

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, JANUARY 12, 2009 TIME: 6:15PM

## AGENDA

- 5:45PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS – RSA:91-A:2, I (b-c)
- 6:15PM – WORK SESSION – REGARDING RESTRUCTURING OF BOARDS & COMMISSIONS

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

### PRESENTATION

1. Comprehensive Annual Financial Report (CAFR) – Melanson, Heath & Company, P.C. Auditors' Financial Report for the Year Ending June 30, 2008

### V. ACCEPTANCE OF MINUTES –DECEMBER 15, 2008

### VI. PUBLIC COMMENT SESSION

### VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 7, VEHICLES, TRAFFIC PARKING OMNIBUS
- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE VI, SECTION 7.604 – TRUCK LOADING/UNLOADING ZONES – COMMERCIAL LOADING ZONE PERMITS
- C. PUBLIC USE AND NECESSITY HEARING/ADOPTION OF PROPOSED RESOLUTION RE: 653 ISLINGTON STREET

### VIII. APPROVAL OF GRANTS/DONATIONS

1. Acceptance of 2009 Coastal Grant Application
2. Acceptance of Donation to the New Library Building Fund
  - Stephen & Susan Tober - \$1,000.00 (*Fulfills Pledge*)
3. Acceptance of Grant from the New Hampshire Charitable Foundation for Art-Speak in the amount of \$10,000.00 from the Otto Fund for general operating support
4. Acceptance of Donation to the Coalition Legal Fund
  - Town of Waterville Valley - \$1,000.00

5. Acceptance of Donation Re: Bench in Memory of Geoffrey B. Coughlin in the amount of \$1,200.00 from Laurie and Brian Coughlin

## **IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First Reading of Proposed Bonding Re: Citywide Capital Improvements
- B. Second reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances
- C. Second reading of Amendment to Chapter 7, Article VI, Section 7.604 – Truck Loading/Unloading Zones – Commercial Loading Zone Permits
- D. Public Use and Necessity Hearing/Adoption of Proposed Resolution Re: 653 Islington Street
- E. Third and Final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Middle Road – Northerly side from Sylvester Street to Swett Avenue
- F. Third and Final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Mechanic Street:
  - Southerly side, from Marcy Street to the Peirce Island Bridge
  - Northerly side, from Marcy Street to the Peirce Island Bridge between the hours of 11:00 p.m. and 6:00 a.m.
  - Westerly side, from Peirce Island Road to a point 86 feet north of Gates Street

## **X. CONSENT AGENDA**

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

- A. Acceptance of Donation from FairPoint Communications donating \$500.00 to the City of Portsmouth. **(Anticipated action – move to accept the donation in the amount of \$500.00 from FairPoint Communications to the City of Portsmouth)**
- B. Boarding House Permits
  - Brian D. Hogan, 21 Brewster Street
  - G. Edward Gowen, Jr., 350-352 Hanover Street
  - Paul H. & Janet White-Nay, 278 Cabot Street**(Anticipated action – move to approve and authorize the City Manager to issue the aforementioned annual Boarding House permits)**

- C. Acceptance of Police Department Donations
- A donation in the amount of \$100.00 from K.A. Rollins for the Portsmouth Explorer's Cadets
  - A donation in the amount of \$50.00 from the Portsmouth Police Relief Association for the Explorer Program
  - A donation in the amount of \$100.00 from Hibachi Japanese Steak House in support of the annual spaghetti dinners held for senior residents of the Margeson and Feaster public housing facilities
- (Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as listed)**
- D. Acceptance of Donation to Art-Speak in the amount of \$100.00 from Jane James  
**(Anticipated action – approve and accept the donation to Art-Speak, as listed, for their general operating support)**
- E. Letter from Pawn Nitichan, Co-Executive Director and Briana Cribeyer, Events Manager, City Year New Hampshire requesting support and permission to hold the seventh annual "Martin Luther King Day March of Justice" on Monday, January 19, 2009, in downtown Portsmouth. **(Anticipated action – move to refer to the City Manager with power)**
- F. Letter from Heidi Roy, Associate Development Manager, National Multiple Sclerosis Society requesting permission to hold the 2009 Bike MS Seacoast Bike Ride on August 8, 2009 **(Anticipated action – move to refer to the City Manager with power)**

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

### **A. CITY MANAGER**

#### **City Manager's Items Which Require Action Under Other Sections of the Agenda**

1. Consideration of First Reading of Proposed Ordinance Amendments and Resolutions:
  - 1.1 First Reading of Proposed Bonding Re: Citywide Capital Improvements.  
**(Action on this matter should take place under Section VII A of the Agenda)**
2. Public Hearing/Second Reading of Proposed Ordinance Amendments and Resolutions:
  - 2.1 Public Hearing/Second Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances **(Action on this matter should take place under Section VII. A. and Section IX. B. of the Agenda)**
  - 2.2. Public Hearing/Second Reading of Amendment to Chapter 7, Article VI – Truck Loading/Unloading Zones – Commercial Loading Zone Permits **(Action on this matter should take place under Section VII. B. and Section IX. C. of the Agenda)**

- 2.3. Public Use and Necessity Hearing Re: 653 Islington Street (**Action on this matter should take place under Section VII. C and Section IX. D. of the Agenda**)
3. Third and Final Reading of Proposed Ordinance Amendments:
  - 3.1 Third and Final Reading of proposed Ordinance to amend Chapter 7, Article III, Section 7.330 – No Parking – Middle Road (**Action on this matter should take place under Section IX. D. of the Agenda**)
  - 3.2 Third and Final Reading of proposed Ordinance to amend Chapter 7, Article III, Section 7.330 – No Parking – Mechanic Street (**Action on this matter should take place under Section IX. E. of the Agenda**)

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

1. Request to Renew Lease Agreements
2. Elderly & Disabled Exemptions
3. Geotourism Charter

**Informational Items**

1. Events Listing
2. Report Back Re: Skateboard Ordinance

**B. MAYOR FERRINI**

1. Resignations
  - Hugh E. Jencks – Peirce Island Committee

**C. COUNCILOR SMITH**

1. Traffic & Safety Committee Action Sheet and Minutes of the December 11, 2008 meeting
2. Parking Committee Action Sheet and Minutes of the December 11, 2008 meeting

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]**

**DIANNE M. KIRBY  
DEPUTY CITY CLERK**

(\*Indicates verbal report)

## **INFORMATIONAL ITEMS**

1. Historic District Commission minutes of the November 5, 2008 and November 12, 2008 meeting.
2. Planning Board minutes of the September 25, 2008, October 16, 2008, October 23, 2008 and November 13, 2008 meeting.
3. Site Review Technical Advisory Committee minutes of the December 2, 2008. December 9, 2008 and December 30, 2008 meeting.
4. Zoning Board of Adjustment Committee minutes of the October 21, 2008 meeting.

**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 9, 2009  
**To:** Honorable Mayor Thomas G. Ferrini and City Council Members  
**From:** John P. Bohenko, City Manager  
**Re:** City Manager's Comments on January 12, 2009 City Council Agenda

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***5:45 p.m. – Non-meeting with counsel.***

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

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***Work Session:***

**6:15 p.m.**

1. **Restructuring of Boards & Commissions.** On Monday evening at 6:15 p.m., the City Council will be conducting a work session regarding the restructuring of Boards and Commissions. Specifically, for Monday evening, the task will be a discussion on the reorganization of the Recreation Board. Attached is a first draft of a proposed new Recreation, Parks and Open Space Board Ordinance for your review.

***Presentation:***

1. **Comprehensive Annual Financial Report (CAFR) - Melanson, Heath & Company, P.C. Auditors' Financial Report for the Year Ending June 30, 2008.** Attached on the inside cover of your packet is a copy of the City's Comprehensive Annual Financial Report (CAFR), which includes the financial statements for the fiscal year ending June 30, 2008 (Annual Audit). The Fiscal Year 2008 (CAFR) was prepared by Judie Belanger, Finance Director and staff and audited by Melanson, Heath & Company, P.C. Also, enclosed is the Management Letter for the year ending June 30, 2008, prepared by our auditors. On Monday evening, Scott McIntyre from Melanson, Heath & Company will be in attendance to make a presentation on the aforementioned items.

## ***Acceptance of Grants/Donations:***

1. **Acceptance of 2009 Coastal Grant Application.** The City recently completed a seawall inspection project and has identified a number of shoreline protection structures, which are in need of structural repair. Coastal Program Grant funds are available on a competitive basis through the NH Coastal Program to support projects adhering to its various objectives. This round of NH Coastal Program 2009 grants is a 50/50 matching program. The matching funds are appropriated in the FY09 Capital Outlay Budget. This \$30,000 grant application to the NH Department of Environmental Services' Coastal Program is for the purpose of conducting a shoreline stabilization design project.

In order to submit an application to the New Hampshire Coastal Program, evidence of City Council authority to apply for and expend federal funds must be shown. This grant, if approved by NH Department of Environmental Services, will provide funding assistance to contract with an engineering firm, which will build on a previously completed inventory for all of the seawalls in the City.

A public hearing was held on January 7, 2009 at 6:00 p.m. in the Planning Department Conference Room to take public comment on this Coastal Grant application.

*I would recommend the City Council move to authorize the City Manager to apply for, accept and expend a \$30,000 grant from the NH Department of Environmental Services' Coastal Program for the purpose of conducting a shoreline stabilization design project. Action on this matter should take place under Section VIII of the Agenda.*

2. **Acceptance of Donation to the New Library Building Fund.** The New Library Capital Campaign Committee has received a donation from Stephen & Susan Tober in the amount of \$1,000.00 for the New Library Building Fund. This fulfills their pledge.

*I would recommend that the City Council approve and accept the donation to the New Library Building Fund, as listed. Action on this matter should take place under Section VIII of the Agenda.*

3. **Acceptance of Grant from the New Hampshire Charitable Foundation for Art-Speak.** Attached is a copy of a letter from the New Hampshire Charitable Foundation awarding a grant of \$10,000.00 from the Otto Fund to Art-Speak for general operating support.

*I would recommend the City Council move to approve and accept the grant in the amount of \$10,000.00 from the Otto Fund, an advised fund within the New Hampshire Charitable Foundation, to Art-Speak for general operating support. Action on this matter should take place under Section VIII of the Agenda.*

4. **Acceptance of Donation to the Coalition Legal Fund.** Attached is a copy of a check from the Town of Waterville Valley in the amount of \$1,000.00 donating funds to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

*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.*

5. **Acceptance of Donation Re: Bench in Memory of Geoffrey B. Coughlin.** The City received a donation in the amount of \$1,200.00 from Laurie and Brian Coughlin, to support the purchase and installation of a bench with a memorial plaque for Geoffrey B. Coughlin.

*I would recommend that the City Council approve and accept the donation for a bench in memory of Geoffrey B. Coughlin, as listed. Action on this matter should take place under Section VIII of the Agenda.*

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

1. **Consideration of First Reading of Proposed Ordinance Amendments and Resolutions:**

- 1.1 **First Reading of Proposed Bonding Re: Citywide Capital Improvements.** As a result of the December 15, 2008 City Council meeting, I am bringing back for first reading proposed bonding regarding citywide capital improvements. The Fiscal Year 2009 Capital Improvement Plan which was approved by the City Council last April, identified \$4,775,000 of citywide improvements that would require bonding. Because of the economic situation, the city staff and I are recommending that that amount be reduced by \$1,275,000. The projects that the staff is recommending to move forward on are as follows:

- *Citywide Street Paving, Management and Rehabilitation - \$2,500,000:* (page 139 & 140 of the City's Capital Plan). In 1993, the City implemented a pavement Management Program to assist on prioritizing street rehabilitation. This bonding would fund the repairs to several streets (see the proposed streets for improvements attached) over a two-year period.
- *Citywide Sidewalk Reconstruction Program - \$500,000:* (page 110 & 111 of the City's Capital Plan). This program relies on a management program and is funded on a two-year schedule to address the need to upgrade existing sidewalk surfaces on a priority basis. The sidewalks scheduled for this bonding are:

Middle Street Phase II - \$250,000

State Street Sewer Separation Project 2 - \$250,000



- *Replacement of Chiller System at the City Hall Municipal Complex - \$200,000.*
- *Gateway Improvements – Exit 7 - \$300,000:* (page 138 of the City’s Capital Plan). This project is to facilitate specific improvements along the Market Street right-of-way as it extends from Exit 7 to the downtown. As part of the approved or pending projects, much work is being done at the Exit 7 interchange. These improvements arise from cooperative efforts between the City and the NHDOT. This project would continue efforts to enhance pedestrian traffic, provide some traffic calming measures and enhance to this corridor such as lighting, plantings, overlooks, etc. Funding for this project was identified in the Capital Improvement Plans for \$500,000 in bonding. The city staff believes that this could be reduced to \$300,000 to implement Phase I of the project which would be the improvements to the Deer Street intersection and improvements to Market to Russell Street.

The staff is recommending the delay of the following projects:

- Window replacements at City Hall - \$40,000
- Municipal Athletic Fields, Fencing, Bleachers, Safety Netting - \$150,000
- South Mill Pond Recreation Area – Tennis Courts Rehabilitation - \$150,000
- Connie Bean Center/Spinnaker Point – Facility Upgrades - \$100,000
- Public Works – Facility Upgrades - \$250,000
- Closed Circuit Camera System at the Police Department - \$50,000
- Building Improvements at the Police Department - \$60,000
- Scott Avenue Bridge Replacement - \$150,000
- Corporate Drive-Rye Street to Goose Bay Drive - \$125,000
- Gateway Improvements Exit 7 reduction of - \$200,000

These reductions total \$1,275,000, which would require a revised bond request of \$3,500,000 from the original request of \$4,775,000. (see attached proposed Bond Resolution.)

*I would recommend that the City Council move to pass first reading and authorize the City Manager to bring back for public hearing and adoption a Bonding Resolution for Citywide Improvements as listed in the amount of \$3,500,000.00 for the January 26, 2009 City Council Meeting. Please note that Bonding Resolutions require two readings and a public hearing and two-thirds vote of the City Council.*

## **2. Public Hearing/Second Reading of Proposed Ordinance Amendments and Resolutions:**

- 2.1 **Public Hearing/Second Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances.** As a result of the December 15, 2008 City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached proposed changes to Chapter 7, Vehicles, Traffic Parking Omnibus Ordinances. These changes were either

implemented by the Parking Committee for testing during the last year or are part of ongoing improvements to be parking ordinance and are forwarded to the City Council for approval. Attached are diagrams showing the changes to the ordinances.

Prior to the public hearing, Jon Frederick, Parking Manager, will make a PowerPoint presentation outlining the changes that are proposed in the Omnibus Ordinances.

*I would recommend that the City Council move to pass second reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee, and schedule a third and final reading at the January 26th City Council meeting. Action on this item should take place under Section IX of the Agenda.*

2.2 **Public Hearing/Second Reading of Amendment to Chapter 7, Article VI – Truck Loading/Unloading Zones – Commercial Loading Zone Permits.**

As a result of the December 15, 2008 City Council meeting, I am bringing back, under Section VII of the Agenda, the attached proposed ordinance amendment to Chapter 7, Article VI – Truck Loading/Unloading Zones for Commercial Loading Zone permits. During the City Council meeting of October 20, 2008, the Council approved the Parking Committee minutes of October 9, 2008, which requested an ordinance for Commercial Loading Zone permits. Attached please find the proposed ordinance for the City Council’s consideration. For the Council’s information, attached please find copies of the Commercial Loading Zone Permit – Rules and Regulations as well as the application for Commercial Loading Zone Permit – 2009.

Prior to the public hearing, Jon Frederick, Parking Manager, will make a presentation regarding the Commercial Loading Zone Permits Ordinance.

*I would recommend that the City Council move to pass second reading of the proposed changes to Chapter 7 of the Ordinances, as recommended by the Parking Committee, and schedule a third and final reading at the January 26th, City Council meeting. Action on this item should take place under Section IX of the Agenda.*

3. **Public Use and Necessity Hearing/Adoption of Proposed Resolution:**

3.1 **Public Use and Necessity Hearing/Adoption of Proposed Resolution Re: 653 Islington Street.**

As you will recall, at the November 24, 2008 City Council meeting, the Council voted to proceed with a public use and necessity hearing to determine whether the City should acquire a temporary construction easement of approximately 1,244 square feet and a permanent easement of approximately 1,992 square feet to install sewer and drain lines across the property located at 653 Islington Street to alleviate the flooding on Bartlett Street and upgrade the infrastructure in the area (see Section VII of the Agenda). The City seeks the right to use a portion of the driveway at 653 Islington Street for

temporary construction purposes of less than 60 days and to place a new sewer line and a new drain line under a portion of that driveway. Alternative driveway access would be maintained at all times to service the property and the existing driveway would be restored after construction. The City's right to maintain an existing sewer line which travels across the center of the property and under the existing building would be abandoned at the completion of the sewer separation project for the benefit of the property owner. The City will also be offering an amount to be determined by a certified appraiser. Attached are my detailed comments from the November 24, 2008 meeting.

City Engineer Peter Rice will make a detailed presentation regarding the Bartlett-Islington Street Sewer Separation project; identifying the significant infrastructure needs in the area, the proposed engineering solution, the alternatives considered and the easement needs.

Assistant City Attorney Suzanne Woodland, will review the taking process and the proposed resolution as well as the means by which the property owner will be accommodated during the construction process and compensated based upon an appraisal.

As you may recall, on September 17, 2007, the City Council adopted a similar resolution finding that a public necessity existed to authorize the taking of certain easements from the railroad for this project. The City staff completed a taking of the required easements of the Boston & Maine Railroad Corporation (Pan Am Railways) property. The process included an appraisal. The railroad accepted without protest the appraised amount submitted by the City to the Board of Land and Tax Appeals.

It is our hope that prior to Monday we will come to some kind of resolution on this matter. If not, I would recommend the City Council proceed with the proposed motion.

*I would recommend that the City Council adopt the resolution entitled, "Regarding The Public Necessity For The City To Condemn Certain Property Along Islington Street To Facilitate The Reconstruction Of The Storm Drains And Sewers In The Area". Action on this matter should take place under Section IX of the Agenda.*

#### 4. **Third and Final Reading of Proposed Ordinance Amendments:**

- 4.1 **Third and Final Reading of proposed Ordinance to amend Chapter 7, Article III, Section 7.330 – No Parking – Middle Road.** As a result of the December 15, 2008 City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached proposed ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Middle Road, subsection A of the Ordinances. As you may recall, at the October 20, 2008 City Council meeting, the Council approved the Traffic and Safety Minutes of October 15, 2008, which require an ordinance for No Parking on Middle Road.

*I would recommend the City Council move to pass third and final reading of the proposed ordinance, as submitted. Action on this item should take place under Section IX of the Agenda.*

- 4.2 **Third & Final Reading of proposed Ordinance to amend Chapter 7, Article III, Section 7.330 – No Parking – Mechanic Street.** As a result of the December 15, 2008 City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached proposed ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Mechanic Street, sub-section A of the Ordinances. As you may recall, at the October 6, 2008 City Council meeting, the Council approved the Traffic and Safety Minutes of September 11, 2008, which require an ordinance for No Parking on Mechanic Street.

Please note that prior to the third and final reading Councilor Smith will be providing a report back from the Traffic & Safety Committee on the issue of Paragraph B, “Northerly side from Marcy Street to Peirce Island Bridge between the hours of 11:00 p.m. and 6:00 a.m.

*I would recommend the City Council move to pass third and final reading of the proposed ordinance, as submitted. Action on this item should take place under Section IX of the Agenda.*

### ***Consent Agenda:***

1. **Acceptance of Donation from FairPoint Communications.** Attached is a copy of a letter from FairPoint Communications donating \$500.00 to the City of Portsmouth.

*I would recommend the City Council move to accept the donation in the amount of \$500.00 from FairPoint Communications to the City of Portsmouth. Action on this item should take place under Section X of the Agenda.*

2. **Boarding House Permits.** Attached are copies of letters from the following organizations regarding their annual renewal of their Boarding House Permits:

- Brian D. Hogan, 21 Brewster Street
- G. Edward Gowen, Jr., 350-352 Hanover Street
- Paul H. White & Janet White-nay, 278 Cabot Street

*I would recommend the City Council move to approve and authorize the City Manager to issue the aforementioned annual Boarding House permits. Action on this item should take place under Section X of the Agenda.*

3. **Acceptance of Police Department Donations.** Attached under Section X of the Agenda is a memorandum from Gerald W. Howe, Chairman of the Portsmouth Police Commissioners, and Michael J. Magnant, Police Chief, requesting that the City Council approve the following donations:
- a. A donation in the amount of \$100.00 from K. A. Rollins for the Portsmouth Explorer's Cadets.
  - b. A donation in the amount of \$50.00 from the Portsmouth Police Relief Association for the Explorer Program.
  - c. A donation in the amount of \$100.00 from Hibachi Japanese Steak House in support of the annual spaghetti dinners held for senior residents of the Margeson and Feaster public housing facilities.

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-36 for City Council approval and acceptance.

*I would recommend that the City Council approve and accept the donations to the Portsmouth Police Department, as listed. Action on this matter should take place under Section X of the Agenda.*

4. **Acceptance of Donation to Art-Speak.** Art-Speak requests that the following donation in the amount of \$100.00 from Jane James be accepted by the City Council for Art-Speaks general operating support.

*I would recommend that the City Council approve and accept the donation to Art-Speak, as listed, for their general operating support. Action on this matter should take place under Section X of the Agenda.*

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

1. **Request to Renew Lease Agreements.** Attached are copies of letters from the following organizations requesting renewal of their Lease Agreements with the City of Portsmouth:
1. Seacoast Area Lodge No. 2303 Order Sons of Italy in America for property known as the Plains School House located at One Plains Avenue. The current Lease was effective April 1, 2008 through March 31, 2009. For your information, I have attached a copy of the current Lease Agreement as well as a photograph of the Plains School House.
  2. Creek Athletic Club for property located at 251 Bartlett Street. The current lease was effective April 1, 2008 through March 31, 2009. For your information, I have attached a copy of the current Lease Agreement as well as a photograph of the Creek Athletic Club.

*I would recommend the City Council move to authorize the City Manager to bring back the aforementioned requests for review and action at the January 26, 2009 meeting.*

2. **Elderly & 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 #-7-2008 and # 8-2008 which increased the income and asset levels for both the elderly and disabled exemptions by the rate of the Boston-Brockton-Nashua November 2006 through November 2007 consumer price index (CPI) of 3.4%.

The current elderly and disabled exemption income levels are \$31,640 for a single taxpayer, \$39,030 for married taxpayers, and an asset limit of \$105,470.

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 current November 2007 to November 2008 CPI is .7%. The latest COLA increase for Social Security benefits and SSI payments is 5.8% beginning December 2008. These differences may cause some taxpayers who currently receive the elderly and disabled exemptions to be disqualified due to the higher COLA adjustment received from Social Security.

Another alternative the City Council may wish to consider for this year is to adjust these exemptions using the ten year average for the November to November CPI which is 3.0%. This adjustment may help to reduce the number of taxpayers to be disqualified who currently receive either the disabled or elderly exemption.

**Adjustment Using November 2007 to November 2008 CPI - .7% Increase  
(Option A)**

If the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers by the current November 2007 to November 2008 CPI of .7%, this would increase the limits (rounded up) as follows:

Single	\$31,862, increase of \$222
Married	\$39,303, increase of \$273
Asset Limit of	\$106,208, increase of \$738

**Adjustment Using November to November Ten Year Average - 3.0% Increase (Option B)**

If the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers by the current November to November ten year average CPI of 3.0%, this would increase the limits (rounded up) as follows:

Single	\$32,589, increase of \$ 949
Married	\$40,201, increase of \$1,171
Asset Limit of	\$108,634, increase of \$3,164

This adjustment would be for assessments as of April 1, 2009 for the 2009 tax year or FY10.

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.

If the City Council wishes to make any adjustments in these exemptions, it would require a revision of the existing resolutions as well as a public hearing and a majority vote of the City Council. It would be my suggestion that the City Council adjust these exemptions by either the November 2007 to November 2008 CPI of .7% including asset limitations or the November to November ten year average of 3.0% including asset limitations. I have attached for your information the tax impact of the elderly and disabled exemptions for FY09. Also attached are copies of the proposed resolutions for Option A & Option B.

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

*Move to authorize the City Manager to bring back for first reading at the January 26<sup>th</sup> City Council meeting the proposed resolutions for Option A or Option B, as presented. (This requires a public hearing and two readings with a majority vote.)*

3. **Geotourism Charter.** As you may recall, the City of Portsmouth was recently ranked 28<sup>th</sup> in the world and 6<sup>th</sup> in the nation by *National Geographic Traveler* magazine on its list of historic places. According to the magazine, the survey, "evaluates the qualities that make a destination unique, measuring "integrity of place." It is not a popularity contest, but rather an assessment of authenticity and stewardship."

Nicki Noble, Tourism Manager for the Greater Portsmouth Chamber of Commerce has suggested that the city capitalize on this distinctive ranking by committing to the principles of "Geotourism" as defined by *National Geographic Center for Sustainable Destinations* and articulated in the Geotourism Charter. (See attached letter from Nicki Noble.)

Geotourism is defined as tourism that sustains or enhances the geographical character of a place-its environment, culture, aesthetics, heritage, and the well-being of its residents. As Ms. Noble points out, the City of Portsmouth is well on its way to meeting the geotourism principles. By adopting the Geotourism Charter, it could chart a course for

local tourism efforts and also be used for promoting the city to visitor groups and individuals.

Also, attached is a copy of the Geotourism Charter template from the *National Geographic Center for Sustainable Destinations*.

*I would recommend the City Council move to authorize the City Manager to proceed with the application process for geotourism designation.*

### ***Informational Items:***

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on December 15, 2008.
2. **Report Back Re: Skateboard Ordinance.** Please see attached under Councilor Ken Smith's name on the Agenda, a copy of the Traffic and Safety Committee Minutes for the meeting of December 11, 2008. This will serve as the report back regarding the Skateboard Ordinance.