

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, FEBRUARY 20, 2018 TIME: 7:00PM

AGENDA

- **6:30PM – NON PUBLIC SESSION IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING STRATEGY OR NEGOTIATIONS WITH RESPECT TO COLLECTIVE BARGAINING – PROFESSIONAL MANAGEMENT ASSOCIATION, SCHOOL ADMINISTRATOR’S AND SCHOOL CUSTODIAL SUPERVISOR’S**

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

PRESENTATION

- 1. Report Back Re: Revaluation Review – David Cornell

- V. ACCEPTANCE OF MINUTES – FEBRUARY 5, 2018**

- VI. PUBLIC COMMENT SESSION**

- VII. PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

- A. PUBLIC HEARING RE: PROPOSED CAPITAL IMPROVEMENT PLAN (CIP) FY 2019-2024

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

- B. PUBLIC HEARING/SECOND READING OF ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.9 CONFLICT OF INTEREST/ELECTION CANDIDATE FINANCIAL DISCLOSURE – CHARTER AMENDMENT #1

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

C. PUBLIC HEARING/SECOND READING OF ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.901 – CONFLICT OF INTEREST/MUNICIPAL OFFICIALS DISCLOSURE – CHARTER AMENDMENT #2

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

VIII. APPROVAL OF GRANTS/DONATIONS

(There are no items under this section of the agenda)

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Ben Anderson, Prescott Park Arts Festival, requesting permission to hold the 6th Annual Memorial Bridge 5k on Sunday, October 7, 2018 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Request for License to Install Projecting Sign from Thomas Lincoln, owner of The Clean Bedroom for property located at 142 Fleet 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***
- C. Letter from Mark A. McNabb requesting a license agreement for the installation of Bowsprit Sculpture to the exterior brick facade of Martingale ***(Anticipated action – move to authorize the City Manager to execute a license for the Martingale Bowsprit Sculpture, as presented)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Merle White, Anchor Taxi, regarding Taxi Ordinance Enforcement ***(Sample motion – move to accept and place the letter on file)***

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Request for Approval of the One-Year Extension of the Current Collective Bargaining Agreement between the City of Portsmouth and the Portsmouth Supervisory Management Alliance
2. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2018 License Agreement
3. Request for Public Hearing Re: Elderly and Disabled Exemptions
4. Land and Easement Transfers Re: 30 Cate Street
5. Request to Re-zone Property Re: Clipper Traders
6. Trees and Greenery Trust
7. Municipal Transportation Improvements – RSA 261:153 VI

City Manager's Informational Items:

1. Events Listing

B. MAYOR BLALOCK

1. Appointments to be Voted:
 - Appointment of Janet Phelps to the Citizens Advisory Committee
 - Appointment of Thomas Watson to the Economic Development Commission
 - Appointment of Phyllis Eldridge to the Zoning Board of Adjustment - Alternate
2. Establish Round Table Conversation with Concerned Residents on PFAC's
3. City Council Rule #43 B. – Public Dialogue

C. ASSISTANT MAYOR LAZENBY

1. Proposed Amendment to City Council Rule 43

D. COUNCILOR ROBERTS

1. Parking and Traffic Safety Committee Meeting Action Sheet and Minutes of February 1, 2018 (***Sample motion – move to accept and approve the action sheet and minutes of the February 1, 2018 meeting***)

E. COUNCILOR DENTON

1. Renewable Energy Policy & Appendix C

F. COUNCILOR PERKINS

1. Former City Council Rule #47 – Appointments to Boards and Commissions

G. COUNCILOR BECKSTED

1. *Request Presentation Re: Great Bay Municipal Coalition meeting with EPA (***Sample motion – move to schedule a presentation for the City Council meeting of March 5th for staff to review the information provided by the Coalition to EPA***)

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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


**Indicates Verbal Report*

INFORMATION ITEMS

1. 2017 Board and Commission Attendance Records

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: February 12, 2018
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on February 20, 2018 City Council Agenda

Non-Public Session:

6:30 p.m. Non-Public Session Re: Strategy or Negotiations with Respect to Collective Bargaining – RSA 91-A:2, I (a) – Professional Management Association; School Administrator's and School Custodial Supervisors

Presentation:

1. **Report Back Re: Revaluation Review.** On Tuesday evening, Finance Director Judie Belanger; City Assessor Rosann Maurice Lentz; and David Cornell, President, Cornell Consultants LLC, will make a presentation to the City Council regarding the revaluation review. (See attached report.)

Public Hearing and Votes on Ordinances and/or Resolutions:

1. **Public Hearing.**
 - 1.1 **Public Hearing Re: Proposed Capital Improvement Plan (CIP) FY2019-2024.** In accordance with Section 7.7 of the City Charter, a Public Hearing on the proposed Capital Improvement Plan for FY2019-24 will take place on Tuesday evening at 7:00 p.m. At that time, City staff will be giving a brief overview of the Plan and I have requested that staff be available to answer questions if necessary. In

addition, there will be copies available of the summary pages for the public, as well as the capital expenditures that will be proposed in the FY2019 budget.

The Capital Improvement Plan and the January 29, 2018 City Council Work Session full presentation on YouTube are available on the City web page as follows: <http://files.cityofportsmouth.com/files/planning/CIP19-24.pdf>
<https://www.youtube.com/watch?v=seEO7zt8gGw>.

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 the proposed FY2019 budget will be submitted to you on or about April 25, 2018. Given that projected date, I am suggesting the City Council adopt the proposed Capital Improvement Plan at your March 5, 2018 City Council meeting.

I suggest that action on this matter be taken at the March 5th City Council meeting, at which time the City Manager will recommend adoption of the CIP with any appropriate amendments.

2. **Public Hearing/Second Reading of Ordinances to Implement Charter Amendments.** Attached are two proposed Ordinance amendments regarding Article IX, Section 1.901 Conflict of Interest/ Election Candidate Financial Disclosure and Article IX, Section 1.902 relating to Mandatory Financial Disclosure. Along with each are proposed amendments brought forward by Councilors Denton and Dwyer.

The City Council may move the following motions:

- 1) *Pass second reading of each Ordinance, as presented;*
- 2) *Amend either ordinance in accordance with the proposals submitted by Councilors Denton and Dwyer or any other amendment which may be proposed at the meeting; and,*
- 3) *Move to schedule third and final reading for either Ordinance at the March 5, 2018 City Council meeting.*

Consent Agenda:

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

- Thomas Lincoln, owner of The Clean Bedroom, for property located at 142 Fleet 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.

2. **Request for a License Re: Bowsprit Sculpture, 99 Bow Street.** The Martingale Wharf restaurant has commissioned a custom work of art entitled “Bowsprit Sculpture” which it wishes to be installed on the exterior brick façade of the restaurant located at 99 Bow Street. Please see the [drawings provided by McHenry Architecture attached](#). It would be located in City airspace over the public sidewalk. This sculpture has received unanimous approval from the HDC in accordance with Certificate of Approval dated June 12, 2017 and has been issued Building Permit #1518 dated June 22, 2017. Because the sculpture would be over City property Council approval is necessary. [Attached is a draft Revocable License for your information.](#)

I recommend the City Council move to authorize the City Manager to execute a license for the Martingale Bowsprit Sculpture, as presented.

City Manager’s Items Which Require Action:

1. **Request for Approval of a One-Year Extension of the Current Collective Bargaining Agreement between the City of Portsmouth and the Portsmouth Supervisory Management Alliance.** The City of Portsmouth and the Portsmouth Supervisory Management Alliance have voted in favor of a one-year extension of the current collective bargaining Agreement. Under this extension, the terms of the current collective bargaining agreement would remain in place until June 30, 2019.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- [Cost Analysis;](#)
- [The Memorandum of Agreement between the City of Portsmouth and the Portsmouth Supervisory Management Alliance; the only change is a 2% COLA;](#)
- [A memorandum from Thomas Closson, City Negotiator, recommending this one-year extension; and,](#)
- [Copy of the contract showing the insertions and deletions to implement this Agreement, if approved.](#)

Also, the Memorandum of Agreement and Working Agreement are posted on the City’s Website at: <http://files.cityofportsmouth.com/files/hr/maoforoneyear.pdf>
<http://files.cityofportsmouth.com/files/hr/DraftSupervisoryManagementAlliance-exp6-30-19.pdf>

I recommend the City Council move to accept the proposed One-Year Agreement between the City of Portsmouth and the Portsmouth Supervisory Management Alliance, as presented.

2. **Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2018 License Agreement.** The Seacoast Growers' Association has requested renewal of their License Agreement (see attached e-mail). Attached is a draft of the proposed 2018 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 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 2018.

I recommend the City Council move to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2018, as presented.

3. **Request for Public Hearing Re: Elderly and Disabled Exemptions.** Annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions and makes recommendations as to these levels pursuant to RSA 72:39-b and RSA 72.37-b. Last year, the City Council adopted resolutions #2-2017 and #3-2017 which increased the income and asset levels for both the elderly and disabled exemptions and adopted resolution #27-2017 which increased the exemption amount for the elderly exemption. The current elderly and disabled exemption income levels are \$40,504 for a single taxpayer, \$55,693 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 \$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 2018 increase for Social Security recipients is 2.0%.

If the City Council wishes to adjust the income level for both the elderly and disabled taxpayers by the Social Security cost-of-living increase, this would increase the limits as follows:

- Single \$ 41,314 increase of \$810
- Married \$ 56,807 increase of \$1,114

Any adjustment if approved would be for assessments as of April 1, 2018 for Tax Year 2018 (FY19). 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. Below for your information are the estimated tax impact of the elderly and disabled exemptions for FY19 and a Town/City comparison indicating what other City and neighboring communities' income and assets limits are for the elderly exemption.

Estimated Elderly & Disabled Exemption Impact				
Exemption Type	Exemption Amount	Number Currently Receiving Exemption	Value Loss	Revenue Loss
65 through 74	\$ 125,000.00	36	\$ 4,500,000.00	\$ 76,410.00
75 through 79	\$ 175,000.00	20	\$ 3,500,000.00	\$ 59,430.00
80 and over	\$ 225,000.00	53	\$ 11,925,000.00	\$ 202,486.50
Disabled	\$ 100,000.00	5	\$ 500,000.00	\$ 8,490.00
Totals		114	\$ 20,425,000.00	\$ 346,816.50

Note: The current tax rate of \$15.38 would be decreased to a difference of 6 cents on the current tax rate if the elderly and disabled exemptions were not granted.

	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$155,000	\$180,000	\$225,000
Portsmouth	\$41,314	\$56,807	\$175,000	\$175,000	\$125,000	\$175,000	\$225,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
North Hampton	\$40,000	\$55,000	\$175,000	\$175,000	\$120,000	\$160,000	\$200,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
Dover	\$38,000	\$52,000	\$155,000	\$155,000	\$107,000	\$149,000	\$191,000
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$125,000	\$160,000	\$200,000
Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Stratham	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$72,818	\$118,420	\$202,124
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000
Rochester	\$31,400	\$41,500	\$50,000	\$50,000	\$48,000	\$84,000	\$108,000

I recommend the City Council move to pass first reading and schedule a public hearing for the March 5, 2018 City Council meeting.

4. **Land and Easement Transfers Re: 30 Cate Street.** The Planning Board has approved a project on the southerly side of Cate Street at the intersection with Bartlett Street in which Merton Alan Investments, LLC would construct a 31 unit townhouse development. The location of the development is shown on the [attached site plan entitled “Proposed Townhouse Development & Cate Street”](#). Also attached is a “Land Transfer and Easement Plan” providing a graphic depiction of the land transfers to be described below.

[Attached](#) are the following documents, each of which is described briefly below:

QUITCLAIM DEED

By this document Merton Alan Investments, LLC would convey to the City of Portsmouth a parcel of land as shown on the Land Transfer and Easement Plan to be used for a future widening of Cate Street at the intersection of Bartlett Street.

EASEMENT DEED

By this document Merton Alan Investments, LLC would convey to the City of Portsmouth an easement on the westerly side of Bartlett Street for future road widening as well as four sidewalk easements for the purpose of constructing and maintaining “Tip-Downs” on the southerly side of a proposed Cate Street sidewalk. Tip-Downs are ramps used by persons with disabilities.

MEMORANDUM OF AGREEMENT

By this document, Merton Alan Investments, LLC would agree with the City to certain construction activities and costs relating to the reconfiguration of Cate Street as described in the agreement. In general, the agreement is an allocation of responsibility between Merton Alan Investments, LLC and the City with regard to milling existing pavement and installing curbing, sidewalks and the actual roadway of the relocated portions of Cate Street. The agreement would also provide for the City to allow Merton Alan Investments, LLC to cross City property to reach its own land during the construction period.

All of the foregoing has been approved by the Planning Board and is recommended by the Planning Department.

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

Move that the City Manager be authorized to negotiate, execute, deliver and record the deeds and Memorandum of Agreement regarding the Merton Alan Investments, LLC Cate Street Development, as presented.

5. **Request to Re-zone Property Re: Clipper Traders.** Attorney Timothy Phoenix has submitted a request to the City Council on behalf of his client, Clipper Traders, LLC to re-zone the property located at 105 Bartlett Street and in the immediate vicinity (Map 157 Lots 1 & 2 and Map 164 Lots 1 & 4) from Office Research (OR) to Character District 4 West (CD4-W). [See attached letter.](#) Prior to review and approval by the City Council, the Planning Board must hold a public hearing and make a recommendation to the City Council on any proposed zoning amendments.

I recommend the City Council move to refer the aforementioned request to the Planning Board for a public hearing and recommendation.

6. **Trees and Greenery Trust.** The City’s Tree and Greenery Committee is interested in establishing a repository for funds which it might raise from private fundraising. [Please see attached letter from Peter Loughlin.](#) The Committee also desires to establish a dedicated source of money to pay for tree and greenery projects within the City. Also, [attached is a Trust](#) being proposed to the City Council to accomplish those goals. If approved by the City Council, the Trust would provide the Trees and Greenery Committee with a place in which it might place funds from outside fundraising. The Trust would also be available for any tree or greenery projects, “as may be approved by the City Council or the City Manager of the City of Portsmouth.” If at any time the Trust should no longer be necessary for the City, it could be terminated “by a majority vote of two-thirds of the members of the Portsmouth City Council.”

I recommend the City Council move to authorize the City Manager to execute the Trees and Greenery Trust, as presented.

7. **Municipal Transportation Improvements – RSA 261:153 VI.** The State of New Hampshire’s RSA 261:153 VI – Municipal Transportation Improvements generally states:

In addition to the motor vehicle registration fees collected, the legislative body of a municipality may vote to collect an additional fee for the purpose of supporting a **Municipal and Transportation Improvement Fund**. The maximum fee charged under this paragraph shall be \$5. The municipality shall establish the required fee, up to the maximum amount allowable, based on anticipated funding needs for transportation improvements. The additional fee shall be collected from all vehicles, both passenger and commercial, with the exception of all-terrain vehicles and antique motor vehicles/motorcycles.

Of the amount collected, up to 10 percent, but not more than \$0.50 of each fee paid, may be retained by the municipal government for administrative costs. The remaining amount shall be deposited into the **Municipal Transportation Improvement Capital Reserve Fund** established to allow a community to fund, wholly or in part, improvements in the local or regional transportation system including roads, bridges, bicycle and pedestrian facilities, parking and intermodal facilities, electric vehicle charging stations, and public transportation. The funds may be used for engineering, right-of-way acquisition, and construction costs of transportation facilities, including electric vehicle charging stations,

and for operating and capital costs of public transportation only. The funds may be used as matching funds for state or federal funds allocated for local or regional transportation improvements. Such funds shall not be used to offset any other non-transportation appropriations made by the municipality.

If the City Council votes to collect the full maximum fee of \$5.00, the projected revenue would raise approximately \$110,000 based on 22,000 registrations.

Below is a list of other municipalities [* denotes a City] who have adopted to collect this fee:

<i>Barrington</i>	<i>Durham</i>	<i>New London</i>
<i>Bedford</i>	<i>*Franklin</i>	<i>New Durham</i>
<i>Chichester</i>	<i>Gorham</i>	<i>Newmarket</i>
<i>*Claremont</i>	<i>Greenland</i>	<i>North Hampton</i>
<i>Clarksville</i>	<i>Hanover</i>	<i>Northumberland</i>
<i>*Concord</i>	<i>Hollis</i>	<i>Plymouth</i>
<i>Deering</i>	<i>*Keene</i>	<i>*Rochester</i>
<i>Derry</i>	<i>*Laconia</i>	<i>Seabrook</i>
<i>*Dover</i>	<i>*Lebanon</i>	<i>*Somersworth</i>
<i>Exeter</i>	<i>Lisbon</i>	<i>Swanzey</i>
	<i>*Manchester</i>	

I recommend that the City Council move to authorize the City Manager to bring a Resolution back for a public hearing on March 5, 2018 to add a \$5.00 motor vehicle fee for the purpose of supporting a Municipal and Transportation Improvement Capital Reserve Fund.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the updated Events Listing](#) from February 5, 2018 through 2018. In addition, this can be found on the City's website.