CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH DATE: MONDAY, FEBRUARY 3, 2020 TIME: 6:15PM

- 6:15PM PUBLIC DIALOGUE SESSION
- I. WORK SESSION
- II. CALL TO ORDER [7:00 p.m. or thereafter]
- III. ROLL CALL
- IV. INVOCATION
- V. PLEDGE OF ALLEGIANCE

PRESENTATIONS:

- 1. *Sagamore Avenue Sewer Extension Terry Desmarais, City Engineer & Suzanne Woodland, Deputy City Attorney (Sample motions: 1) move to suspend the rules in order to take action under this section of the agenda; and 2) move to establish a work session to be held on March 2, 2020 for purposes of reviewing the Sagamore Creek Sewer Project options)
- 2. *New Recreational Fields Peter Rice, Public Works Director (Sample motions: 1) move to suspend the rules in order to take action under this section of the agenda; and 2) move to establish a work session to be held on February 18, 2020 for purposes of reviewing Athletic Field Project options)
- 3. *Right-to-Know Law Robert Sullivan, City Attorney
- VI. ACCEPTANCE OF MINUTES JANUARY 8, 2020
- VII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
- VIII. PUBLIC COMMENT SESSION (Sample motion move to suspend the rules in order to restructure the agenda and move the Public Comment Session before the Presentations)
- IX. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS
 - A. Public Hearing Re: Elderly Exemption

Resolution Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,151.00 for a single taxpayers or \$59,332.00 for married taxpayers, inclusive of social security payments. The elderly exemption shall remain unchanged except as amended hereby

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

B. Public Hearing Re: Disabled Exemption

Resolution Pursuant to RSA 72-37-b the City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,151.00 for a single taxpayers or \$59,332.00 for married taxpayers, inclusive of social security. The disabled exemption shall remain unchanged except as amended hereby

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

X. MAYOR BECKSTED

- 1. *Appointment to be Voted:
 - Joseph ONeill as an Alternate to the Conservation Commission

XI. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

- 1. Report Re: Testimony on House Bill 1060, "Allowing Municipalities to Collect an Occupancy Fee from Operators of Local Room Rentals," and Senate Bill 616, "Establishing a Committee to Study the Meals and Rooms Tax Distribution Formula"
- 2. Report Re: "Neighborhood Walk," and "2050 Vision: North Mill Pond"

B. COUNCILOR McEACHERN

- 1. *Identifying Costs Associated with Tourism and the Impact on Infrastructure Spending
- 2. *Options to Better Align Hoteliers with Interests and Needs of the City
- 3. *Formalizing a Coalition, Similar to the State Wide Property Tax Coalition, to Address Distribution of Room and Meals Tax in Concord

C. COUNCILOR KENNEDY

- 1. Two Policies that were presented at the Budget Work Session:
 - A. Any contract with a value of \$10,000.00 or more will come in front of the Portsmouth City Council for a vote
 - B. *Any position that opens up because of retirement or the person is leaving the city employment and will be filled with a new employee must come to the Portsmouth City Council for review
- 2. Growth Management Ordinances RSA 674:22

D. COUNCILOR HUDA

1. *Request the City Manager to provide a Status Update on the Mold Remediation in the Police Areas (i.e. Current Timeline and Expected Completion Dates)

- 2. *Request the City Manager to ask appropriate staff to prepare a dollar estimate for the Critical Upgrades needed in the City Hall Facility (i.e. Electrical & Plumbing Upgrades, and Mold Remediation, including a Timeline for Completion)
 - The Goal is to have this Estimate available for Discussion for the February 18, 2020 Public Hearing on the Capital Improvement Plan (CIP)
- 3. *Request that City Manager Facilitate the Publishing of the "Proposed Annual Budget FY2020 Excel Spreadsheets" including the FY2019 Actual Amounts as soon as possible
 - This is in an effort to promote increased financial transparency and assist the Council with decision making related to the upcoming FY2021 Budget Review Sessions)

XII. APPROVAL OF GRANTS/DONATIONS

(There are no Approval of Grants/Donations this evening)

XIII. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

- 1. Expenditure of Funds from African Burying Ground Trust
- 2. *Middle Street Bicycle Lanes Public Meeting and Request for Work Session
- 3. Construction Easement 135 Congress Street

XIV. CONSENT AGENDA

- A. Letter from Richard Mason, Seacoast Veterans Count, requesting permission to hold the 8th annual "Salute our Soldiers" Gala event on Saturday, May 2, 2020 at 4:00 p.m. (Anticipated action move to refer to the City Manager with authority to act)
- B. Letter from Thomas Haslam, St. John's Lodge, requesting permission to hold the annual 5K Road Race on Saturday, April 11, 2020 at 8:00 a.m. (Anticipated action move to refer to the City Manager with authority to act)
- C. Request for a Water Service Access Easement (Anticipated action move to grant authority for the City Manager to accept the Easement Deed in a form similar to those provided in the City Manager memorandum dated January 29, 2020)

XV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (Sample motion move to accept and place on file)
- B. Letter from Karen Johnson regarding altering the off-leash dog park statutes (Sample motion move to accept and place on file)
- C. Letter from Karen Johnson regarding loose dog at Strawbery Banke (Sample motion move to accept and place on file)

XVI. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. *Report Back Re: 24-Hour Warming Centers
- 2. *Bike Share Program

XVII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XVIII. ADJOURNMENT [at 10:00 p.m. or earlier]

KELLI L. BARNABY, MMC/CNHMC CITY CLERK

^{*} Indicates verbal report



City Manager

CITY OF PORTSMOUTH

City Hall, One Junkins Avenue Portsmouth, New Hampshire 03801 kconard@cityofportsmouth.com (603) 610-7201

Date: January 30, 2020

To: Honorable Mayor Rick Becksted and City Council Members

From: Karen Conard, City Manager

Re: City Manager's Comments on City Council Agenda of February 3, 2020

Presentations:

1. Sagamore Avenue Sewer Extension:

The City Engineer, Terry Desmarais, and the Deputy City Attorney, Suzanne Woodland, will provide a brief presentation concerning the Sagamore Avenue Sewer Project and identify key issues for City Council action at a future date.

By way of background in accord with the September 2016 Peirce Island Wastewater Treatment Facility Consent Decree Second Modification, the City has been planning a sewer extension project to provide public sewer service to approximately 91 connections adjacent to or near Sagamore Avenue to improve the water quality of Sagamore Creek. The Consent Decree requires that the construction of the sewer project begin no later than June 30, 2020 and be substantially complete on or before June 30, 2022.

A public information meeting was first held on September 4, 2019 to share information on the design of the new low pressure sewer system. The sewer project would include properties along Sagamore Avenue, Shaw Road, Cliff Road, part of Walker Bungalow Road, Sagamore Grove and Wentworth Road.

Due to a number of questions and concerns raised by residents, the project was further discussed at a Public Dialogue Session before the City Council meeting on October 7, 2019 and at two further public information meetings held on November 25, 2019 and December 9, 2019. All presentation materials are available on the City's website.

https://www.cityofportsmouth.com/publicworks/sagamore-ave-sewer-extension-project

In order to progress the project further, the City Council needs to provide policy direction as to several elements of the project. A work session is recommended followed by timely action to avoid further impacts to the schedule.

I recommend the City Council move to pass the following motions:

- 1. Move to suspend the rules in order to take action under this section of the agenda.
- 2. Move to establish a City Council Work Session on March 2, 2020 for purposes of reviewing the Sagamore Creek Sewer Project options.

2. New Recreational Fields:

The Director of Public Works, Peter Rice, the Recreation Director, Rus Wilson and the project's consultants, will provide a brief presentation concerning the status of the multi-use athletic fields project located on property adjacent to the Department of Public Works.

In 2016 the City purchased 50 acres of land from the Foundation for Seacoast Health. The property runs between Campus Drive, off of West Road, and the Department of Public Works property located at 680 Peverly Hill Road. This land will be used to fulfill several objectives of planning initiatives outlined in the City's 2010 Comprehensive Recreational Needs Study, and the update of this study in 2016. Those objectives include the installation of multiple multi-use playing fields and associated amenities. Due to budget constraints the project will be phased and built out as funding allows.

In addition to the playing fields, the first phase of the project will include the construction of an innovative regional storm water treatment system, consisting of two types of wetland treatment systems, to treat the storm water runoff originating from the West Road industrial area. This project is being designed to improve the water quality that runs into the Sagamore Creek and will include pre and post construction testing to determine the effectiveness of these treatment systems and will also include interpretive educational information for the public.

In order to progress the project further, the City Council needs to provide policy direction as to several elements of the project including project phasing, the use of synthetic turf fields and possible alternative turf infill materials. A work session is recommended followed by timely action to avoid further impacts to the schedule.

I recommend the City Council move to pass the following motions:

- 1. Move to suspend the rules in order to take action under this section of the agenda.
- 2. Move to establish a City Council Work Session on February 18, 2020 for purposes of reviewing athletic field project options.

3. Right-to-Know Law

City Attorney Sullivan will be providing a presentation on the state of New Hampshire's Right-to-Know Law.

IX. Public Hearings and Votes on Ordinance and/or Resolutions:

1. Elderly and Disabled Exemptions - Resolutions:

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 #1-2019 and #2-2019 which increased the income levels for both the elderly and disabled. The current elderly and disabled exemption income levels are \$42,471 for a single taxpayer, \$58,398 for married taxpayers; the current asset limit is \$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 2020 increase for Social Security recipients is 1.6%.

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 \$ 43,151 increase of \$680
 Married \$ 59,332 increase of \$934

Any adjustment if approved would be for assessments as of April 1, 2020 for Tax Year 2020 (FY21).

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 estimated tax impact of the elderly and disabled exemptions for FY21 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	27	\$	3,375,000.00	\$ 53,460.00
75 through 79	\$	175,000.00	25	\$	4,375,000.00	\$ 69,300.00
80 and over	\$	225,000.00	55	\$	12,375,000.00	\$196,020.00
Disabled	\$	100,000.00	6	\$	600,000.00	\$ 9,504.00
Totals			113	\$	20,725,000.00	\$328,284.00

Note: The current tax rate of \$14.86 would be decreased approximately 5 cents on the current tax rate if the elderly and disabled exemptions were not granted.

Elderly Exemption Comparison Single Income							
	Single	Married	Single	Married	Exemption 65-	Exemption 75-	Exemption 80+
	Income:	Income:	Assets:	Assets:	74 years old	79 years old	years old
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$192,000	\$224,000	\$280,000
Portsmouth	\$42,471	\$58,398	\$175,000	\$175,000	\$125,000	\$175,000	\$225,000
Dover	\$42,000	\$57,000	\$169,800	\$169,800	\$115,000	\$162,000	\$207,000
North Hampton	\$40,000	\$55,000	\$175,000	\$175,000	\$120,000	\$160,000	\$200,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
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	\$125,000	\$125,000	\$100,000	\$120,000	\$140,000
Rochester	\$35,000	\$50,000	\$100,000	\$100,000	\$75,000	\$100,000	\$125,000
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$73,000	\$119,000	\$203,000
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000
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		Elderly E	xemption C	Comparison	Married Income	2	ı
	Single	Married	Single	Married		Exemption 75-	Exemption 80+
	Income:	Income:	Assets:	Assets:	74 years old	79 years old	years old
Stratham	\$36,000	\$60,000	\$125,000	\$125,000	\$100,000	\$120,000	\$140,000
Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
Portsmouth	\$42,471	\$58,398	\$175,000	\$175,000	\$125,000	\$175,000	\$225,000
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$125,000	\$160,000	\$200,000
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North Hampton	\$40,000	\$55,000	\$175,000	\$175,000	\$120,000	\$160,000	\$200,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000
Rochester	\$35,000	\$50,000	\$100,000	\$100,000	\$75,000	\$100,000	\$125,000
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$192,000	\$224,000	\$280,000
Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$72,818	\$118,420	\$202,124
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		Elderly E	xemption (Comparison	Married Assets		
	Single	Married	Single	Married	Exemption 65-	Exemption 75-	Exemption 80+
	Income:	Income:	Assets:	Assets:	74 years old	79 years old	years old
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$125,000	\$160,000	\$200,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
North Hampton	\$40,800	\$59,000	\$190,000	\$190,000	\$125,000	\$165,000	\$200,000
Portsmouth	\$42,471	\$58,398	\$175,000	\$175,000	\$125,000	\$175,000	\$225,000
Dover	\$42,000	\$57,000	\$169,800	\$169,800	\$115,000	\$162,000	\$207,000
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$192,000	\$224,000	\$280,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Rochester	\$35,000	\$50,000	\$100,000	\$100,000	\$75,000	\$100,000	\$125,000
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$72,818	\$118,420	\$202,124
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

I recommend the City Council move to pass the following motions:

- 1. Move to adopt the Elderly Exemption Resolution as presented.
- 2. Move to adopt the Disabled Exemption Resolution as presented.

Resolutions require a majority vote of City Council. Once action is taken by the City Council, we will publicize the availability of the exemption and instructions on how to apply.

XIII. City Manager's Items which Require Action:

1. Expenditure of Funds from the African Burying Ground Trust:

City Council authorization is sought to expend up to \$10,450 from the African Burying Ground Trust for the purpose of conducting genome sequencing in a forensic environment of two sets of remains from the African Burying Ground. This request is consistent with the Trust purposes which allows for the expenditure of funds for educational and cultural purposes as well as construction and maintenance of the Memorial Park. The current balance of the Trust is approximately \$39,907.58. A copy of the Trust is attached.

This request arises from the work last fall of the African Burying Ground Stewardship Committee and had the full support of all Committee members. A briefing sheet on the Committee's work in this area is attached.

At the December 16, 2019 City Council meeting, then Councilor Chris Dwyer provided an update on this work and reported to the City Council that the testing was underway. The draft contract for services was not fully negotiated however until January.

Deputy City Attorney Woodland will be available to respond to questions.

I recommend City Council move to authorize the release of up to \$10,450.00 from the African Burying Ground Trust for genome sequencing and forensic genealogy.

2. Middle Street Bicycle Lanes – Public Meeting and Request for Work Session:

Pursuant to Council's request, the City will host a public meeting and work session to receive input on the Middle Street / Lafayette Road bike lanes. City staff is proposing to hold a public meeting on March 12th in Council Chambers. The purpose of the public meeting is to provide opportunity for members of the public to share comments, concerns, and suggestions for improvement. Following the public meeting, staff is recommending scheduling a work session with City Council on March 23rd at which time staff can present potential modifications to the design for consideration and further discussion. Meeting notices will be sent out to all property owners along the section of roadway that the bike lanes have been installed.

I recommend a motion to establish a Public Informational Meeting on March 12, 2020 and a City Council work session on March 23, 2020 for purposes of reviewing the Middle Street / Lafayette Road bike lanes.

3. Construction Easement – 135 Congress Street

On January 18, 2018, the Planning Board granted site plan review for a 2,943 square foot rear addition to this building for construction of a restaurant expansion and function space.

Previously, the City Council approved a 6-month temporary construction license for Bluestone Properties of Rye, LLC to encumber 4 parking spaces in the Worth Lot located at the rear of the 135 Congress Street. The approved license terms were November 1, 2019 to January 31, 2020 and then April 1, 2020 to June 30, 2020. The applicant has indicated that, due to construction delays associated with the construction of the three story building, they now require a temporary construction license extending to February 1, 2021. The proposed license would replace the existing temporary license and the effective term of the license would be February 1, 2020 to February 1, 2021 for a total of 366 days. The applicant is responsible for paying the daily fees for encumbrance of the parking spaces until this license is authorized by the Council.

The License Area is shown on the attached plan. The total license area is 567 square feet and includes 4 parking spaces. Per the City's policy for "License Fee for Encumbrance of City Property", the total fee for the temporary license is calculated at \$35 per metered parking space or \$51,240 for 366 days.

The attached proposed license agreement provides that, if the license area is returned to the City prior to the end of the License Term, the City will refund to the applicant the portion of the license fee already paid to the City.

The Planning and Legal Departments have reviewed and approved the proposed temporary construction license.

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

Move that the City Manager be authorized to execute and accept the temporary construction license regarding 135 Congress Street as submitted.

XIV. Consent Agenda:

C. Water Services Access Easement:

On August 15, 2019, the Planning Board granted Site Plan Review approval for the construction of two three-story multi-family buildings for property located at 145 Lang Road (Arbor View Apartments).

As approved, the Site Plan Approval required that the applicant provide a water services access easement to the City for the purpose of maintenance and inspection of water infrastructure.

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

I recommend that the City Council move to grant authority for the City Manager to accept the Easement Deed in a form similar to those attached.

XVI. City Manager's Informational Items:

1. Report Back – 24 Hour Warming Centers:

At the Monday, February 3rd Council meeting, City Manager Conard will speak to the topic of 24 Hour Warming Centers in relation to the City of Portsmouth.

2. Bike Share Program

In the spring of 2017, the City entered into a 3-year lease agreement with Zagster, a private vendor which runs bike share programs. The City launched the pilot bike share program in May of 2017 with the installation of 6 bike stations around the downtown and 30 bikes. In 2018, the City added an additional station sponsored by Portwalk Place, bringing the total number of stations up to 7 and total number of bikes to 35. In 2019, the City added three new sponsorships, from Kane Development, Dagny Taggart LLC, and Chinburg Properties. As a result, new stations were added on Commerce Way at the Portsmouth Business Park, in the new Foundry Place Garage, and on Brewery Lane, bringing the total number of stations up to 10 and total number of bikes to 50.

The lease is based on a cost of \$1,800 per bike. The City's portion --\$54,000 in 2017, 2018 and 2019 for six (6) stations -- is funded through the City's Parking Revenue fund (not taxes) and member fees. The four (4) sponsored stations are fully-funded by the sponsors (\$36,000 or \$9,000 per station). Ridership, revenues, and trip summaries by year are provided below:

	Users	Total Trips	Avg. # trips	Net Member
			per rider	Fees to City*
2017	976	1,876	1.9	\$7,784.45
2018	752	1,599	2.1	\$5,049.46
2019	689	1,598	2.3	\$2,938.35

^{*} The City receives all revenue from the fees paid by users of the Zagster system minus a 7% administration fee. The decrease in revenue from the initial launch is due in part to a reduction in the number of overall users as well as a fluctuation in the user fees each year.

Although the overall number of users has decreased since the program was initially introduced, the number of trips has remained level over the past two years and the average number of trips per user has increased. Staff believes there is still potential to grow the number of users and generate increased interest in this program through outreach to new markets.

Over the past decade, bike share and other shared "micro-mobility" options have been introduced in communities around the United States. These systems have rapidly grown in popularity as an alternative mode of travel and have also been shown to bolster public transit usage and decrease reliance on personal vehicles. Based on experiences in other communities around the country, having a city-supported bike share program is preferable to leaving this in the realm of the private market. By entering into an agreement with a vendor to operate the program on behalf of the City, the City positions itself to manage where, how, and when bike share is implemented in the city.

The City's lease with Zagster expires in May of 2020. At this time, City staff would like to recommend that the City continue to offer a bike share service in some format at little to no cost to the City. In other words, the program would continue to operate with City oversight and approval, but would be paid for largely through private sponsorship and user fees. If Council is supportive of continuing a bike share program, staff is prepared to issue a request for proposals to continue the bike share program with a vendor to be selected through a competitive bid process. We would also recommend that the request for proposals include the option to add additional shared "micro-mobility" options (e.g. scooters or e-bikes) also at no additional cost to the City should the City decide to expand shared mobility options in the future.