

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JANUARY 11, 2016 TIME: 6:00PM

AGENDA

- 6:00PM – WORK SESSION REGARDING FY17 BUDGET PROCESS AND PROPOSED BUDGET GUIDELINES

- I. CALL TO ORDER (6:00PM)
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. *Update Re: 165 Deer Street (New Municipal Garage)

- V. ACCEPTANCE OF MINUTES – DECEMBER 21, 2015 AND JANUARY 4, 2016

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to Fire Department Re: Kearsarge Restoration Project (***Sample motion – move to accept and approve the donation from Newburyport Bank for the Kearsarge restoration project, as presented***)
- B. *Approval and Acceptance of Donation Re: Bench (***Sample motion – move to approve and accept the donation for a bench, as presented***)

- VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 4, Section 10.440 Table of Uses – Residential, Mixed Residential and Industrial Districts – Use 170 Manufactured housing park, Supplemental Regulations 10.814

Amend Chapter 10 – Zoning Ordinance, Article 5, Section 10.521 – Table of Dimensional Standards – Residential and Mixed Residential Districts as follows:
Minimum Yard Dimension, Maximum Structure Dimensions,

Amend Chapter 10 – Zoning Ordinance, Article 8 – Section 10.810 – Residential and Institutional Residence or Care Uses by adding the following – 10.814 – Manufactured Housing Park Dimensional Standards

Amend Chapter 13 – Mobile Home Ordinance by deleting it in its entirety

(Sample motion – move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the January 25, 2016 City Council meeting, as presented)

- B. First reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1016 – Permitted Uses by addition Uses, activities and alterations are permitted in wetlands and wetlands buffers

Amend Article 10, Section 10.1017 – Conditional Uses by adding the following – Wetland Protection Plan

Amend Article 15, Section 10.1530 – Terms of General Applicability, by inserting the following new terms and definitions – Impervious Surface

(Sample motion – move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the January 25, 2016 City Council meeting, as presented)

- C. First reading of Ordinance amending Chapter 10 – Zoning Ordinance Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated January 11, 2016

Amend Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” January 11, 2016

Amend the Zoning Map as set forth in the following maps dated January 11, 2016:

- (a) Map 10.5A21A – Character Districts and Civic Districts;
- (b) Map 10.5A21B – Building Height Standards;
- (c) Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout & Uses

Amend the Zoning Map by changing the zoning designation of 52 parcels as set forth in the document titled “Proposed Additional West End Zoning Changes” dated January 11, 2016 and as shown on the map titled “Additional West End Zoning Changes – First Reading – January 11, 2016”

(Sample motion – move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the March 21, 2016 City Council meeting, as presented)

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Ken La Valley, American Foundation for Suicide Prevention requesting permission to hold Out of the Darkness Walk on Saturday, September 17, 2016 at 10:00 a.m. – Noon ***(Anticipated action – move to refer to the City Manager with power)***

- B. Request for License to install Projecting Sign:
- Brie DeLise owner of Prelude, for property located at 65 Market Street
(Anticipated action – move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement 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***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from John Chagnon, Ambit Engineering, Inc, Request for Licenses for Site Redevelopment Property located at 40 Bridge Street ***(Sample motion – move to refer to the Planning Board for report back)***

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Elderly and Disabled Exemptions
2. Adoption of Resolution Re: HealthTrust, Inc., Application and Membership Agreement
3. Sidewalk Permit Request Re: 195 State Street
4. Interim Police Chief Agreement
5. Polling Hours – Presidential Primary Election

Informational items

1. Events Listing

B. MAYOR BLALOCK

1. Resignation of Rebecca Perkins from the Portsmouth Housing Authority
2. Approve City Council Rules and Order
3. Ratify City Council Policies and Procedures
4. Blue Ribbon Committee for Prescott Park Master Plan
5. Code of Ethics Lot Drawing for City Council Representative
6. Information Only City Council Schedule 2016
7. Information Only Board & Commission Assignments for City Council

C. COUNCILOR LOWN

1. *Update Regarding Financial Disclosure Form

D. COUNCILOR SPEAR

1. *Affordable Housing at the Parrott Avenue Lot (***Sample motion – move to request the City Manager evaluate the feasibility of siting micro apartments for workforce housing at the Parrott Avenue lot***)

E. COUNCILOR DENTON

1. City Council Rules and Order (*See attached document*)

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the minutes of the November 19, 2015 work session and meeting of the Planning Board are now available on the City's website
2. Notification that the minutes of the November 17, 2015 and November 24, 2015 meetings of the Zoning Board of Adjustment are now available on the City's website


NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: January 7, 2016

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on January 11, 2016 City Council Agenda

Work Session:

6:00 p.m.

1. **FY17 Budget Process and Proposed Budget Guidelines.** On Monday evening, I am requesting a Work Session at 6:00 p.m. to discuss the FY17 Budget process and proposed budget guidelines. In November 2015, former Mayor Robert Lister re-established the Joint Budget Committee (JBC). The JBC is established for the purposes of advising the City Manager and the City Council on issues pertaining to the development of the Annual Budget.

7 Voting Members

- Chair, Mayor Jack Blalock
- (2) City Councilors – Eric Spear and Brad Lown
- (2) School Board Members - Thomas Martin and Ann Walker
- (1) Fire Commission Member – Jennifer Matthes
- (1) Police Commission Member – Joseph Onosko

5 Non-voting Ex-officio Members

- City Manager John P. Bohenko
- Finance Director Judie Belanger
- Superintendent of Schools Steve Zdravec
- Fire Chief Steven Achilles
- Interim Police Chief David Mara

Charge of the JBC

- The JBC shall advise the City Manager and City Council on the adoption of guidelines for the preparation of the proposed FY17 budget by January 11, 2016.
- City Staff will provide information to the Committee on factors impacting the development of the municipal budget.
 - Health Insurance rates
 - Retirement rates
 - Contractual Obligation impacts
 - Any and all other costs which would impact the Operating Budget
- JBC Agenda Format
 - Anticipated to have one meeting a month from September through March
 - Agenda to be put together by the Mayor and City Manager with input from various departments and elected officials
 - At the beginning of each meeting, opportunity for any elected official to bring up a topic and speak to it
 - At the end of each meeting, opportunity for citizens to speak
- The Committee shall not assume responsibilities of the City Manager or the City Council as outlined in the City Charter.

On Thursday, December 17, 2015 after reviewing the FY 2017 budget projections, the JBC is recommending to the City Council a goal for the Operating Budget by no more than 3% increase in FY17.

At the Work Session on Monday evening, Judie Belanger, Finance Director, and I will present salient points within the budget process as well as estimated budget numbers for Fiscal Year 2017. [I have attached the PowerPoint that we will be presenting, which includes the proposed budget guidelines on Page 22 of the Presentation.](#)

Presentation:

1. **Update Re: 165 Deer Street (New Municipal Parking Garage).** On Monday evening, David Allen, Deputy City Manager, and Robert P. Sullivan, City Attorney, will give an update to the City Council regarding the status of the 165 Deer Street proposed new municipal parking garage.

As you will recall, there are two outstanding issues that staff has continued to work on prior to providing a recommendation to enter into a Purchase and Sales Agreement for the Deer Street property. The first is the real estate title for the property and the second being the environmental concerns associated with the property as a result of its previous industrial use.

There has been significant progress on the title research. Outside legal counsel is in the process of performing a final review of the voluminous information related to the property history of these parcels. Additionally, they have also begun working with the title insurance company on preparing a policy for the City.

In addition, work has continued on assessing the environmental conditions of the property. Further, we continue to work with our environmental consultant and the seller, and will be meeting with Department of Environmental Services (DES) to further identify the cost impacts. The seller has agreed to escrow up to \$200,000 of the sale price to be used towards offsetting the impacts of the environmental conditions of the property.

Staff continues to work towards having drafts of the Purchase and Sales Agreement, as well as a Post Closure Obligation Agreement prepared for the City Council meeting of January 25, 2016.

Acceptance of Grants and Donations:

1. **Acceptance of Donation to Fire Department Re: Kearsarge Restoration Project.** The City of Portsmouth Fire Department has received a donation in the amount of \$500.00 from Newburyport Bank for the Kearsarge Restoration Project ([see attached informational pamphlet on the inside cover of your packet](#)).

I recommend the City Council move to accept and approve the donation from Newburyport Bank for the Kearsarge restoration project, as presented. Action on this matter should take place under Section VII of the Agenda.

2. **Approval and Acceptance of Donation Re: Bench.** The City of Portsmouth has received a donation in the amount of \$1,850 for the purchase and installation of a bench in Market Square.

Therefore, I am recommending the City Council move to approve and accept the donation for a bench, as presented. Action on this matter should take place under Section VII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **First Reading of Proposed Ordinances.**

Below are two proposed Ordinances amending Chapter 10 – Zoning Ordinance - Manufactured Housing Parks and Wetland Protection Plans. This amendment has been drafted specifically to address zoning issues at the Hillcrest Estates manufactured housing park, but will also pertain to the other City park, Oriental Gardens. (A third park, Snug Harbor off Woodbury Avenue, is not zoned for the manufactured housing park use and does not contain a wetland buffer area.) [Attached is a memorandum from Rick Taintor, Planning Director](#), outlining the background and the Planning Board recommendation of December 17, 2015 that the proposed amendments be enacted.

- 1.1 **First Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 4, Section 10.440 Table of Uses – Residential, Mixed Residential and Industrial Districts – Use 170 Manufactured housing park, Supplemental Regulations 10.814.** Under Section VIII of the Ordinance, the [attached proposed Ordinance](#) will amend the Chapter 10 – Zoning Ordinance as follows:

Amend Chapter 10 – Zoning Ordinance, Article 5, Section 10.521 – Table of Dimensional Standards – Residential and Mixed Residential Districts as follows: Minimum Yard Dimension, Maximum Structure Dimensions,

Amend Chapter 10 – Zoning Ordinance, Article 8 – Section 10.810 – Residential and Institutional Residence or Care Uses by adding the following – 10.814 – Manufactured Housing Park Dimensional Standards

Amend Chapter 13 – Mobile Home Ordinance by deleting it in its entirety

I recommend the City Council move to pass first reading and schedule a public hearing and second reading the proposed Ordinance at the January 25, 2016 City Council meeting, as presented. Action on this matter should take place under Section VIII of the Agenda.

- 1.2 **First Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1016 – Permitted Uses by addition Uses, activities and alterations are permitted in wetlands and wetlands buffers.** Under Section VIII of the Agenda, the [attached proposed Ordinance](#) will amend the Chapter 10 – Zoning Ordinance as follows:

Amend Article 10, Section 10.1017 – Conditional Uses by adding the following – Wetland Protection Plan

Amend Article 15, Section 10.1530 – Terms of General Applicability, by inserting the following new terms and definitions – Impervious Surface

I recommend the City Council move to pass first reading and schedule a public hearing and second reading the proposed Ordinance at the January 25, 2016 City Council meeting, as presented. Action on this matter should take place under Section VIII of the Agenda.

- 1.3 **First Reading of Ordinance amending Chapter 10 – Zoning Ordinance Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated January 11, 2016.** Under Section VIII of the Agenda, [attached for first reading](#) are the following documents relating to the extension of character-based zoning to the West End:

- A one-page ordinance incorporating all the proposed zoning amendments;
- A proposed revision to Article 5A – Character Districts (40 pages);
- A set of “conforming amendments” to other sections of the Zoning Ordinance (6 pages);
- A list of additional proposed zoning changes for 52 lots adjacent to the proposed Character districts in the Islington Street corridor and West End (1 page); and
- A set of 4 maps showing proposed amendments to the Zoning Map. The first three maps are revisions to the existing Regulating Plan for the Character districts, extending character-based zoning down Islington Street to the West End, while the fourth map shows the 52 additional lots proposed for rezoning.

The proposed amendment to Article 5A incorporates the following substantive revisions:

1. A new Character District 4-West End (CD4-W) is established, based on and similar to the CD4 district in the downtown. The development standards for this district are set forth in Figure 10.5A41.10B on pages 5A-11 through 5A-13. In addition, Section 10.5A30 prohibits ground floor residential uses in this district, similar to the Downtown Overlay District.

The primary differences between the CD4-W district in the West End and the CD-4 district in the downtown pertain to the requirements for off-street parking, density, lot coverage and open space. In particular, the lack of public off-street parking facilities in the West End means that the standards for density, lot coverage and open space must reflect the need to provide off-street parking primarily on private development parcels.

2. The proposed amendment recognizes a new “recessed entry” façade type (see Figure 10.5A43, page 5A-27). This is an existing building façade type found in Portsmouth’s older neighborhoods, and it has been added as a permitted façade type along Islington Street, in the West End, and in other areas outside the Downtown Overlay District.
3. The proposed amendment increases the maximum building footprints in the CD4 and CD5 districts to reflect the historic land use patterns and building footprints in these areas of the downtown, as well as the concepts illustrated in the Vision Plans that TPUDC developed based on the Community Design Charrettes for both the North End and the West End. It is proposed to increase the maximum building footprint in the CD4 district from 10,000 sq. ft. to 20,000 sq. ft. and in the CD5 district from 15,000 sq. ft. to 30,000 sq. ft.

4. The proposed amendment allows ground-level building footprints to be increased to 30,000 sq. ft. in the CD4 and CD4-W districts, and to 40,000 sq. ft. in the CD5 district, where necessary to accommodate parking on a ground floor or underground level (see Sections 10.5A43.42 and 10.5A43.43). In such cases, any above-ground parking requires a liner building along each street frontage, and all stories of the building above ground floor or underground parking levels (including the liner building) shall meet the maximum building footprint required for the Character district.
5. An exemption has been added to allow off-street parking to be located in front of single- and two-family structures (Section 10.5A44.31).
6. Incentives to the development standards have been added for the West End in order to encourage property owners to include workforce housing or community spaces such as pocket parks or plazas within a development (Section 10.5A47).

In addition to these substantive revisions, the proposed zoning amendments implement a number of minor housekeeping amendments intended to clarify existing provisions or correct inconsistencies in the Zoning Ordinance. In keeping with the changes enacted in August 2015, a number of definitions are moved from Article 5A to the general definitions chapter in Article 15.

These proposed amendments will be presented to the Planning Board at its January 21, 2016 meeting, and the Board will hold a public hearing at its meeting on February 18, 2016. Concurrently with the Planning Board review, Portsmouth Listens will hold a series of Study Circles meetings to review the proposed zoning changes, beginning with a kick-off event on the evening of January 20, 2016; and it is anticipated that the findings from this process will be presented to the Planning Board and City Council in mid-March. To accommodate this timetable, I recommend that the City Council defer the public hearing on the proposed amendments until the Council meeting on March 21, 2016.

At Monday's City Council meeting, the Planning Director will provide an overview of the proposed zoning changes and give more detailed presentations at the Planning Board and City Council public hearings.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the March 21, 2016 City Council meeting, as presented. Action on this matter should take place under Section VIII of the Agenda.

Consent Agenda:

1. **Request for License to Install Projecting Sign.** Attached under Section X of the Agenda is a request for a projecting sign license (see attached memorandum from Rick Taintor, Planning Director):

➤ Brie DeLise, owner of Prelude for property located at 65 Market Street

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

City Manager's Items Which Require Action:

1. **Elderly and Disabled Exemptions.** 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 #3-2015 and #4-2015 which increased the income and asset levels for both the elderly and disabled exemptions by the Social Security cost of living adjusting for 2015 of 1.7% from the previous year. The current elderly and disabled exemption income levels are \$36,311 for a single taxpayer, \$44,793 for married taxpayers, and an asset limit of \$121,039.

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.

As discussed during the 2015 revaluation process, a recommendation would be brought forward to the City Council to increase both the income level and asset limit for the elderly and disabled exemption. [Attached is a Town/City comparison indicating what other City and neighboring communities' income and assets limits are for the elderly exemption.](#) I would recommend that the income and asset limit be for both the elderly and disabled exemption be increased for the 2016 tax year or FY17 as follows:

- Single \$ 40,000 increase of \$ 3,689
- Married \$ 55,000 increase of \$10,207
- Asset Limit \$175,000 increase of \$53,961

The exemption off the assessed value of the property would remain the same as indicated.

Any adjustment if approved would be for assessments as of April 1, 2016 for the 2016 tax year or FY17.

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

If the City Council wishes to make any adjustments in these exemptions, it would require an amendment to these resolutions as well as first reading, a public hearing and a majority vote of the City Council. If no adjustment, income and asset limits would remain at their current levels. I have also attached for your information the tax impact of the elderly and disabled exemptions for FY16.

I recommend the City Council move to authorize the City Manager to proceed with the proposed increase of both the income and asset limits for the elderly and disabled exemptions, and further, move to authorize the City Manager to bring the Resolutions back for first reading at the January 25, 2016 City Council meeting, as presented. (This requires two readings and a public hearing.)

2. **Adoption of Certificate of Authorizing Resolution Re: HealthTrust, Inc. Application and Membership Agreement.** Annually, the City Council is required to act on the [attached Certificate of Authorizing Resolution](#) from HealthTrust in accordance with RSA 5-B:3(I), which requires any political subdivision of the state entering a pooled risk management program agreement to do so by resolution of its governing body.

In order to comply with this requirement, HealthTrust requires that the Portsmouth City Council formally adopts the necessary resolution authorizing the City to execute HealthTrust's new Membership Agreement.

I recommend the City Council move to adopt the HealthTrust, Inc. Application and Membership Agreement, and further, authorize and direct the City Manager to execute and deliver to HealthTrust, on behalf of the City of Portsmouth, the "Application and Membership Agreement", as presented.

3. **Sidewalk Permit Request Re: 195 State Street.** CCI, Inc. was granted a sidewalk encumbrance permit in early December to begin its renovation work on the second and third floors of 195 State Street which includes window replacement. [See attached sketch](#) of the encumbered area. Encumbrance permits are generally issued for no more than 30 working days; consequently, CCI requires a license agreement to continue to encumber the sidewalk to complete its work.

By letter dated December 23, 2015, [see attached, CCI, Inc.](#) requests that the City Council grant it a license to encumber the sidewalk through March 4, 2016.

Staff has no objection to the grant of a license provided that it includes terms and conditions similar to those already contained in the encumbrance permit which includes protection of pedestrians, clean up of debris, payment for metered parking spaces used, and related conditions. The Legal Department will approve the form of the license.

I recommend the City Council move to authorize the City Manager to enter into a License with CCI Inc. to facilitate the completion of renovation activities at 195 State Street.

4. **Interim Police Chief Agreement.** The Police Commission has requested that the City Council act on the [attached Employment Agreement](#) between Interim Police Chief David Mara and the City of Portsmouth Police Commission. A representative of the Police Commission will be present to answer any questions that City Council may have regarding this matter.

Action on this matter is required.

5. **Polling Hours for February 9, 2016 Presidential Primary Election.** [Attached is a memorandum from Kelli L. Barnaby, City Clerk](#), recommending that the polling hours for the Presidential Primary Election on February 9, 2016 be set from 8:00 a.m. to 7:00 p.m.

I would recommend the City Council move to set the polling hours from 8:00 a.m. to 7:00 p.m. for the Presidential Primary Election on February 9, 2016.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on January 1, 2016. In addition, this can be found on the City's website.