

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, JANUARY 23, 2017 TIME: 7:00PM

## AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

### PRESENTATIONS

- 1. Update Re: Parrott Avenue Housing
- 2. Coakley Landfill

- V. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)*

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARINGS

- A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM UNASSIGNED FUND BALANCE THE SUM OF UP TO SIXTY FOUR THOUSAND EIGHT HUNDRED (\$64,800.00) DOLLARS FOR NECESSARY EXPENDITURES RELATED TO CONTRACTUAL OBLIGATIONS
- B. RESOLUTION 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 \$40,504.00 FOR A SINGLE TAXPAYER OR \$55,693.00 FOR MARRIED TAXPAYERS, INCLUSION OF SOCIAL SECURITY PAYMENT. THE ELDERLY EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY
- C. RESOLUTION 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 \$40,504.00 FOR A SINGLE TAXPAYER OR \$55,693.00 FOR MARRIED TAXPAYERS, INCLUSIVE OF SOCIAL SECURITY. THE DISABLED EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY

- D. RESOLUTION PURSUANT TO RSA 72:28-B, THE CITY HEREBY ADOPTS THE ALL VETERANS' TAX CREDIT FROM PROPERTY TAX FOR QUALIFIED TAXPAYERS. A PERSON SHALL QUALIFY FOR THE ALL VETERANS' TAX CREDIT IF THE PERSON IS A RESIDENT OF THIS STATE WHO SERVED NOT LESS THAN 90 DAYS ON ACTIVE SERVICE IN THE ARMED FORCES OF THE UNITED STATES AND WAS HONORABLY DISCHARGED OR AN OFFICER HONORABLY SEPARATED FROM SERVICE; OR THE SPOUSE OR SURVIVING SPOUSE OF SUCH RESIDENT, PROVIDED THAT TITLE 10 TRAINING FOR ACTIVE DUTY BY A MEMBER OF A NATIONAL GUARD OR RESERVE SHALL BE INCLUDED AS SERVICE UNDER THIS PARAGRAPH; PROVIDED HOWEVER THAT THE PERSON IS NOT ELIGIBLE FOR AND IS NOT RECEIVING A CREDIT UNDER RSA 72:28 OR RSA 72:35

### VIII. APPROVAL OF GRANTS/DONATIONS

- A. \*Acceptance of Wellness Reward - \$2,000.00 (***Sample motion – move to accept the Wellness Reward in the amount of \$2,000.00 from the HealthTrust Wellness Program***)
- B. \*Acceptance of Donation to the Coalition Legal Fund
- Town of Moultonborough - \$5,000.00
- (***Sample motion – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund***)

### IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of proposed Ordinance amending Chapter 7, Article I, Section 7.101 – Parking Meters - Definition
- B. First reading of proposed Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones
- C. First reading of proposed Ordinance amending Chapter 7, Article I, Section 7.105 – Parking
- D. First reading of proposed Ordinance amending Chapter 7, Article III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces and Section 7.329 – Limited Parking Four Hours
- E. First reading of proposed Ordinance amending Chapter 7, Article IV, Section 7.406 – Parking In Meter Spaces
- F. Adoption of Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance the sum of up to Sixty Four Thousand Eight Hundred (\$64,800.00) Dollars for Necessary Expenditures related to Contractual Obligations

- G. Adoption of Resolution 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 \$40,504.00 for a single taxpayer or \$55,693.00 for married taxpayers, inclusive of social security payments. The elderly exemption shall remain unchanged except as amended hereby
- H. Adoption of Resolution 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 \$40,504.00 for a single taxpayer or \$55,693.00 for married taxpayers, inclusive of social security. The disable exemption shall remain unchanged except as amended hereby
- I. Adoption of Resolution Pursuant to RSA 72:28-b, the City hereby adopts the All Veterans' Tax Credit from property tax for qualified taxpayers. A person shall qualify for the all veterans' tax credit if the person is a resident of this state who served not less than 90 days on active service in the armed forces of the United States and was honorably discharged or an officer honorable separated from service; or the spouse or surviving spouse of such resident, provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35
- J. Third and final reading of proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217

## **X. CONSENT AGENDA**

### ***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A. Letter from Thomas Bringle, Arthritis Foundation, requesting permission to hold the Jingle Bell Run/Walk for Arthritis on Sunday, December 10, 2017 (***Anticipated action – move to refer to the Acting City Manager with power***)
- B. Letter from Kathie Lynch, Portsmouth Little League, requesting permission to install temporary signage to be located at the Plains and Hislop Park baseball fields during the 2017 baseball season (***Anticipated action – move to refer to the Acting City Manager with power***)
- C. Letter from Kelly Bosco, Alzheimer's Association, requesting permission to hold the 2017 Annual Seacoast Walk to End Alzheimer's on Sunday, September 24, 2017 (***Anticipated action – move to refer to the Acting City Manager with power***)
- D. Letter from Lennie Mullaney, NH Art Association, requesting permission to hold its annual Wet Paint-out Weekend on Friday – Sunday, July 21-23, 2017 (***Anticipated action – move to refer to the Acting City Manager with power***)

## XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from William Scott, Boynton, Waldron, Doleac, Woodman & Scott, P.A. regarding Involuntarily Merged Lots at 630 Middle Road and Sylvester Street (***Sample motion – move to refer to the Planning Board for report back***)
- B. Letter from Doug Roberts, PS21 Portsmouth Smart Growth, requesting the monthly meetings of the Economic Development Commission be broadcast live and archived online (***Sample motion – move to refer to the Acting City Manager for report back***)
- C. Letter from Tom Morgan regarding Proposal for Housing at the Parrott Avenue Parking Lot (***Sample motion – move to accept and place the letter on file***)

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. ACTING CITY MANAGER

#### **City Manager's Items Which Require Action:**

- 1. Request for Approval of a Proposed Agreement between the Board of Police Commissioners and Portsmouth Police Civilian Employees Association  
<http://www.cityofportsmouth.com/hr/contracts/Police/PolCiv08-14draft.pdf>
- 2. Request for Approval of a Proposed Agreement between the City of Portsmouth and Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME)  
<http://www.cityofportsmouth.com/hr/contracts/Municipal/Redlined%20Portsmouth%20PW-A%20Tentative%20Agreement.pdf>
- 3. Request to Renew the Seacoast Growers' Association (Farmers' Market) Proposed 2017 License Agreement
- 4. Report Back Re: Public Parking on Private Lots
- 5. Request to Establish Two Public Hearings Re: Proposed Bonding Resolutions:
  - A) One Fire Apparatus in the amount of Four Hundred Thousand (\$400,000.00) Dollars
  - B) Improvements to Fire Station 3 in the amount of Six Hundred Ten Thousand (\$610,000.00) Dollars
- 6. Report Back: Schiller Station Resolution

#### **Informational items**

- 1. Events Listing
- 2. Report Back Re: Text Services for Snow Ban Notification

**B. MAYOR BLALOCK**

1. \*Appointment to be Voted:
  - Appointment of Molly Bolster to the Historic District Commission

**C. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the January 5, 2017 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the January 5, 2017 Parking & Traffic Safety Committee meeting***)

**D. COUNCILOR LOWN & COUNCILOR DENTON**

1. \*Plastic Bag Ordinance

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIV. ADJOURNMENT**

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

*\*Indicates Verbal Report*

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

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

*Office of the City Manager*

**Date:** January 19, 2017  
**To:** Honorable Mayor Jack Blalock and City Council Members  
**From:** Nancy Colbert Puff, Acting City Manager *NCP*  
**Re:** Acting City Manager's Comments on January 23, 2017 City Council Agenda

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***Presentations:***

1. **Update Re: Parrott Avenue Housing.** On Monday evening, City staff will give an update to the City Council regarding Parrott Avenue housing. See attached PowerPoint.
2. **Presentation Re: Coakley Landfill.** City Attorney Robert Sullivan, City Environmental Planner Peter Britz and Michael Deyling, Engineer will make a presentation to the City Council regarding the Coakley Landfill.

***Acceptance of Grants and Donations:***

1. **Acceptance of Wellness Reward.** On January 9, 2017, Kelly Harper, Benefits Administrator; Eric Benson of the Police Department, Brian Wade II of the Fire Department and James Murray of the Department of Public Works, attended a Wellness Coordinator training at HealthTrust in Concord, NH. As a reward for becoming Wellness Coordinators with HealthTrust, they each received \$500 for their departments to use towards wellness initiatives in 2017. The total amount received was \$2,000.

The goal of the HealthTrust Wellness Program, Slice of Life, is to reduce health risk factors and create healthier lifestyles for our employees. To realize this goal, the City, through its Wellness Programs, will provide health and safety initiatives, as well as education to its employees in an effort to improve the quality of their lives.

*I recommend the City Council move to accept the Wellness Reward in the amount of \$2,000 from the HealthTrust Wellness Program. Action on this item should take place under Section VIII of the Agenda.*

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

➤ Town of Moultonborough                      \$5,000.00

*I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section VIII of the Agenda.*

### ***Items Which Require Action Under Other Sections of the Agenda:***

1. **First Reading of Proposed Ordinance Amendments.**

- 1.1 **First Reading of Proposed Ordinances to Amend Chapter 7, Article I, Sections 7.101 Parking Meters and 7.102 Parking Meter Zones, 7.105 Parking; Article III, Sections – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours and Section 7.329 – Limited Parking Four Hours; Article IV, Section 7.406 Parking and Meter Spaces.** Per Council Vote, attached are five draft ordinances intended to implement the amendments to the Parking Ordinance regarding parking rates and hours of operation requested by the City Council at its January 9, 2017 meeting. In addition to these proposed ordinance changes, Parking and Transportation Division Staff is working with our parking consultant to develop alternative variable rate structures based on real-time parking utilization.

Currently parking utilization data is collected three times per year during the spring and fall seasons and once during peak summer use and extrapolated to reflect annual utilization. The alternative approach being reviewed will be based on data collected from on-street meters, pay and display meters as well as by the Garage pay kiosks. Staff will present the finding of this alternative rate approach upon completion which is anticipated late spring of 2017.

The proposed ordinance changes presented here are consistent with the City Council's Adopted 2012 Parking Guiding Principles to improve parking utilization and will raise necessary revenues to support operation of the City's Parking and Transportation Division. The extension of parking enforcement hours from 7 PM to 9 PM ensures parking space turn-over through peak demand for restaurants.

Also, some general housekeeping measures have been addressed in the amended ordinances.

We have labeled the ordinances A-E for organizational purposes. A synopsis of what each of the ordinances seeks to accomplish is as follows:

- A. Article I, Section 7.101 – PARKING METERS - DEFINITIONS  
If adopted this ordinance would include mobile phone applications in the definition of “meter”.
- B. Article I, Section 7.102 PARKING METER ZONES  
If adopted, this ordinance would increase the parking rate for all Downtown High Occupancy Zones to \$2.00 per hour, increase the parking rate for all other Occupancy Zones to \$1.50 per hour and create an EasyPark residency discount.
- C. Article I, Section 7.105 PARKING  
If adopted, this ordinance would extend parking meter fees until 9:00 p.m.
- D. Article III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours and Section 7.329 – Limited Parking Four Hours.  
If adopted, this ordinance would extend parking meter fees until 9:00 p.m.
- E. Article IV, Section 7.406 PARKING IN METER SPACES  
If adopted, this section would be deleted in its entirety as duplicative.

*I recommend the City Council move the following motions:*

- A. *Move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment to Chapter 7, Article I, Section 7.101- PARKING METERS - DEFINITIONS at the February 6, 2017 City Council meeting.*
- B. *Move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment to Chapter 7, Article I, Section 7.102 PARKING METER ZONES at the February 6, 2017 City Council meeting.*
- C. *Move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment to Chapter 7, Article I Section 7.105 PARKING at the February 6, 2017 City Council meeting.*
- D. *Move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment to Chapter 7, Article III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours and Section*

7.329 – Limited Parking Four Hours at the February 6, 2017 City Council meeting.

E. Move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment to Chapter 7, Article IV, Section 7.406 PARKING IN METER SPACES at the February 6, 2017 City Council meeting.

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

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

2.1 **Public Hearing/Adoption of Proposed Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for Necessary Expenditures Related to Contractual Obligations in an amount of Sixty Four Thousand Eight Hundred (\$64,800.00) Dollars.** As you are aware, the Board of Police Commissioners and Portsmouth Police Civilian Employees Association has reached a Tentative Agreement for a proposed contract to expire on June 30, 2018. In addition, the City of Portsmouth has reached a Tentative Agreement with the Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME) Local #1386 for a contract to expire June 30, 2019.

In order to fund the aforementioned contracts, it will be necessary to hold a public hearing in order to approve a supplemental appropriation. Attached under Section VII of the Agenda is a proposed Resolution authorizing a Supplemental Appropriation from Unassigned Fund Balance for Necessary Expenditures Related to Contractual Obligations in an amount of Sixty Four Thousand Eight Hundred (\$64,800.00) Dollars.

Subsequent to this vote by City Council, under Acting City Manager's Action Items, I am requesting action by Council on both proposed contracts.

*I recommend the City Council move to adopt the Resolution authorizing a Supplemental Appropriation in the amount of Sixty Four Thousand Eight Hundred (\$64,800.00) Dollars from Unassigned Fund Balance for Necessary Expenditures Related to Contractual Obligations, as presented. Action on this item should take place under Section IX of the Agenda.*

2.2 **Public Hearing/Adoption of Proposed Resolutions Pursuant to RSA 72:39-b Amendment of Elderly Exemption and RSA 72:37-b Amendment of Disabled Exemption.** As you will recall at the December 19, 2016 City Council meeting, the Council voted to authorize the City Manager to bring back for public hearing and adoption, under Section VII of the Agenda, the attached proposed Resolutions Pursuant to RSA 72:39-b amendment of Elderly Exemption and RSA 72:37-b amendment of Disabled Exemption.

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 #1-2016 and #2-2016 which increased the income and asset levels for both the elderly and disabled exemptions and decreased the exemption amount for the elderly exemption. The current elderly and disabled exemption income levels are \$40,000 for a single taxpayer, \$55,000 for married taxpayers, and an asset limit of \$175,000.

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

- Age 65 to 74            \$120,000
- Age 75-79             \$160,000
- Age 80 +                \$200,000

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) is 1.26%.

If the City Council wishes to adjust the income level for both the elderly and disabled taxpayers by the November to November CPI this would increase the limits as follows:

- Single                 \$ 40,504 increase of \$504
- Married                \$ 55,693 increase of \$693

Any adjustment if approved would be for assessments as of April 1, 2017 for the 2017 tax year or FY18.

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 15<sup>th</sup> of each year.

I have attached for your information the tax impact of the elderly and disabled exemptions for FY18 and a Town/City comparison indicating what other City and neighboring communities' income and assets limits are for the elderly exemption.

*I recommend the City Council move the following two separate motions:*

*A) Move to adopt the Resolution for Elderly Exemptions, as submitted.*

*B) Move to adopt the Resolution for Disabled Exemptions, as submitted.*

*Resolutions require a majority vote of the City Council.*

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

- 2.3 **Public Hearing of Proposed Resolution Pursuant to RSA 72:28-b, The City Adopts The All Veterans' Tax Credit from Property Tax for Qualified Taxpayers. A Person Shall Qualify for the All Veterans' Tax Credit if the Person is a Resident of this State who served not less than 90 Days on Active Service in the Armed Forces of the United States and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident, provided that title 10 training for active duty by a member of a National Guard or Reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35.** Councilor Josh Denton requested that the City Council conduct a public hearing regarding the adoptions of the All Veterans' Tax Credit in accordance with RSA 72:28-b. This law HB430 relative to the "All Veterans' Tax Credit" was approved and signed by the Governor. This Bill expanded RSA 72:28 and added RSA 72:28-b enabling municipalities to change the eligibility requirements for persons receiving the veterans' property tax credit to include all veterans who have been honorably discharged or officers honorably separated from service. If adopted, this statute removes all gaps in the eligibility periods described in RSA 72:28.

Last year, the City had 789 individuals receiving a veterans' tax credit of \$500.00 each at a tax loss of \$394,500 under RSA 72:28. In addition, there were 43 qualified service related disabled veterans who received a tax credit of \$2,000 each or tax loss of \$86,000 under RSA 72:35. The total tax loss for Fiscal 2016 is \$480,500.

The Assessor estimates that if the City Council were to adopt this new law there could be in excess of an additional 900 veterans eligible. At \$500.00 each, this would be an estimated additional tax loss of \$455,500 and a 10¢ increase on the tax rate. Therefore, a total tax loss for existing and newly qualified veterans could reach approximately \$936,000 or approximately 20¢ on the tax rate.

The City could adopt a new tax credit of \$250.00 per qualified veteran which would make this change approximately revenue neutral. Going forward, we could adjust the credit amount once we know how many additional veterans would qualify.

*The City Council could consider the following options:*

*Provide tax credit of:*

<u>Tax Credit</u>	<u>Tax Loss</u>	<u>Estimated Tax Rate Impact</u>
\$250.00	\$425,000	9¢
\$300.00	\$510,000	10.7¢
\$400.00	\$680,000	14.3¢
\$500.00	\$850,000	18¢

**If the City Council does not vote to adopt the All Veterans' Credit (RSA 72:28-b) in the same amount as the existing Optional Veterans' Tax Credit (RSA:72:28), the Council must modify the Optional Veterans Credit (RSA 72:28) so that both credits are at the same amount. The minimum tax credit by state law is \$50.**

**Proposed Legislation**

To address concerns on the All Veteran's Tax Credit which was adopted last year, LSR 837 relative to the implementation of the All Veterans' Tax Credit allows/enables a community to adopt an All Veterans' Credit (RSA 72:28-b), at a different amount than the Optional Veterans' Credit (RSA 72:28) that already exists in their community.

As the law is written today, if a community does adopt the All Veterans' Credit it is required that it be at the same level as the existing veterans' credit amount in place in that community.

The rational basis for this request is that communities may be/are cautious to adopt the All Veterans' Credit as they:

- A. Do not know how many more veterans' credits will be issued and what the resulting tax rate impact will be; and
- B. Most of the communities concerned are at the \$500 mark for the existing credit, so the veterans' credit allocation to the tax rate could have some real and relatively immediate FY 2018 tax rate impact.

City Assessor Rosann Maurice-Lentz will give a presentation prior to the public hearing.

*The City Council may move one of the following motions:*

1. *Take no action at this time pending resolution of the above referenced legislative effort;*
2. *Adopt the All Veterans' Tax Credit in another amount less than \$500.00 stipulating that the Resolution shall take effect upon modification of the Optional Veterans' Tax Credit to the same amount less than \$500.00; or*
3. *Adopt the All Veterans' Tax Credit in the amount of \$500.00*

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

### 3. **Third and Final Reading of Proposed Ordinance Amendments.**

- 3.1 **Third and Final Reading of Proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217.** As a result of the January 9<sup>th</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached proposed Taxi Ordinance incorporating all changes from that meeting.

The City Clerk identified one additional amendment that should be made to the proposed ordinance to have it conform to the amendments already made by the City Council relative to deleting the reference to vehicle inspections through a manufacturer dealership. Section 7.214(A) currently reads as follows:

If the Taxi Coordinator reasonably believes that a Taxi may no longer be safe during the term of the Medallion period, the Taxi Coordinator may order the Owner to have the Taxi re-inspected, at Owner's cost, **at a manufacturer's dealership as required under section 7.207(B)(3).**

(Language inconsistent with recent amendments highlighted)

The Legal Department suggests placing a period after the word "cost" and deleting the remainder of the sentence.

*In order to accomplish this amendment the following motions are proposed:*

1. *Move to suspend the rules to allow an amendment at third reading;*
2. *Move to amend Section 7.214(A) by placing a period after the word "cost" and striking the remainder of the sentence; and*
3. *Move to pass third and final reading.*

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

## ***City Manager's Items Which Require Action:***

1. **Request for Approval of a Proposed Agreement between the Board of Police Commissioners and Portsmouth Police Civilian Employees Association.** Pending approval of the Supplemental Appropriation, I am requesting the City Council approve the contract between the Board of Police Commissioners and the Portsmouth Police Civilian Employees Association to expire on June 30, 2018.

For your information and to facilitate discussion regarding this matter, attached please find the following documents:

- A letter from Tom Closson, City Negotiator outlining the major changes to the Portsmouth Police Civilian Employees Association contract.
- The PPCEA Contract showing the insertions and deletions to implement the Tentative Agreement if approved.
- Cost Analysis of the Agreement.

Also, this proposed Agreement is posted on the City's Website at:

<http://www.cityofportsmouth.com/hr/contracts/Police/PolCiv08-14draft.pdf>

*I recommend the City Council move to approve the contract between the Board of Police Commissioners and the Portsmouth Police Civilian Employees Association to expire on June 30, 2018.*

2. **Request for Approval of a Proposed Agreement between the City of Portsmouth and Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME).** Pending the approval of the Supplemental Appropriation, under Section IX of the Agenda, I am requesting the City Council approve the contract between the City of Portsmouth and the Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME) Local #1386 to expire June 30, 2019.

For your information and to facilitate discussion regarding this matter, attached please find the following documents:

- A letter from Thomas Closson, City Negotiator outlining the principal elements of the Tentative Agreement.
- The AFSCME Local #1386 Contract showing the insertions and deletions to implement the Tentative Agreement, if approved.
- Cost Analysis of the Agreement.

Also, this proposed Agreement is posted on the City's Website at:

<http://www.cityofportsmouth.com/hr/contracts/Municipal/Redlined%20Portsmouth%20DPW-A%20Tentative%20Agreement.pdf>

*I recommend the City Council move to approve the contract between the City of Portsmouth and Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME) to expire on June 30, 2019.*

3. **Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2017 License Agreement.** The Seacoast Growers' Association has requested renewal of their License Agreement (see attached e-mail). Attached is a draft of the proposed 2017 License Agreement with the Seacoast Growers' Association to allow a Farmers' Market at the municipal complex. Also, attached are copies of the Seacoast Growers' Bylaws and the parking map.

The Seacoast Growers' Association has been conducting their Farmers' Market at the municipal complex for over ten years. If this draft agreement meets with the approval of City Council, I would ask that you authorize the Acting City Manager to enter into the proposed Agreement between the Seacoast Growers' Association and the City of Portsmouth for a License Agreement to conduct their Farmers' Market for 2017.

*I recommend the City Council move to authorize the Acting City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2017, as presented.*

4. **Report Back Re: Public Parking on Private Lots.** The City has become aware of a new business venture in which private companies are arranging to make parking spaces on private properties (owned by others) available for public parking. We have a concern that such parking arrangements may be confused by the public with City parking lots. Among other problems which this would create may be the appearance in the eyes of the public that any management problems or fee issues on the private lots were actually caused by the City. In order to avoid that problem and for other public policy purposes, we feel it is necessary and appropriate for the City to adopt an ordinance which will regulate the conduct of these new businesses. Among other things, the ordinance would require clear signage to delineate between parking areas controlled by the City and parking areas which are private operations. Authority is requested to draft such an ordinance and bring it in for first reading on the next available City Council agenda.

*I recommend the City Council move to authorize the Acting City Manager to draft a proposed Ordinance, and further, to bring back for first reading the proposed Ordinance at the February 6, 2017 City Council meeting.*

5. **Request to Establish Two Public Hearings Re: Proposed Bonding Resolutions for the Acquisition of One Fire Apparatus; Improvements to Fire Station 3.** Attached is a letter from Fire Chief Steve Achilles and two corresponding CIP element sheets, requesting the City Council establish public hearings for February 6, 2017 regarding the authorization for the following Bonding Resolutions:

- A) One Fire Apparatus in the amount of Four Hundred Thousand (\$400,000) Dollars. This item has been identified in the FY 17-22 Capital Improvement Plan. The Fire Chief would like to receive authorization to start the process to acquire a new commercial chassis rescue /support vehicle. Complete set-up of the vehicle would be included in the funding to include radio, letting, striping and equipment.
- B) Improvements to Fire Station 3 in the amount of Six Hundred Ten Thousand (\$610,000) Dollars. This item has been identified in the FY 17-22 Capital Improvement Plan. The Fire Chief met with Public Works staff regarding a design-build approach to the renovations. The project will improve the facility, work environment, and regulatory deficiencies.

*I recommend the City Council move the following separate motions:*

- 1) *Move to authorize the Acting City Manager to bring back for a public hearing and adoption the proposed Bonding Resolution for One Fire Apparatus in the amount of Four Hundred Thousand (\$400,000) Dollars at the February 6, 2017 City Council meeting, as presented.*
  - 2) *Move to authorize the Acting City Manager to bring back for a public hearing and adoption the proposed Bonding Resolution for Improvements to Fire Station 3 in the amount of Six Hundred Ten Thousand (\$610,000) Dollars at the February 6, 2017 City Council meeting.*
6. **Report Back Re: Schiller Station Resolution.** As you will recall at the January 9, 2017 City Council meeting, several concerned citizens brought to the City Council's attention a resolution relative to Schiller Station (*see attached*). The City Council was asked by the citizens to adopt the resolution. The City Council voted to refer this matter to the Acting City Manager for report back to the City Council. Staff recommends a different course of action after the bidding process is complete rather than adoption of the proposed resolution.

The auction of Schiller Station is part of a highly regulated public auction process involving energy generating assets across the State of New Hampshire. This process is being overseen by the Public Utilities Commission (PUC) which has the principal goal in this proceeding of protecting the economic interests of Eversource's (PSNH's) electricity customers by maximizing the return on the investments. The Office of the Consumer Advocate, the Conservation Law Foundation and other parties have participated for years in the regulatory proceedings leading up to and including this current auction effort. The City has never been a party to this specialized, regulatory docket and becoming a party or

otherwise weighing in at this late date could have unintended negative or harmful consequences for the bidding process and future sale.

The most recent PUC order on the complex, multi-phased bidding process can be found here:

[https://www.puc.nh.gov/Regulatory/Docketbk/2016/16-817/ORDERS/16-817\\_2016-11-10\\_ORDER\\_25967.PDF](https://www.puc.nh.gov/Regulatory/Docketbk/2016/16-817/ORDERS/16-817_2016-11-10_ORDER_25967.PDF)

Within this Order, the PUC grants authority for the removal of Schiller Station's mercury boilers to facilitate the sale of the property. The selection criteria for Round 1 of the bidding is described in that Order as follows: "Criteria include: bid price relative to other bidders, assets included in the bid, ability to finance, commitment to the transaction, reputation in the market, and ability to support Round 2 due diligence." Such criteria reflect the intention to obtain qualified buyers for the property to protect the interests of ratepayers.

Although the City staff does not recommend adopting the resolution, staff points out that any new use/redevelopment of the Schiller Station property will require local land use approvals. In addition, once the auction is complete, staff can reach out to the successful bidder and share its concerns and preferences relative to the reuse.

*I recommend the City Council move to instruct the City Manager to reach out to the successful bidder regarding reuse of the Schiller Station and environmental concerns expressed in the citizens' submitted resolution.*

### ***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 9, 2017. In addition, this can be found on the City's website.
2. **Report Back Re: Text Services for Snow Ban Notification.** As requested at the January 9, 2017 City Council meeting, attached is a memorandum from Public Works Director Peter Rice regarding text services for snow ban notification.