, the Portsmouth City Council proudly voted unanimously to support the effort to encourage the Court to stick down that Act.

In a grassroots, non-government effort, the nationwide Human Rights Campaign is inviting all citizens to join Edie Windsor in the Amicus Brief. All those interested can visit HRC.org to add their names.

Portsmouth is the New Hampshire city that began serious statewide discussion about gay and lesbian equality, dating back to 1993 in these Chambers with a public hearing that filled the room.

Since then, our state has made great strides in supporting equality for our gay and lesbian residents. In the late 1990s, New Hampshire became the 11th state to put sexual orientation into our civil rights laws. In 2007, we adopted Civil Unions, followed two years later by becoming just the 5th state to adopt marriage equality -- and the first to do solely by legislation action.

Now, just 61 months after that law became effective, there are 37 states allowing gay and lesbian marriage.

We have more to do, of course. Portsmouth a year ago became the first community in our state to adopt protection in our employment for transgender citizens, and that is an ongoing cause on the state level.

I think this is a matter that we should support, but I want to do it in as inclusive and welcoming way as possible, thus my presentation of the title of the Resolution at this time, to be followed on April 6th with a written Resolution co-sponsored by all who wish to do so.

Thank You,

Jim Splaine
City Councilor

OFFICE OF THE CITY CLERK
CITY OF PORTSMOUTH, N.H.

Memo

Kelli L. Barnaby, CMC/CNHMC
City Clerk
1 Junkins Avenue
Portsmouth, NH 03801
603-610-7207
Fax: 603-427-1579
klbarnaby@cityofportsmouth.com

To: Mayor Robert J. Lister and City Council

From: Kelli L. Barnaby, City Clerk

Date: February 17, 2015

Re: 2014 Board and Commission Attendance Records

Please find attached the 2014 attendance records for all Boards and Commissions as requested by the Mayor and City Council.

If you should have any questions, please do not hesitate to contact me directly or via e-mail at klbarnaby@cityofportsmouth.com.

cc: John P. Bohenko, City Manager

2014 - Board and Commission Meeting Attendance Records

	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
African Burial Ground (8 meetings held)				
Bailey, Mary	3	5		37%
Cunningham, Valerie	5	3		62%
Edwards, Kelvin	7	1		87%
Jackson, Vernis	7	1		87%
Council Rep. Dwyer, Crhistine	8			100%
Building Code Appeal - THERE WERE NO MEETINGS HELD IN 2014				
Cable & Communication - THERE WERE NO MEETINGS HELD IN 2014				
Citizens Advisory (8 Meetings held)				
Bunnell, Judith (Appt 4/2014)	2			100%
Carmody, Constance	7	1		87%
Emerson, Nancy	6	2		75%
Hamilton, Alison	7	1		87%
Langley, Lynne	7	1		87%
Rooney, Dani	7	1		87%
Vacancy				
Conservation Commission (12 meetings held)				
Blanchard, MaryAnn	12			100%
Cardin, Matthew (Alt) Appt. 8/2014	5			100%
McMillan, Barbara	11	1		91%
Miller, Steven	12			100%
Meuse, Kimberly (Alt), Appt. 4/2014	7	1		87%
Saunders, Shelley	7	5		58%
Stone, Elissa Hill	11	1		91%
Tanner, Allison	12			100%
Vandermark, Peter	11	1		91%
Economic Development Com (10 meetings held)				
Bosen, John	5	4	1	50%
Carmer, Nancy, Ex-Officio	10			100%
City Manager, Ex-officio	10			100%
Cohen, Philip	6	4		60%
Cyr, Joshua	10			100%
Eaton, Everett, Chair	9	1		90%
Levenson, Dana	8	2		80%
Marchewka, Robert	9	1		90%
Pratt, John	9	1		90%
Shaheen, Stefany, Council Rep.	6	2	1	60%
Spear, Eric, Council Rep.	7	1	1	70%
Zolla, Ron	9	1		90%

Historic Distirct Com. (28 meetings held)	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Almeida, Joseph, Chair	27	1		96%
Gladhill, William, Plan Brd. Rep	25	3		89%
Kennedy, Esther, Council Rep.	21	7		75%
Kozak, Tracy. Vice Chair	25	3		89%
Lombardi, Vincent (Alt) Appt. 8/2014	10			100%
Melchior, George	17	11		60%
Rawling, Daniel	26	2		92%
Ruedig, Reagan (Alt)	27	1		96%
Wycoff, Jonathan	27	1		96%
Housing Endowment - THERE WERE NO MEETINGS HELD IN 2014				
Library Brd. of Trustees (6 meetings held)	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Boley, Bruce (Appt. 3/2014)	5			83%
Crist, John	6			100%
Greenslade, Ernestine	6			100%
Hausman, Stephanie (Appt. 10/2014)	2			100%
Jamison, Jack (Appt. 3/2014)	5			100%
Landry, Jeff, School Brd. Rep	4			66%
Levenson, Shaula (Appt. 10/2014)	2			100%
Margeson, Dohnald (Appt. 10/2014)	2			100%
Record, Jody, Chair	6			100%
Parking & Traffic Safety (11 meetings held)	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
City Manager (or Designee)	11			100%
Cypher, Ronald	10	1		90%
Donnermeyer, Shari	9	2		81%
Fire Dept. Rep.	11			100%
Gray Jr, Frederick	11			100%
McElwain, Mary Lou (Alt) Appt. 08/2014	5			100%
Police Dept. Rep.	10	1		90%
PW Director	11			100%
Lown, Brad, Council Rep.	11			100%
Whitehouse, Harold	11			100%
PEDLP - There were No meetings held in 2014				

	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Peirce Island Committee (8 meetings held)				
Fernald, Francesca Marconi	6	1	1	75%
Kennedy, Esther, Council Rep.	5	3		62%
Louttit, Lisa	7	1		87%
Marison, Steve, Co-Chair	8			100%
McVay, John	6	1	1	75%
Philp, Stephen	7	1		87%
Pollard, Robert	6	2		75%
Simon, John	5	1	2	62%
Smith, Richard, Co-Chair	7	1		87%
Stettner, Marc	7		1	87%
Whitehouse, Harold	7	1		87%
Planning Board (15 meetings held)				
Barker, Michael	14	1		93%
Finn, Justin (Alt) Appt. 02/2014	12	1		92%
Gamester, Colby	13	2		86%
Gladhill, William	15			100%
Leduc, Jay (Alternate)	10	5		66%
Moreau, Elizabeth	15			100%
Ricci, John	13	2		86%
Rice, John	13	2		86%
Thorsen, Jack, Council Rep	14	1		93%
Building Inspector, Ex-Officio	5			100%
Deputy City Manager, Ex-Officio	15			100%
Ports Housing Authority(12 meetings held)				
Bradley, Charles	11	1		91%
Griffin, Ruth, Chair	12			100%
Kennedy, Mike (Appt. 03/2014)	10			100%
Leith, John F.	8	4		66%
Schwartz, Amy	12			100%
Vacancy				
Recreation Board (3 meetings held)				
Becksted Jr., Rick (Appt. 10/2014)	1			100%
Cali-Pitts, Jacqueline	3			100%
Diemer, Carl	3			100%
Henley, Todd	3			100%
Louttit, Lisa (Apt. 08/2014)	1			100%
Lynch, Kathy (Apt.04/2014)	0	2		0%
Sirmaian, Kory	3			100%
Council Liaison. Spear, Eric	3			100%
School Brd.Rep Novelline Clayburgh, Nancy	3			100%

Sustainable Practices (meetings held)	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
INFORMATION NOT PROVIDED				
Taxi Commission (10 meetings held)	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Bresciano, Peter	10			100%
Cataldo, Lawrence (Appt. 4/2014)	7	1		90%
Dunfey, Steven (Appt. 4/2014)	8			100%
Law, Tristan (Appt. 6/2014)	7			100%
Police Representative	8	1		90%
Splaine, James, Council Rep.	9	1		90%
Vacant, Taxi Co. Rep				
Trees/Public Greenery (12 meetings held)	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Adams, Richard	11	1		91%
Dupere, A.J., State Forester	11	1		91%
Loughlin, Peter, Chair	12			100%
PW Director	10	2		83%
Souto, Dennis	9	3		75%
Stevens, Leslie	11	1		91%
Croteau, Todd PW Gen. Foreman	11	1		91%
Trustees of Trust Funds (22 meetings held)	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Eldridge, Phyllis	21	1		95%
Levenson, Dana	21	1		95%
Watson, Thomas	22			100%
Zoning Board of Adjustment (19 meetings held)	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Chambelin, Susan (Term ended 12/01/14)	13	5		72%
Durbin, Derek	14	5		73%
Johnson, Jeremiah, (Alt) Appt. 08/2014	6			100%
LeMay, Charles	18	1		94%
Moretti, Patrick (Alt)	16	3		84%
Mulligan, Christopher	15	4		78%
Parrott, Arthur	19			100%
Rheaume, David	17	2		89%
Witham, David, Chair	16	3		84%