

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, MARCH 4, 2019 TIME: 6:15PM

- 6:15PM – PUBLIC DIALOGUE SESSION

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. ACCEPTANCE OF MINUTES – FEBRUARY 19, 2019

VI. PUBLIC DIALOGUE SUMMARY

VII. PUBLIC HEARING & VOTES ON ORDINANCES AND/OR RESOLUTIONS

A. Public Hearing – Service-Connected Total Disability Tax Credit Resolution

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

RESOLUTION PURSUANT TO 72:27-a AND RSA 72:35, THE CITY OF PORTSMOUTH HEREBY MODIFIES THE OPTIONAL TAX CREDIT FOR SERVICE-CONNECTED TOTAL DISABILITY IN THE AMOUNT OF \$3,200.00 AS OF APRIL 1, 2019; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,300.00 AS OF APRIL 1, 2020; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,400.00 AS OF APRIL 1, 2021; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,500.00 AS OF APRIL 1, 2022; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,600.00 AS OF APRIL 1, 2023; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,700.00 AS OF APRIL 1, 2024; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,800.00 AS OF APRIL 1, 2025; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$3,900.00 AS OF APRIL 1, 2026; AN OPTIONAL TAX CREDIT IN THE AMOUNT OF \$4,000.00 AS OF APRIL 1, 2027; ON THE TAXES DUE ON THE RESIDENTIAL PROPERTY OF ANY VETERAN WHO HAS BEEN HONORABLY DISCHARGED OR AN OFFICER HONORABLY SEPARATED FROM THE MILITARY SERVICE OF THE UNITED STATES AND WHO HAS TOTAL AND PERMANENT SERVICE-CONNECTED DISABILITY, OR WHO IS A DOUBLE AMPUTEE OR PARAPLEGIC BECAUSE OF SERVICE-CONNECTED INJURY, OR THE SURVIVING SPOUSE OF SUCH A PERSON WHO HAS NOT REMARRIED

## VOTE ON ORDINANCE AND/OR RESOLUTION

- B. Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance by Deleting Existing Sections 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages and Inserting in their place the new Sections 10.814 and 10.815 presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Section 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages” dated February 25, 2019 and amending related terms in Article 15 – Definitions, Section 10.1530 – Terms of General Applicability

## VIII. APPROVAL OF GRANTS/DONATIONS

1. \*Acceptance of Donations to the Coalition Fund
- Town of Sunapee - \$1,000.00
  - Town of Waterville Valley - \$1,500.00
- (Anticipated action – move to approve and accept the donations, as listed to be placed in the Coalition Fund)***
2. Acceptance of Donation to the Portsmouth Fire Department
- The Curington Family - \$300.00
- (Anticipated action – move to approve and accept the donation, as presented to the Portsmouth Fire Department)***

## IX. CONSENT AGENDA

### ***(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)***

- A. Request for License to Install Projecting Sign for Joe Kelley owner of FUKI Fusion Kitchen for property located at 2 Bow Street ***(Anticipated action - move to approve the aforementioned Projecting Sign License 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 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)***
- B. Letter from Thomas W. Haslam, St. John’s Lodge requesting permission to hold the Annual 5k Road Race on Saturday, April 13, 2019 at 8:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

- C. Letter from Attorney Christopher Mulligan, Bosen & Associates, P.L.L.C. request for Restoration of Involuntarily Merged Lots Pursuant to RSA 674:39-aa (27 Thaxter Road / Tax Map 166, Lot 39) ***(Anticipated action – moved to refer to the Planning Board for report back)***
- D. Letter from Bruce MacIntyre, Portsmouth Maritime Folk Festival requesting permission to hold the 20<sup>th</sup> Annual Portsmouth Maritime Folk Festival on Saturday and Sunday, September 28<sup>th</sup> and 29<sup>th</sup>, 2019 ***(Anticipated action – move to the City Manager with power)***
- E. Letter from Thomas W. Haslam, St. John's Lodge requesting to march to St. John's Church from the William Pitt Tavern on Sunday, June 23, 2019 ***(Anticipated action – move to refer to the City Manager with power)***

**X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Email Correspondence ***(Sample motion – move to accept and place on file)***

**XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

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

- 1. Approval of Proposed Employment Agreement for Deputy Fire Chief Patrick Howe
- 2. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2019 License Agreement
- 3. Cate Street Land Swap
- 4. Adoption of Proposed Capital Improvement Plan (CIP) FY2020-2025
- 5. Proposal from Friends of Prescott Park to donate sculpture in honor of Michael Warhurst

**City Manager's Informational Items:**

- 1. Work Session Re: Parking Principles Review & Discussion
- 2. McIntyre Project
- 3. Zagster Bike Share 2018 Review and 2019 Update
- 4. Economic Development Commission 2019 Action/Advocacy Plan

**B. MAYOR BLALOCK**

- 1. \*Appointment to be Voted:
  - Jessica Blasko to the Conservation Commission as an Alternate
- 2. Acceptance of Resignation from Lana Bluege from the Sustainability Committee
- 3. \*Reactivation of the Peirce Island Committee

**C. COUNCILOR ROBERTS**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the February 7, 2019 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the February 7, 2019 Parking and Traffic Safety Committee meeting***)

**D. COUNCILOR PEARSON**

1. \*TEDx Portsmouth 2019

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**


**XIII. ADJOURNMENT**

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

*\* Indicates verbal report*

# CITY OF PORTSMOUTH PORTSMOUTH, NH 03801

## Office of the City Manager

**Date:** March 1, 2019  
**To:** Honorable Mayor Jack Blalock and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on March 4, 2019 City Council Agenda

### ***Public Hearings & Votes on Ordinances and/or Resolutions:***

#### **1. Public Hearing/Adoption - Service-Connected Total Disability Tax Credit Resolution**

As of January 1, 2019, the amount cities and towns can adopt for this credit was raised from \$2,000 to \$4,000. For Council's information, there are currently 46 Veterans taking advantage of this credit, for a total of \$92,000. An increase to \$3,200 for tax year 2019 would amount to total reduction in revenue of \$147,200.

Below is a list of tax credits and exemptions (eligible to qualified Veterans and their spouses, the elderly, disabled, blind, and those with solar energy systems) that total \$858,474 in reduced tax revenue.

Veterans Tax Credits				
	Limits	Number Approved		Tax Credit
Veterans Tax Credit RSA 72:28	\$ 500	776		\$ 388,000
Surviving Spouse RSA 72:29-a	\$ 2,000	1		\$ 2,000
Tax Credit For Service Connected Total Disability RSA 72:35	\$ 2,000	46		\$ 92,000
All Veterans Tax Credit RSA 72:28-b	\$ 500	61		\$ 30,500
<b>Total Veteran Tax Credits</b>				<b>\$ 512,500</b>
Elderly Exemptions				
	Limit	Number Approved	Exemption Amount	Tax Exemption
Age 65-74	\$ 125,000	31	\$ 3,875,000	\$ 61,380
Age 75-79	\$ 175,000	22	\$ 3,850,000	\$ 60,984
Age 80+	\$ 225,000	57	\$ 12,825,000	\$ 203,148
<b>Total Tax Exemptions Elderly</b>				<b>\$ 325,512</b>
Disabled Exemptions				
	Limit	Number Approved	Exemption Amount	Tax Exemption
	\$ 100,000	7	\$ 700,000	\$ 11,088
<b>Total Disabled Exemptions</b>				<b>\$ 11,088</b>
Blind Exemptions				
	Limit	Number Approved	Exemption Amount	Tax Exemption
	\$ 25,000	11	\$ 275,000	\$ 4,356
<b>Total Tax Exemption Blind</b>				<b>\$ 4,356</b>
Solar Energy System Exemption				
	Limit	Number Approved	Exemption Amount	Tax Exemption
		62	\$ 316,800	\$ 5,018
<b>Total Solar Tax Exemption</b>				<b>\$ 5,018</b>
<b>Total Tax Exemption/Credits Granted</b>				<b>\$ 858,474</b>

*Adoption of this resolution requires a simple majority vote of the City Council. If the City Council is in agreement, an appropriate motion would be:*

*I recommend the City Council move to adopt the Service-Connected Total Disability Tax Credit as presented.*

**1. Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance – Accessory Dwelling Units and Garden Cottages**

At the February 19<sup>th</sup> City Council meeting, the Council asked for a report back from staff regarding the requirement that all electric, gas, water and sewer utilities for the ADU be on the same meters as the principal dwelling unit. While it is current practice in the City for the DPW to require ADU's to be on the same meter as the principal dwelling unit for water and sewer services, there is no building code requirement that the meters for electric or gas be on the same or separate meters. Staff believes this is an issue that can be addressed on a case by case basis with the Inspections Department and Department of Public Works and does not need to be codified as a requirement in the Zoning Ordinance. Therefore, City staff is recommending removing this proposed section from the amendments currently under consideration by the Council. (Attached memorandum and proposed amendments dated February 25, 2019)

Planning Board Review: The proposed amendments were initially presented at the November 15, 2018 Planning Board meeting and a public hearing was held. Based on discussion and comments from Planning Board members, feedback from the public, and additional review by the City's Legal Department, the Planning Department staff made additional revisions and the Planning Board voted to recommend the updated amendments at the December 20, 2018 meeting.

Background: The proposed amendments update the Zoning Ordinance sections that govern Accessory Dwelling Units and Garden Cottages, originally adopted by the City in January of 2017. The amendments seek to add clarification for existing requirements including standards for accessory buildings and structures, owner-occupancy, provision of utilities and services, design standards, Planning Board findings, and certificates of use.

1. *I recommend the City Council vote to suspend the rules to make revisions to the proposed amendments at third reading;*
2. *Vote to revise the proposed amendments as follows:  
Delete proposed Section 10.814.34 requiring that "Electric, gas, water and sewer utilities for the accessory dwelling unit shall be on the same meters as the principal dwelling unit and shall not be billed separately from the principal dwelling unit.";*
3. *Vote to pass third and final reading to amend the Zoning Ordinance by deleting existing Sections 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages and inserting in their place the new Sections 10.814 and 10.815 as presented on the document titled "Proposed Amendments to the Portsmouth Zoning Ordinance; Sections 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages" dated February 25, 2019 and amending related terms in Article 15 – Definitions, Sections 10.1530 – Terms of General Applicability.*

## ***Consent Agenda:***

1. **Request for License to Install Projecting Sign** Attached is a request for a projecting sign license (see attached memorandum, map and photo from Juliet Walker, Planning Director):
  - Joe Kelley, owner of FUKI Fusion Kitchen for property located at 2 Bow Street

### **Planning Director's Stipulations**

- The license shall be approved by the Legal Department as to content and form;
- Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City;
- 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.

*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 the License Agreement for this request.*

2. **Request for Restoration of Involuntary Merged Lots Pursuant to RSA 674:39-aa (27 Thaxter Road/Tax Map 166, Lot 39)** Attached letter from Attorney Christopher Mulligan, Bosen & Associates, PLLC, representing Chad Callihan, request for restoration of two involuntarily merged lots to their premerger status, pursuant under RSA 674:39-aa.

*I recommend the City Council move to refer this request to the Planning Board for a report back.*

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

1. **Approval of Proposed Employment Agreement for Deputy Fire Chief Patrick Howe** The Fire Commission has approved a three (3) year, four (4) month, Tentative Employment Agreement to expire June 30, 2022 with Patrick Howe for Deputy Fire Chief. Attached is the Tentative Employment Agreement for City Council vote of final approval, as is required by Amendment B of the City Charter.

In addition to the term, the major items in this agreement are as follows:

- **Initial Salary:** Grade 22, Step C of the City of Portsmouth Non-Union Salary Schedule (\$94,249 per annum).
- **COLA Adjustments:** On July 1<sup>st</sup> of each contract year, calculation based on the 10-year rolling CPI-U average.
- **Automobile:** Provision of an automobile suitable for the duties of Deputy Fire Chief, which, because the Deputy Fire Chief is on-call at all times, may also be used for personal business.
- **Tuition Reimbursement:** Subject to budgetary constraints and prior approval by the Fire Chief and Fire Commission, payment for the cost of tuition and textbooks for courses and/or classes that will provide for improved job performance.

*I respectfully request that the Council vote to approve the Deputy Fire Chief Employment Agreement between the City and Patrick Howe.*

2. **Request to Renew Seacoast Growers Association (Farmers Market) Proposed 2019 License Agreement**

The Seacoast Growers' Association has requested renewal of their License Agreement. Attached is a draft of the proposed 2019 License Agreement 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.

*I recommend the City Council move to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2019 as presented.*

3. **Cate Street Land Swap** Attached is a letter and land swap exhibit map from Bosen & Associates, PLLC, representing Cate Street Development, LLC, requesting discussion to determine if the City remains interested in a land swap that would facilitate the construction of the Cate Street connector road. (136,919 square feet of land to be conveyed to the City in exchange for 47,470 square feet of land to be conveyed from the City) to Cate Street Development, LLC.

*If the City Council is in agreement, an appropriate motion would be:*

*Move to refer request to Planning Board and City staff for a report back.*

4. **Adoption of Capital Improvement Plan (CIP) FY 2020-2025** In accordance with Section 7.7 of the City Charter, the City Council conducted a public hearing on Tuesday, February 19, 2019, regarding the proposed Capital Improvement Plan for FY 2020 – FY 2025. In addition to the public hearing, the City Council held a work session on January 14, 2019. At the work session, a presentation of the proposed Capital Plan was made by City staff. Also, copies of the Plan were made available to the public as well as put on file with the City Clerk's Office and the Public Library. Further, the CIP for FY 2020 – FY 2025 is available on the City's website:

<http://www.cityofportsmouth.com/planportsmouth/capital-improvement-plan.pdf>

As you are aware, 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. It is anticipated the proposed FY2020 budget will be transmitted on or about April 24, 2019.

*I recommend the City Council adopt the proposed Capital Improvement Plan for FY2020 through FY2025.*



## 5. Proposal from Friends of Prescott Park to donate sculpture in honor of Michael Warhurst

In early 2018 a group of individuals formed the Friends of Michael Warhurst to honor the now retired Superintendent of Prescott Park for his 42 years of service to the City by commissioning a sculpture to be donated to the City and placed in an appropriate location in Prescott Park. The Friends of Michael Warhurst established a 501(c)3 entity called Friends of Prescott Park and raised \$100,000 from the community for the sculpture.

Having raised the funds, the Friends of Prescott Park are prepared to enter into a contract with renown sculptor, Richard Erdman, to create a piece to honor Mr. Warhurst. The piece selected by Michael is called “Odyssey”, and is further described and shown in the [attachment entitled “Sculpture in the Park.”](#)

The Friends of Prescott Park now wish to start the Public Art donation process whereby the City Council takes action according to City Council policy no. 2014-02, which states:

“Whenever from any source, an issue related to Public Art should be brought to the attention of the City Council, that matter will be referred to Art-Speak for an advisory report.”

*I recommend the City Council refer the public art donation proposal to Art-Speak for a report back.*

### **Informational Items:**

1. **Work Session Re: Parking Principles Review and Discussion** Reminder of a work session to be held on Monday, March 25, 2019 at 6:30 p.m. in the Levenson Room.
2. **McIntyre Project** Reminder of a public meeting with the Redgate/Kane team on Tuesday, March 5, 2019, starting at 6:30 p.m. in the City Council Chambers.
3. **Zagster Bike Share 2018 Review and 2019 Update** [Attached memorandum from Juliet Walker, Planning Director, regarding Zagster Bike Share 2018 Review and 2019 Update.](#)
4. **Economic Development Commission 2019 Action/Advocacy Plan** The EDC adopted its annual 2019 Action/Advocacy Plan at its February 1, 2019 meeting. [Attached is a copy for your review.](#)