# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH DATE: TUESDAY, JANUARY 17, 2012 TIME: 6:00PM

# AGENDA

- 6:00PM WORK SESSION REGARDING CITY COUNCIL RULES AND ORDERS
- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

#### PRESENTATIONS

- 1. Presentation to former City Councilor Jerry Hejtmanek
- 2. Chamber of Commerce Re: Annual Dinner Downtown Location (See attached letter under Section X. of the Agenda) (Sample motion move to suspend the rules in order to take up Item X.D. of the Agenda)
- V. ACCEPTANCE OF MINUTES (There are no minutes for acceptance this evening)
- VI. PUBLIC COMMENT SESSION
  - ADOPTION OF CITY COUNCIL RULES AND ORDERS

#### VII. APPROVAL OF GRANTS/DONATIONS

- A. \*2012 New Hampshire Coastal Program Grant Proposal (Sample motion move to authorize the City Manager to apply for, accept and expend funds up to \$30,000.00 from the Department of Environmental Services, Coastal Program to conduct a working waterfront study)
- B. \*Acceptance of Grant Funds from the Gulf of Maine Council on the Marine Environment and the Northeast Regional Ocean Council Re: Coastal Resilience (Sample motion – move to accept grant funds up to \$30,000.00 from the U.S. Gulf of Maine Association and give authority to the City Manager to expend funds and execute all necessary documents in conjunction with the proposed Portsmouth Coastal Resilience Initiative)

#### VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Amendments to Chapter 7 Vehicles, Traffic Parking Omnibus Ordinances, Section 7A.406 – Horse Drawn Carriages spaces on Pleasant Street and Section 7.330 – by eliminating the No Parking Area on State Street between Court Place and Church Street to install 4 new meter spaces and Ordinance cleanup measures (Sample motion – move to pass first reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by he Parking Committee, and schedule a public hearing and second reading at the February 6, 2012 City Council meeting)
- B. First reading of Amendment to Chapter 7, Article III, Section 7.330 No Parking Junkins Avenue both sides (Sample motion – move to pass first reading for the proposed Ordinance amendment, as recommended by the Parking Committee, and schedule a public hearing and second reading at the February 6, 2012 City Council meeting)

#### IX. CONSENT AGENDA

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

- A. Acceptance of Donations to the Coalition Legal Fund
  - Town of Carroll \$1,000.00
  - Town of Waterville Valley \$1,000.00
  - Town of Sugar Hill \$500.00

# (Anticipated action – move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund)

- B. Acceptance of Police Department Donations
  - Donation from Mr. M. Foye to the Portsmouth Police Explorers \$200.00
  - Donation from the Friends of the South End neighborhood group to the Portsmouth Police Explorers \$300.00

# (Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as listed)

- C. Letter from Peter Floros, PNF Realty, Inc., requesting to extend the license to keep the dumpster currently in place on Church Street (Anticipated action move to refer to the City Manager with power)
- D. Request for a License from Scott and Michelle Massida, owner of Michelle's on Market Square for property located at 10 Market Street to install a projecting sign (Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Scott and Michelle Massida, owner of Michelle's on Market Square to install a projecting sign at 10 Market Street and, further, authorize the City Manager to execute a License Agreement for this request)

#### Planning Director's Stipulations:

- The license shall be approved by the Legal Department as to content and form;
- Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and
- Any disturbance of a sidewalk, street or other pubic 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
- E. Request for a License from Carolyn and Christopher Erickson, The Aland Realty Group and Eport Antiques and Furnishings for property located at 175 Market Street to install a projecting sign on an existing bracket (*Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Carolyn and Christopher Erickson, owner of The Aland Realty Group and Eport Antiques and Furnishings to install a projecting sign at 175 Market Street and, further, authorize the City Manager to execute a License Agreement for this request*)

#### Planning Director's Stipulations:

- The license shall be approved by the Legal Department as to content and form;
- Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and
- Any disturbance of a sidewalk, street or other pubic 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
- F. Letter from Donald Allison, Eastern States 20 Mile, requesting permission to hold the Eastern State 20 Mile Road Race on Sunday, March 25, 2012 (Anticipated action move to refer to the City Manager with power)
- G. Letter from Barbara Kautz, AIDS Response Seacoast, requesting to hold the 16<sup>th</sup> Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 6, 2012 from 10:00 a.m. to 5:00 p.m. (Anticipated action – move to refer to the City Manager with power)

- H. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events in 2012:
  - Children's Day, Sunday, May 6<sup>th</sup> from Noon 4:00 p.m.
  - The 35<sup>th</sup> Annual Market Square Day Festival & 10K Road Race, Saturday, June 9<sup>th</sup>
  - The 10<sup>th</sup> Annual Summer in the Street Music Series, Saturday evenings from 5:00 p.m. 9:30 p.m. on June 23<sup>rd</sup>, June 30<sup>th</sup>, July 7<sup>th</sup>, July 14<sup>th</sup>, July 21<sup>st</sup>, July 28<sup>th</sup> (rain date August 4<sup>th</sup>)

#### (Sample motion – move to refer to the City Manager with power)

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

- A. Letter from Jennifer Fecteau, Port City Nissan, requesting the installation of an electric vehicle charging station at the High Hanover parking garage for electric vehicles (Sample motion move to accept the gift of a charging station from Port City Nissan)
- B. Letter from John Dussi, Northern Tier Real Estate Acquisition & Development, LLC, request to appear before the City Council regarding renovations to the exterior of the property located at 172 Hanover Street, to remove the glass atrium located on the Vaughan Mall side of property (Sample motion move to refer to the Planning Board for report back)
- C. Letter from Portsmouth Fire Commissioners requesting a supplemental appropriation to the FY12 Fire Department Budget in the amount of \$150,000.00
- D. Letter from Doug Bates, Greater Portsmouth Chamber of Commerce, requesting permission to close Pleasant Street from State Street to Congress Street on Wednesday, August 8, 2012 for conducting the 2012 Greater Portsmouth Chamber of Commerce Annual Dinner

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

#### A. CITY MANAGER

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

- 1. First Reading of Proposed Resolutions and Ordinance Amendments:
  - 1.1 First Reading of Ordinance Amendment to Chapter 7 Vehicles, Traffic Parking Omnibus Ordinances
    (Action on this matter should take place under Section VIII of the Agenda)
  - 1.2 First Reading of Amendment to Chapter 7 Section 7.330 No Parking Junkins Avenue (Action on this matter should take place under Section VIII of the Agenda)

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

- 1. Elderly & Disabled Exemptions
- 2. Proposed Water and Sewer Lines Re: Strawbery Banke
- 3. Ratification of City Council Policies
- 4. Request to Renew Lease Agreement for Sons of Italy

#### Informational Items

- 1. Events Listing
- 2. Retreat Agenda
- 3. \*Web Video Playback

#### B. MAYOR SPEAR

- 1. Resignation of Gary Lowe from the Sustainability Committee
- 2. \*Appointment of City Council Representatives:
  - Taxi Commission
  - Peirce Island Committee
  - Parking & Traffic Safety Committee
  - Historic District Commission
  - Planning Board
  - Joint Building Committee
  - Economic Development Commission

#### C. ASSISTANT MAYOR LISTER

1. \*Sunday Parking

#### D. COUNCILOR KENNEDY

- 1. \*Senior Citizen Center
- 2. \*Request to Establish a Wastewater Treatment Plant Building Committee

#### XII. MISCELLANEOUS/UNFINISHED BUSINESS

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

#### KELLI L. BARNABY, CMC/CNHMC CITY CLERK

\*Indicates Verbal Report

#### **INFORMATIONAL ITEMS**

- 1. Notification that the Board of Adjustment Minutes of October 18, 2011 meeting is available on the City's website for your review
- 2. Notification that the Conservation Commission Minutes of the November 9, 2011 meeting is available on the City's website for your review
- 3. Notification that the Historic District Commission Minutes of the November 2, 2011 and November 9, 20011 meetings are available on the City's website for your review
- 4. Notification that the Site Review Technical Advisory Committee Minutes of the November 29, 2011 meeting is available on the City's website for your review

**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 12, 2012	
То:	Honorable Mayor Eric Spear and City Council Members	
From:	John P. Bohenko, City Manager	
Re:	City Manager's Comments on January 17, 2012 City Council Agenda	

## Work Session:

1. <u>City Council Rules and Orders.</u> The Mayor has scheduled a work session for Tuesday evening at 6:00 p.m. to discuss the Rules and Orders for the City Council. Attached is a memorandum that the Mayor has requested City Attorney Robert Sullivan provide pertaining to the various Boards and Commissions that presently require appointment by the Mayor. The memorandum is self-explanatory; however, the City Attorney will be available at the meeting to answer any questions regarding this matter.

### **Presentation:**

1. <u>Chamber of Commerce Re: Annual Dinner Downtown Location.</u> On Tuesday evening, Doug Bates, President of the Greater Portsmouth Chamber of Commerce, will make a presentation regarding the 2012 Annual Dinner (see attached letter).

## Acceptance of Grants and Donations:

1. **2012** New Hampshire Coastal Program – Grant Proposal. City staff is preparing to submit a \$30,000 grant proposal to study Portsmouth's working waterfront to the New Hampshire Coastal Program. The proposal will include a complete inventory of existing waterfront business zones and an analysis of other waterfront areas. The project consists of a planning study to review current and future uses, infrastructure and land use regulations. A hearing, also required for grant submission, will be held on January 17, 2012 at 5:30 p.m., in Conference Room B to present information about this proposal and solicit input from the public.

I would recommend the City Council move to authorize City Manager to apply for, accept and expend funds up to \$30,000 from the Department of Environmental Services, Coastal Program to conduct a working waterfront study. Action on this item should take place under Section VII of the Agenda.

2. Acceptance of Grant Funds from the Gulf of Maine Council on the Marine Environment and the Northeast Regional Ocean Council Re: Coastal Resilience. City Council action is required to accept \$30,000 in funding from the Gulf of Maine Council on the Marine Environment and the Northeast Regional Ocean Council to address Coastal Resilience. This group has approved the City's proposal to analyze the potential impacts of climate changeinduced storm surges and sea level rise on municipal facilities and sensitive areas within Portsmouth's coastal areas. This work will enable Portsmouth to develop specific recommendations for inclusion in the citywide Master Plan and revise our local regulations to better address the potential coastal hazards associated with climate change. The City will provide \$2,500 matching funds set aside for City Master Planning towards this effort and \$3,500 for in-kind services for a total of \$6,000.

I would recommend the City Council move to accept grant funds up to \$30,000 from the U.S. Gulf of Maine Association and give authority to the City Manager to expend funds and execute all necessary documents in conjunction with the proposed Portsmouth Coastal Resilience Initiative. Action on this item should take place under Section VII of the Agenda.

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

#### 1. First Reading of Proposed Resolutions and Ordinance Amendments:

1.1. First Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances. Attached under Section VIII of the Agenda for first reading is a proposed Omnibus Ordinance Amendment to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances, Section 7A.406 – Horse Drawn Carriages spaces on Pleasant Street and Section 7.330 – by eliminating the No Parking area on State Street, between Court Place and Church Street; to install four new metered spaces and ordinance cleanup measures (see attached aerial maps and explanation). At its October 13, 2011 meeting, the Parking Committee recommended forwarding the aforementioned Chapter 7 Omnibus Ordinance Amendment to the City Council for approval. The City Council approved the minutes at the November 21, 2011 City Council meeting.

I would recommend that the City Council move to pass first reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee, and schedule a public hearing and second reading at the February 6, 2012 City Council meeting. Action on this item should take place under Section VIII of the Agenda.

1.2 First Reading of Amendment to Chapter 7, Section III – Section 7.330: No Parking – Junkins Avenue. Attached under Section VIII of the Agenda for first reading is a proposed Ordinance Amendment to Chapter 7, Article III, Section 7.330 (see attached aerial map and explanation):

Section 7.330: No Parking

- A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:
  - 61. Junkins Avenue: both sides, from Pleasant Street to Parrott Avenue.

At its October 13, 2011 meeting, the Parking Committee recommended forwarding the aforementioned proposed Ordinance Amendment to the City Council for approval. The City Council approved the minutes at the November 21, 2011 City Council meeting.

I would recommend that the City Council move to pass first reading for the proposed Ordinance amendment, as recommended by the Parking Committee, and schedule a public hearing and second reading at the February 6, 2012 City Council meeting. Action on this item should take place under Section VIII of the Agenda.

## Consent Agenda:

1. <u>Acceptance of Donations to the Coalition Legal Fund.</u> Attached are copies of checks from the Town of Waterville Valley in the amount of \$1,000.00; the Town of Carroll in the amount of \$1,000.00; and the Town of Sugar Hill in the amount of \$500.00 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 donations, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section IX of the Agenda.

- 2. <u>**Request for Licenses to install Projecting Signs.**</u> Attached under Section IX of the Agenda, are requests for the following Projecting Sign Licenses (see memorandums from Rick Taintor, Planning Director):
  - Scott and Michelle Massida, owners of Michelle's on Market Square for property located at 10 Market Street
  - Carolyn and Christopher Erickson, owners of The Aland Realty Group and Eport Antiques and Furnishings for property located at 175 Market Street

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

- 3. <u>Acceptance of Police Department Donations.</u> Attached under Section IX of the Agenda is a memorandum, dated December 14, 2011, from Gerald W. Howe, Chairman, Portsmouth Police Commissioners, and Police Chief David J. Ferland, requesting that the City Council approve the following donations:
  - a) A donation in support of the Portsmouth Police Explorers in the amount of \$200 from Mr. M. Foye.
  - b) A donation in support of the Portsmouth Police Explorers in the amount of \$300 from the Friends of the South End neighborhood group.

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

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

## City Manager's Items Which Require Action:

1. <u>Elderly & Disabled Exemptions.</u> 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 # 2 -2011 and # 3 -2011 which increased the income and asset levels for both the elderly and disabled exemptions by 1.00% from the previous year. The current elderly and disabled exemption income levels are \$33,514 for a single taxpayer, \$41,343 for married taxpayers, and an asset limit of \$111,718.

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 November to November CPI of the Boston-Brockton-Nashua November consumer price index (CPI) is 2.9%. Social Security benefits payable in January 2012 will see a 3.6% increase in SSI payments.

#### **Option** A:

If the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers by the November to November CPI of 2.9 %, this would increase the limits (rounded up) as follows:

•	Single	\$34,486	increase of \$972
•	Married	\$42,542	increase of \$1,199
•	Asset Limit of	\$114,958	3 increase of \$3,240

#### **Option B:**

If the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers by the Social Security increase of 3.6 %, this would increase the limits (rounded up) as follows:

•	Single	\$34,721	increase of \$1,207
•	Married	\$42,831	increase of \$1,488
•	Asset Limit of	\$115,740	) increase of \$4,022

#### **Option C:**

If no increase, the income and asset limits would remain at their current levels as follows:

•	Single	\$33,514
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- Married \$41,343
- Asset Limit of \$111,718

Any adjustment if approved would be for assessments as of April 1, 2012 for the 2012 tax year or FY13.

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  $15^{th}$  of each year.

If the City Council wishes to make any adjustments in these exemptions, it would require an amendment to these resolutions as well as first reading, a public hearing and a majority vote of the City Council. If no adjustment, income and asset limits would remain at their current levels. I have attached for your information the tax impact of the elderly and disabled exemptions for FY12. Also attached are copies of the proposed resolutions.

I would recommend the City Council move to authorize the City Manager to bring back for first reading at the February 6<sup>th</sup> City Council meeting the proposed Resolutions either Options A or B. (This requires a public hearing and two readings with a majority vote.)

2. **Proposed Water and Sewer Lines Re: Strawbery Banke.** As you are aware, Strawbery Banke has approached the City about working with the City on an arrangement that would allow for the upgrades to the water and sewer lines within the museum area. The need to upgrade the utility lines within the Strawbery Banke limits was brought forward to the City based on the desire of their Board to develop certain Buildings within their property to become income producing.

To that end, Strawbery Banke hired Appledore Marine Engineers to put together a plan for the needed utility upgrades. The plan included the replacement of approximately 860 linear feet of water main and 200 linear feet of sewer main. The water lines and sewer lines were originally part of the City's system and had come under the ownership and operation of Strawbery Banke when the area became the museum.

Strawbery Banke officials approached the City to see if there were any potentially mutually beneficial arrangements between the City and Strawbery Banke to upgrading the water and sewer lines in the area, and also to have the City take over ownership of those systems. A review of the plans by City staff estimated that the cost of the water and sewer line improvements would be about \$45,000. A method to accomplish such improvements would be to have the City install the new water and sewer lines with Strawbery Banke paying for those improvements over a 10-year period. The City would also require easements for access and maintenance to the utilities. Staff also outlined some of the benefits the City would recognize through these improvements.

The technical benefits to the improvements would include the following:

- Replacement of old clay sewer lines, a source of undesired infiltration into the City's sanitary sewer system, is consistent with the City's Long-Term Control Plan to reduce unnecessary flow the collection system.
- Replacement of the water lines would eliminate undersized and unlined water lines, thus improving water system reliability, and in particular fire flows, as well as improving water quality in this area of the City.

In addition to the technical benefits of the system improvements, the Public benefit from such an arrangement would include:

- The City would be helping to ensure the continued existence of an important historic and cultural entity within the community.
- By helping to maintain the continued existence of Strawbery Banke the City would be helping to retain the unique and historic character of that portion of the City which Strawbery Banke is located (as opposed, for example, to a condominium development at the same location).
- With the existence of the new water and sewer lines Strawbery Banke would be able to develop certain of its properties to become income producing, which will

eliminate the tax exemption for those properties and place them on the City's tax rolls.

The attached figure shows the approximate easement areas that that would contain the upgraded water and sewer lines that would be made part of an agreement.

If the City Council wishes, you may authorize the City Manager to proceed with negotiating an agreement with Strawbery Banke for the purposes of the installation of new water and sewer lines with Strawbery Banke and to bring that agreement back to the City Council for action at the February 6, 2012 meeting.

3. <u>**Ratification of City Council Policies.**</u> Historically, the City Council ratifies the existing Council policies at the beginning of each new term. Attached is a list of the policies as previously adopted by the Council for your review and consideration. It would be my recommendation to ratify these policies so that they remain in place.

I would recommend the City Council move to ratify the aforementioned list of City Council policies, as presented.

4. <u>Request to Renew Lease Agreement for Sons of Italy.</u> Attached is a copy of a letter from the Sons of Italy, Seacoast Area Lodge #2303 requesting the renewal of their Lease Agreement for the property at One Plains Avenue, for a one-year extension effective April 1, 2012 through March 31, 2013. Also, attached is a copy of the revised Lease Agreement.

I would recommend the City Council move to extend the Lease Agreement with the Sons of Italy at One Plains Avenue, for a period of one year from April 1, 2012 through March 31, 2013.

# 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 19, 2011. In addition, this now can be found on the City's website.
- 2. <u>**Retreat Agenda.**</u> Just a reminder that the City Council Retreat is scheduled for Saturday, January 28, 2012 at 8:00 a.m., in the Levenson Room at the Library. Attached is a copy of the Agenda, which I have reviewed with the Mayor.
- 3. <u>Web Video Playback.</u> For over 10 years, the City has been streaming video online via the City's website using RealPlayer. In the last few years, RealPlayer's market share has decreased while other ways to stream video online have become more popular, with YouTube being the leader. In addition, RealPlayer can't be used on several devices i.e. Tablets, and Smartphones.

In the past, YouTube had its limitations, but now it appears those have abated and YouTube is giving away more space for free. This will allow the City to create its own channel, basically a

small, searchable webpage with the ability to easily upload video files provided they are under a certain size.

We are fortunate because we create small video files with RealServe; therefore, we can now upload a 5-hour meeting with relative ease to YouTube and have it play back on both YouTube and RealPlayer. We do not have to install any additional equipment or increase our in-house bandwidth. One great feature is that YouTube offers an embedding feature which allows the City to directly insert a video on a webpage. This is now in use on the City's homepage and School Department Homepage. This will also enhance other pages too, and it allows a user to read the content and also see the video at the same time.

The Webmaster has created a channel called "cityofportsmouth" on YouTube containing some archived videos at <u>http://www.youtube.com/CityofPortsmouth</u> for you to review. This link will also be on the current City of Portsmouth web archive page.

The above technology is free and can be used on many devices, including phones, tablets, and any other device where you can see YouTube on i.e. AppleTV. It cannot stream live at this moment, but we will still use RealPlayer for that section.

The Webmaster has looked into many solutions that are available, but they only support Adobe Flash and this does not interface with most tablets and phones. Also, it would cost about \$10,000.00 to implement it and there would also be recurring costs on top of that. For the amount of users we have, the YouTube route makes fiscal sense.