

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, FEBRUARY 17, 2015 TIME: 6:00 PM

AGENDA

• 6:00PM – WORK SESSION REGARDING AIRBNB

I. CALL TO ORDER (6:00 PM)

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Pavement Management Program – Peter Rice, Public Works Director

2. Update Re: 21 Brewster Street – Robert Sullivan, City Attorney

V. ACCEPTANCE OF MINUTES – FEBRUARY 3, 2015

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

A. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE ELDERLY REAL ESTATE TAX EXEMPTION:

PROPOSED INCREASE OF ELDERLY EXEMPTION BY 1.7%

SINGLE	\$36,311.00 INCREASE OF \$607.00
MARRIED	\$44,793.00 INCREASE OF \$749.00
ASSET LIMIT OF	\$121,039.00 INCREASE OF \$2,023.00

B. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE DISABLED REAL ESTATE TAX EXEMPTION:

PROPOSED INCREASE OF DISABLED EXEMPTION BY 1.7%

SINGLE	\$36,311.00 INCREASE OF \$607.00
MARRIED	\$44,793.00 INCREASE OF \$749.00
ASSET LIMIT OF	\$121,039.00 INCREASE OF \$2,023.00

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant from the New Hampshire Charitable Foundation – Piscataqua Region Community Fund for the Portsmouth Smart Growth Presentation and Work Shop - \$4,500.00 (***Sample motion – move to approve and accept from the New Hampshire Charitable Foundation \$4,500.00 for funding of Portsmouth Smart Growth for 21st Century (PS21) sponsorship of Jeff Speck Presentation and Workshop on Walkability***)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Bond Resolution of up to (\$3,460,000) Three Million Four Hundred Sixty Thousand Dollars to Refinance the remaining portion of a Callable Bond issued August 1, 2005 and all related costs (***Sample motion – move to pass first reading and schedule a public hearing and adoption at the March 2, 2015 City Council meeting of the proposed Bond Resolution of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000) to refinance the remaining portion of a callable bond issued August 1, 2005 and all related costs.***) (*The Refunding Resolution requires two readings and a public hearing with two-thirds vote of the City Council*)

- B. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption:

Proposed increase of Elderly Exemption by 1.7%

Single	\$36,311.00 increase of \$607.00
Married	\$44,793.00 increase of \$749.00
Asset Limit of	\$121,039.00 increase of \$2,023.00

(Sample motion – move to adopt the proposed Resolution increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption by 1.7%, as presented)

- C. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption:

Proposed increase of Disabled Exemption by 1.7%

Single	\$36,311.00 increase of \$607.00
Married	\$44,793.00 increase of \$749.00
Asset Limit of	\$121,039.00 increase of \$2,023.00

(Sample motion – move to adopt the proposed Resolution increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption by 1.7%, as presented)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Kelly Heinze, Alzheimer's Association, requesting permission to hold the Seacoast Walk To End Alzheimer's on Sunday, October 4, 2015 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Acceptance of Donations to the Art-Speak Annual Appeal:
 - Jack and Pamela Blalock - \$50.00
 - Laurence McCullough - \$100.00***(Anticipated action – move to approve and accept the donations to the Art-Speak, as listed)***
- C. Acceptance of Donation for PACA Membership Dues (Art-Speak)
 - Pinetree Institute - \$75.00***(Anticipated action – move to approve and accept the membership dues for Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed)***
- D. Letter from Ashleigh Tucker, The Music Hall, requesting permission to hold the second annual Music Hall Open House event on Saturday, June 27, 2015 ***(Anticipated action – move to refer to the City Manager with power)***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Jerry Zelin regarding Harborcorp – Restrictive Covenant for Casino
- B. Letter from John Rawlings regarding 2 AIRBNB operating in his neighborhood which strongly impacts their quality of life and potentially property value
- C. Letter from Lauren Moore, Sexual Assault Support Services, requesting permission to set up a small table in Market Square in front of the North Church to hold the first annual Clothesline Project for one day in March or April (suggested dates listed in letter) from 11:00 a.m. to 3:00 p.m.
- D. Letter from Ellen & Dexter Legg requesting the City to maintain the integrity and characteristics of the neighborhoods of Portsmouth and protect all property owners by prohibiting short term rentals in residential districts

XII. 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 Ordinances:

- 1.1 First Reading of Proposed Bond Resolution of up to (\$3,460,000) Three Million Four Hundred Sixty Thousand Dollars to Refinance the remaining portion of a Callable Bond issued August 1, 2005 and all related costs (**Action on this item should take place under Section IX of the agenda**)
2. Public Hearing and Adoption of Proposed Resolutions:
 - 2.1 Public Hearing and Adoption of Proposed Resolutions Amending Elderly and Disabled Exemptions Income and Asset Limits (**Action on this item should take place under Section IX of the agenda**)

Proposed increase of Elderly & Disabled Exemption by 1.7%

Single	\$36,311.00 increase of \$607.00
Married	\$44,793.00 increase of \$749.00
Asset Limit of	\$121,039.00 increase of \$2,023.00

City Manager's Items Which Require Action:

1. Adoption of Proposed Capital Improvement Plan (CIP) FY2016 - FY2021
2. Request for First Reading of \$23.2 Million Dollar Bond Re: Proposed Second Parking Garage at 165 Deer Street
3. Request for WSCA Antenna License

Informational items

1. Events Listing
2. Land use Compliance

B. ASSISTANT MAYOR SPLAINE

1. Letter requesting a Resolution to the U.S. Supreme Court In Support of Marriage Equality

C. COUNCILOR SHAHEEN

1. *Brewster Street Rooming House

D. COUNCILOR KENNEDY

1. *Portsmouth Small Business. How is the city supporting small businesses?

E. COUNCILOR MORGAN

1. *Update Re: Brewster Street Rooming House
2. *Impact Fees

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]

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

**Indicates Verbal Report*


INFORMATIONAL ITEMS

1. 2014 Board and Commission Attendance Records

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: February 12, 2015
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on February 17, 2015 City Council Agenda

Work Session:

6:00 p.m.

1. **Airbnb.** As requested by the City Council, on Tuesday evening, the Council will hold a Work Session at 6:00 p.m., to discuss Airbnb and other short-term rental arrangements. City Attorney Robert Sullivan and Planning Director Rick Taintor will be available to answer any questions or concerns the City Council may have regarding this matter. The Planning Board has been invited to the Work Session.

Presentation:

1. **Pavement Management Program.** At Tuesday's City Council meeting, Public Works Director Peter Rice will make a presentation to the City Council regarding the pavement management program.
2. **Update Re: 21 Brewster Street.** City Attorney Robert Sullivan will give an update to the City Council regarding 21 Brewster Street at Tuesday's City Council meeting.

Acceptance of Grants and Donations:

1. **Acceptance of New Hampshire Charitable Foundation Grant.** Attached under section VIII of the agenda is a memorandum from David Allen, Deputy City Manager, requesting City Council accept a grant in the amount of \$4,500 for a presentation and workshop by Jeff Speck.

I recommend that the City Council move to approve and accept the grant in the amount of \$4,500 from the New Hampshire Charitable Foundation of Portsmouth Smart Growth for the 21st Century (PS21) sponsorship of Jeff Speck Presentation and Workshop on Walkability. Action on this matter should take place under Section VIII of the agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **First Reading of Proposed Resolutions and Ordinances.**
 - 1.1 **First Reading of Proposed Bond Resolution of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000) to Refinance the remaining portion of a Callable Bond issued August 1, 2005 and all related costs.** As a result of the February 3rd City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the [attached proposed Bond Resolution](#) of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000) to refinance the remaining portion of a callable bond issued August 1, 2005 and all related costs. In reviewing the City's debt schedule, a refunding (refinancing) opportunity is available which may result in total future savings. The City issued a \$6,960,000 bond on August 1, 2005. The proceeds financed the construction of the Public Library.

The original bond terms included a call provision which allows the issuer the option to pay off bonds prior to the maturity date by issuing another bond at a lower interest rate. The average coupon rate (interest) for the remaining life of the bonds is 4.199%. Keeping in mind that interest rates are subject to change, the City, by opting to refinance this bond in the current market, could experience a savings in excess of \$278,000 net of all issuance costs, over the remaining life of the bonds.

I recommend the City Council move to pass first reading and schedule a public hearing and adoption at the March 2nd City Council meeting of the proposed Bond Resolution of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000) to refinance the remaining portion of a callable bond issued August 1, 2005 and all related costs. (The Refunding Resolution requires two readings and a public hearing with two-thirds vote of the City Council.) Action on this matter should take place under Section IX of the Agenda.

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

2.1 **Public Hearing and Adoption of Proposed Resolutions Amending Elderly and Disabled Exemptions Income and Asset Limits.** As requested by the City Council at the February 3rd City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption of the [attached proposed Resolutions amending Elderly and Disabled Exemption Income and Asset Limits](#). Annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions pursuant to RSA 72:39-b and RSA 72.37-b and makes recommendations as to these levels.

Last year, the City Council adopted Resolutions #1-2014 and #2-2014 which increased the income and asset levels for both the elderly and disabled exemptions by the Social Security cost of living adjusting for 2014 of 1.5% from the previous year. The current elderly and disabled exemption income levels are \$35,704 for a single taxpayer, \$44,044 for married taxpayers, and an asset limit of \$119,016.

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) and Social Security SSI benefit payments payable in January 2015, are both the same with a 1.7% increase. As directed by the City Council at the January 20th meeting, the increases to the income and asset levels will be as follows:

- Single \$ 36,311 increase of \$607
- Married \$ 44,793 increase of \$749
- Asset Limit of \$121,039 increase of \$2,023

Any adjustment if approved would be for assessments as of April 1, 2015 for the 2015 tax year or FY16.

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. I have [attached for your information the tax impact of the elderly and disabled exemptions for FY15](#).

On Tuesday evening, I am requesting that the City Council act on the following Resolutions:

a) *I recommend the City Council move to adopt the proposed Resolution increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption by 1.7% as follows:*

- Single \$ 36,311 increase of \$607
- Married \$ 44,793 increase of \$749
- Asset Limit of \$121,039 increase of \$2,023

b) *I recommend the City Council move to adopt the proposed Resolution, increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption by 1.7% as follows:*

- Single \$ 36,311 increase of \$ 607
- Married \$ 44,793 increase of \$ 749
- Asset Limit of \$121,039 increase of \$2,023

Amendment to these Resolutions requires a majority vote of the City Council. Action on this matter should take place under Section IX of the Agenda.

Consent Agenda:

1. **Acceptance of Donations to Art-Speak.** Art-Speak has received the following donations and Art-Speak requests that the City Council accept these donations on behalf of Art-Speak for their Annual Appeal:

- Lawrence McCullough \$100.00
- Jack and Pamela Blalock \$ 50.00

I recommend that the City Council move to approve and accept the donations to Art-Speak, as listed. Action on this item should take place under Section X of the Agenda.

2. **Acceptance of Membership Dues to Art-Speak.** Art-Speak has received the following membership dues for Piscataqua Arts & Cultural Alliance (PACA), a program of Art-Speak:

- Pinetree Institute \$ 75.00

I recommend that the City Council move to approve and accept the membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed. Action on this item should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Adoption of Proposed Capital Improvement Plan (CIP) FY2016 - FY2021.** In accordance with Section 7.7 of the City Charter, a Public Hearing on the proposed Capital Improvement Plan for FY2016-21 will take place on Tuesday evening at 7:00 p.m. At that time, I will be giving a brief overview of the Plan and have requested that staff be available to answer questions if necessary. In addition, I will have copies available of the summary pages for the public, as well as the capital expenditures that will be proposed in the FY2016 budget. Also, a copy of the Capital Plan is on our web page (www.cityofportsmouth.com). 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 I will be transmitting my proposed FY2016 budget to you on or about April 27, 2015.

As requested by the City Council, [attached is a spreadsheet from Steve Bartlett, School Business Administrator](#), regarding the Little Harbour School Project.

The following amendments have been forwarded by Councilor Jack Thorsen and Councilor Eric Spear ([see attached memorandum](#)):

- 1) Page 46 – Fire Station 3 Replacement move from FY16 to FY17.
- 2) Page 48 – Police Department Land Acquisition move from FY 16 to FY17.
- 3) Page 49 – Police Department Facilities move from FY17 to FY18.
- 4) Page 94 – Bike PED replacement of \$50,000 from General Fund with \$1 million appropriation in FY16 from bonding.

I recommend the City Council move to adopt the Capital Improvement Plan FY2016 - FY2021 with any appropriate amendments. Action on this matter should take place under Section IX of the Agenda.

2. **Request for First Reading of \$23.2 Million Dollar Bond Re: Proposed Second Parking Garage at 165 Deer Street.** As a result of the Work Session on February 5, 2015 regarding a proposed second parking garage at 165 Deer Street, I am requesting the City Council allow me to bring forward a first reading for a \$23.2 Million Dollar Bond for the March 16, 2015 City Council meeting, which is the second meeting in March.

I recommend the City Council move to authorize the City Manager to bring back for first reading a \$23.2 Million Dollar Bond for a proposed second parking garage at your March 16, 2015 City Council meeting, as presented.

3. **Request for WSCA Antenna License.** WSCA, Portsmouth's community radio station, has requested permission to install an antenna at the water booster pump station in Newington. A draft license agreement has been negotiated subject to City Council approval. The [draft license is attached](#) and the key provisions are summarized below:
 - Five year term, City could terminate with 180 days notice;
 - \$50.00 monthly rent (\$600 annual. NHPR pays \$250 per month adjusted annually under a 10 year lease for an antenna at City Hall, but electricity not separately metered);
 - WSCA pays for electricity;
 - Antenna installation (and relocation if necessary) at no cost to the City;
 - No interference with City systems or equipment; and
 - No creation of public forum.

I recommend the City Council move to authorize the City Manager to enter into a five year License Agreement with WSCA for the installation and operation of an antenna at WSCA's cost.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on February 3, 2015. In addition, this can be found on the City's website.
2. **Land Use Compliance.** For your information, [attached is a memorandum from David Allen, Deputy City Manager](#), regarding a review of changes that have been implemented in the Planning and Inspection Departments to improve the internal process of compliance review and assurance with the City's Land-Use Boards and Commissions – the Planning Board, Historic District Commission, Zoning Board of Adjustment, and Conservation Commission.