

CITY COUNCIL MEETING

Public Dialogue Session – One Table – February 3, 2020

All members of the City Council were present for the session.

Jim Hewitt referred to an email he sent regarding free water provided to the PDA for their golf course and how the amount per gallons has increased and how does the City feel about that.

Councilor McEachern said it was part of a larger agreement and some people are asking the agreement to be opened up to see if the City can obtain more money for services provided. Mr. Hewitt asked what is currently being provided to the City.

Deputy City Attorney Woodland said there are existing agreements which are part of larger negotiations. She indicated if you start pulling on the strings you pull out other parts of the agreement that would require negotiations.

Councilor Kennedy asked why in 1988 there was a new agreement and who gave permission to provide more water. Public Works Director Rice said that there was no change in the number of gallons provided, rather it was policy driven.

Councilor Trace said Mr. Hewitt is concerned that we are allowing a golf course to use a large amount of water to care for the greens at a point in time when we are not sure that our own supply is stable and whether it is expected to remain stable. She said that the Council should be receiving a report back specific to the use of water at the golf course. Deputy Public Works Director Goetz spoke to the master plans that are done on the water at Pease. Councilor Trace said the issue of reviewing our real estate taxes and the amount of discount water provided to the PDA is important.

City Attorney Sullivan said all the water comes from the aquifer under the Pease Development Authority which gave us access to the water. He said it was a deal in our favor.

Assistant Mayor Splaine said he agrees that we need to be concerned regarding our water supply and that we need to look at Mr. Hewitt's concerns.

Justin Richardson spoke regarding the Growth Management proposal on the agenda. He said a study needs to take place first.

Brian Wazlaw asked what the reason for the Growth Management proposal is. He spoke to the process under state law for enacting such an ordinance.

Councilor Kennedy spoke to what she is recommending. She said she is concerned regarding this matter and would like to bring forward for first reading an ordinance for the next City Council meeting. Mr. Wazlaw said we could change the ordinance without going to a moratorium. Councilor Kennedy said the ordinance would allow the City time to figure out traffic patterns and water supply needed for a project and its effect on the water for the community.

Harold Whitehouse spoke regarding the proposal by Councilor Kennedy and said there needs to be a study conducted on water.

Peter Embers said 120 days will cause delays and infringe upon property owner rights. He spoke in opposition to the proposal and said people are concerned with growth and we need to use a process that the staff and City are recommending.

Bryon Matto said people are concerned with the matter of Councilor Kennedy's proposal and that there is no data to back it up.

Jeremiah Johnson stated Councilor Kennedy's proposal is a prohibition on development and a moratorium with no data to show the need for one. He said the proposal is not justified, and what this is really about is building height and hotels but you can't just change the ordinance and change height when there is reasonable justification for the development. He stated that a much larger conversation needs to take place if there are truly concerns regarding infrastructure.

Harold Whitehouse spoke on the upcoming 400 Anniversary being right around the corner and the need to start working on the project. He spoke regarding the need for a discussion on what we are planning.

City Manager Conard said it is important and we are working on the matter. She stated we are reorganizing the Committee.

Josh Lanzetta asked for a description of the moratorium under the State RSA.

Councilor Kennedy said the water concerns and sewer treatment plant concerns are part of the issue and we need to consider her proposal. Mr. Lanzetta asked if something has been formed for this. Councilor Kennedy said nothing has been done at this point, she is just bringing the matter forward.

Mayor Becksted said this was meant to bring forward a discussion. He said we need to bring everyone together to work on this matter.

Councilor Kennedy said she would like residents to join the Committee to develop a plan.

Mark Ryder spoke regarding Councilor Kennedy's proposal. He said a moratorium was last looked at in 2013 and much has been built since that time.

Councilor McEachern said we need to discuss these matters and understand the process before moving forward.

Justin Richardson said outcomes with construction have not been good and it would be good to have a discussion regarding this matter.

Mark Ryder said it can be split between areas or structures in the City.

Joe Whiting spoke regarding proposal on employment openings coming before the City Council which feels like micromanaging.

Councilor Kennedy said she feels we need justification whether the position needs to be filled. She would not support letting people go from the City but you need to think and process as to whether you really need to bring the position forward and have the community fund the position. She indicated it would be a policy and the City Manager would make the decision because she hires the employees. She stated it is not the person, but the position.

Chuck Raye spoke regarding justifying hiring employees, it could take months to fill the position vacated by an employee and in the mean time you could lose a valuable applicant.

Nancy MacDonald said she supports beginning a discussion on growth management.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, FEBRUARY 3, 2020

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

II. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:05 p.m.

III. ROLL CALL

PRESENT: Mayor Becksted, Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace

Assistant Mayor Splaine moved to suspend the rules in order to restructure the agenda and move the Public Comment Session before Presentations. Seconded by Councilor Kennedy and voted.

City Attorney Sullivan said the agenda is created by rules and could be amended.

Assistant Mayor Splaine moved that City Attorney Sullivan prepare an amendment to the Rules and Orders of the City Council to move the Public Comment Session prior to Presentations. Seconded by Councilor Whelan and voted.

VIII. PUBLIC COMMENT SESSION

Eben Tormey spoke against the Growth Management Ordinance proposal. He said he feels it is not legal and against the rights of property owners. He suggested that a commercial development study to be conducted on sewer and water with a report back on the findings.

John Stebbins said he concurs with Mr. Tormey remarks. He is strongly opposed to the Growth Management Ordinance proposals. He said there is smart development which needs to be kept in mind.

Josh Denton spoke keeping the ride share program and opening it up to the Town of Kittery and Portsmouth Naval Shipyard for expansion. He spoke to breaking the Redgate/Kane agreement and ignoring the advice of the City Attorney and City Manager to meet in Non-Public Session to hear the information they had to provide to the Council.

Charles Griffin said two-thirds of the budget is salaries and benefits. He suggested that the City Council only approve a certain amount for increases. He spoke to the size of the budget in comparison with other communities. He urged the City Council to implement cost savings measures to reduce taxes.

Josh Lanzetta spoke against the proposal for Growth Management on building in the City. He said he is confused by the proposal and having a first reading as the process is laid out in State law. He spoke to the need for hard data to put such an Ordinance in place.

Jeremiah Johnson said residents pay large amounts in taxes and a conversation on affordability needs to take place. He said many of you ran on the issue of lowering taxes and that is what residents are expecting.

Jen Thomas spoke opposed to the proposed Growth Management Ordinance. She said a written study of data needs to be provided to show that this type of ordinance is needed. She said if this is passed it would open the City up to a lawsuit.

Byron Matto spoke opposed to the Growth Management Ordinance proposal. He said the Council is trying to solve a problem that does not exist. He said the growth of the City has added to the tax base of living here. He spoke to the salaries and benefits ratio of the budget costs.

Peter Endres spoke against the proposal for 120 day building moratorium because it is putting the cart before the horse. He said a committee should be created to look into growth in the City before you pause development.

Holly Malloy reminded the City Council that government requires patterns and attempts to short cuts.

Walter Allen spoke to the sewer system and nitrogen's in the water and testing. He spoke to the City issues related to the Sagamore Avenue sewer extension and the City would be condemning \$5 million dollars' worth of property. He recommended taking the liquid overflow out of the tanks.

Gerald Duffy spoke regarding the vote to reject the ground lease with Redgate/Kane. He said when the vote was taken the City Council did not have all the information because they would not agree to enter into Non-Public Session with the City Attorney and City Manager Conard. He said the vote was not taken in good faith and what Redgate/Kane thinks of the vote is important.

Bill St. Laurent read about a zero based budget and was pleased to see that being considered. He asked why the City does increases and not percentages when providing cost of living increases to employees. He said resident's budgets are too high and they can no longer afford their taxes.

Ralph DiBernardo said almost any action taken by the City Council may subject the City Council to a law suit that the actions taken at the last meeting were wrong. He said on the issue of reviewing positions and purchases you will need to have it done right, and it makes no sense and it is the intent to cut the budget by the last City Council.

Arthur Clough spoke on the membership on Boards and Commissions and he would like the City Council to audit the membership and that they're residents and not employees by the City and that they meet all legal requirements.

Brian Wazlaw said sometimes we deal with ordinances as solutions but a problem has not been designed in the Growth Management Ordinance requiring a 120 day moratorium for a break out period to have the Planning Board look at any changes to ordinance. The RSA refers to the timing of development. He stated City-wide is based on the lack of capacity, current water and sewer usage is available through the Public Works Department.

Robert Previti said he has clients that will be effected by a moratorium. He spoke to the State laws and that the need for a moratorium has not been met. He said without findings for a study no circumstances exist for a moratorium. The Capital Improvement Plan is an in-depth plan and the City is not experiencing circumstances for a moratorium and that there is no legal basis.

Steve Roberts submitted a letter on behalf of Anthony DiLorenzo and the pause for a limitation or restriction on building and that it could be considered a taking. He said if the statute is not followed the City would be sued. He said there is a law in place and process to follow and that hotels are the economic engine of the City.

Attorney FX Bruton said he reviewed the ordinance proposed and as a temporary ordinance it talks about unusual circumstances that would need prompt attention. He said the laws are for the smaller Cities or Towns and you have a professional staff that is highly regarded in the state.

Attorney Tim Phoenix said he is here on behalf of several residents and is imploring the City Council to not pass the proposed Growth Management Ordinance. He said such an ordinance will not answer the questions of water and sewer. He said this is not the way to do what Councilor Kennedy wishes. He spoke to the law and there is no reason to pause development for 120 days.

Valerie Rochon, President of Greater Portsmouth Chamber of Commerce, spoke to the work done for the 600 small businesses and their successes. She reported on the Small Business Expo, Small Business Week and Small Business Owners Committee who met to develop a mechanism to assist them in their work.

Zelita Morgan would like a time line on actions and events on the overall view of where we are with the Sagamore Avenue Sewer Extension and the New Recreational Fields which will have presentations on this evening. She spoke to the Middle Street bike lanes and issues relating to safety. She has heard most people do not favor the design on Middle Street and people are not against them but wants them to be safe for bikers and drivers. Ms. Morgan said she would like to know the water consumption rates for the hotels in the City.

PRESENTATIONS

1. Sagamore Avenue Sewer Extension – Terry Desmarais, City Engineer & Suzanne Woodland Deputy City Attorney

City Manager Conard said Deputy City Attorney Woodland and City Engineer Desmarais will be asking for a Work Session which will review the decisions needed to make regarding this matter.

Deputy City Attorney Woodland reported that this project first appeared in 2005 in the Capital Improvement Plan (CIP). She spoke to the Engineering Study which took place in 2008 and the Bacteria Study by the DES in 2010. She said in March 2016 the City Council approved the Consent Decree Second Modification and in 2018/2019 FB Environmental Completed Water Quality Sampling. She spoke to the 2018 Preliminary Design Report and in July 2019 the City Council Bond Authorization. Deputy City Attorney Woodland said an important note is residents would not have to tie in right away that have a functioning septic system. She reported on the public process that has taken place and the concerns expressed by residents of the cost apportionment.

City Engineer Desmarais spoke to EONE Low Pressure Pump Stations which have a long track record with 60,000 installations in New England. He stated these are the industry standard, they are simple and reliable with the least amount of worry. He reported that the pump life span is 10-15 years and local installation and long term ownership have been successful. He explained the process of connecting the systems and the cost would be service to the property line and all work is done with City through contractors. City Engineer Desmarais said a Work Session is recommended to discuss the sale of property and how that would be resolved which is part of the plan.

Councilor Kennedy moved to establish a work session to be held on March 2, 2020 for purposes of reviewing the Sagamore Creek Sewer Project options. Seconded by Councilor Tabor and voted.

2. New Recreational Fields – Peter Rice, Public Works Director

City Manager Conard said this is to schedule a Work Session on this matter. She reported that the property was purchased back in 2016 to create recreational fields and a Regional Stormwater Facilities.

Phil Corbett, CMA reviewed the site selection process for recreational needs and where we are today and the budget schedule moving forward. He said several other sites were reviewed during the selection process and the City decided to move forward for multipurpose recreational fields. He stated this would be the ultimate building out of synthetic fields, parking and address stormwater concerns. He did a comparison of the number fields with other communities and reported the following:

- Portsmouth 17 fields, Dover 25 fields, and Rochester 44 fields

He reported on Portsmouth High School Field as follows:

PHS Field Capacity (prior to artificial turf)

- 5 football games (5 freshman, 5 J.V. and 5 Varsity) = 30 hours
- 6 boys lacrosse games (8 J.V. and 8 Varsity) = 24 hours

He stated no other uses to allow for turf regeneration and event with limited use field impacts 20 yard line to the 20 yard line.

- TOTAL use per year = 54 hours

Project Development of Recreation Fields

Collaborated closely with the Recreation Board and Department, and incorporated recommendation from the Recreation Needs Study

- Most existing fields are multi-use
- No capacity for rotation of fields or resting to allow recovery
- Existing sod fields are over used – need to recover and be improved
- Benefit from converting sod to synthetic turf
- 3-4 New rectangular synthetic turf fields with lighting
- Fields must meet environmental requirements of the City

Status of Agency Reviews and Permitting

- City Approvals
 - Conservation Commission (August 2014)
 - Planning Board (October 2017)
 - Tree & Greenery (November 2013)
- Environmental Permitting
 - NHDES Wetlands Permit (December 6th)
 - NHDES Alteration of Terrain (pending)
 - ACOE General Permit
- Approvals and Permitting for Master Plan with Phasing

Project Budget

- One Field Option: \$4.5M
 - One 360' x 225; synthetic turf field
 - Preparation for second field
 - Gravel parking area
 - Connection to public water
 - Preparation for future field lighting
- Bid Alternates
 - Second synthetic turf field
 - Field lighting
 - Alternative turf infills

Project Schedule

- Winter 2020
 - Design & Permitting Complete
 - Proposed City Council Workshop (February 18, 2020?)
- Spring 2020
 - Modify Design as needed
 - Bid Project

- Summer/Fall 2020
 - Begin Construction
- December 31, 2020
 - Regional Stormwater Consent Decree Deadline

Councilor Kennedy asked if during the work session a discussion takes place on what components would be used for the field.

Assistant Mayor Splaine thanked everyone for the presentation. He stated his concern with environment and health concerns. He requested that the City Manager invited to be participants in the Work Session, Ted Jankowski and Mindi Messmer.

Public Works Director Rice said he would like consensus to look at the infill materials and he would like action for the Work Session.

Assistant Mayor Splaine said he wants to hear about the life span of turf fields where are we going to do with it for a waste product and analysis is needed.

Councilor Trace said when the staff comes back could there be a comparison of the life time span of synthetic field and natural field and the cost difference.

Councilor Kennedy moved to establish a Work Session to be held on February 18 2020 with vote to take place at the March 2, 2020 City Council meeting and further invite Ted Jankowski and Mindi Messmer to the Work Session. Seconded by Assistant Mayor Splaine.

Councilor McEachern said if we could get work going. City Attorney Sullivan said decisions could be made at the Work Session.

Councilor Whelan said he would like to see the option for natural fields to be reviewed.

Councilor McEachern said he would want to see what the limits on a natural field would be, how much the field could be used with light limited use of the field.

Motion passed.

3. Right-to-Know Law – Robert Sullivan, City Attorney

City Attorney Sullivan said this presentation was suggested by Mayor Becksted and Assistant Mayor Splaine. He reported due to the length of time to cover this subject it would be broken into segments. He spoke to what is a “meeting” and what laws apply when having a “meeting.” He read from the law the rules applying to a public body, the legislative, appointed body and subcommittee of staff members are not subject to Right-to-Know. He stated the City Council is a public body and the Right-to-Know states the City Council is not supposed to do anything outside a meeting and would prohibit on-line activities. City Attorney Sullivan reported the rule he has developed is anything you do that seems like it equals a meeting, is a meeting. He stated a public notice must be posted in two public places and you need to allow for public to attend the meeting but not necessarily the right to speak. He addressed Non-Public Sessions and what can and cannot be discussed. He spoke about the minutes being minor in nature and those meetings not being recorded.

Assistant Mayor Splaine asked the City Attorney to address the sequential meetings. City Attorney Sullivan said it is when two parts of a body meet in two separate rooms with one member going back and forth. City Attorney Sullivan also spoke to surprise gatherings and said if all members meet and no decisions were being made it would be a chance meeting.

Councilor McEachern said the definition of a chance meeting and going out to would that be a change and discussed City business without making decisions. City Attorney Sullivan said it would not be a meeting and you could not make decisions.

Assistant Mayor Splaine moved to suspend the rules in order to take up Item X.1. – Appointment to be Voted – Joseph O'Neill as an Alternate to the Conservation Commission. Seconded by Councilor Kennedy and voted.

Councilor Kennedy moved to appoint Joseph O'Neill as an Alternate to the Conservation Commission. Seconded by Assistant Mayor Splaine and voted.

VI. ACCEPTANCE OF MINUTES – JANUARY 8, 2020

Councilor Huda requested that her sentence at the bottom of page 8 be changed.

Councilor Kennedy voted to approve and accept the minutes of the January 8, 2020 Special City Council meeting by amending the bottom of page 8 by changing the sentence by Councilor Huda. Seconded by Councilor Huda and voted.

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

Assistant Mayor Splaine stepped down from the dais and did not participate in this item as he would be eligible to receive the exemption but he does not apply for it.

• PRESENTATION

Assessor Maurice-Lentz reviewed the qualification for Elderly and Disabled Exemptions. She reported the application period is January 1, 2020 through April 15, 2020. The filing deadline per state statute is April 15th). She stated applications are located on the Assessors Web Page and at the Assessor's Office along with detailed instructions on how to file and documentation required. She indicated that she encourages everyone who meets the age and disability requirements to file. Assessor Maurice-Lentz reviewed the demographic data and income and asset comparison. She reported 2019 overall median single family assessed value is \$470,900.00. She stated the projected increases would affect the tax rate approximately by a 5 cent increase.

- **CITY COUNCIL QUESTIONS**

Councilor Tabor said looking at the value of median home versus exemption amounts have not changed since 2012 but values have increased greatly, therefore should we look at raising the exemption amounts.

Councilor McEachern said 2015 there was an increase. Assessor Maurice-Lentz said it was due to the revaluation of properties and this could be tied to the statistical revaluation.

Councilor Trace said she agrees with Councilor's Tabor and McEachern.

- **PUBLIC HEARING SPEAKERS**

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Becksted closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Kennedy said we need more information before making a decision.

City Attorney Sullivan said you could postpone this matter until the next meeting.

Councilor Kennedy moved to postpone action to the next City Council meeting to receive information back regarding the following items:

- *Review median home values with the exemption amounts*
- *Look at tying exemptions to the growth and statistical revaluations*
- *Provide a graph of the median home price for the last 10 years plotted against changes in the exemption amounts and further request the Assessor to come back with a recommendation as to whether an adjustment should be made*
- *Update exemption amounts and how much that will cost in loss tax revenues*
- *Review the assessed value versus changing the amount for an exemption*
- *Average out the last 2-3 years to see how it would have affected the average home owner and the seniors, also how it would affect the average taxpayers.*
- *Review the exemption that went up based on the prior year valuation*
- *Review what if we had done the increase by tying the exemptions to the growth and statistical revaluations over the last 10 years*
- *Report on historical averages of exemption to arrive at what the moving target would be*

Seconded by Councilor McEachern and voted. Councilor Lazenby voted opposed.

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. This disabled exemption shall remain unchanged except as amended hereby

- **PRESENTATION**

The presentation was given under the Elderly Exemption Public Hearing.

- **CITY COUNCIL QUESTIONS**

The City Council asked questions when the Elderly Exemption Public Hearing was held.

- **PUBLIC HEARING SPEAKERS**

Mayor Becksted read the legal notice and opened the public hearing, calling for speakers. With no speakers, Mayor Becksted declared the public hearing closed.

Councilor Kennedy moved to postpone action to the next City Council meeting to receive information back regarding the following items:

- *Review median home values with the exemption amounts*
- *Look at tying exemptions to the growth and statistical revaluations*
- *Provide a graph of the median home price for the last 10 years plotted against changes in the exemption amounts and further request the Assessor to come back with a recommendation as to whether an adjustment should be made*
- *Update exemption amounts and how much that will cost in loss tax revenues*
- *Review the assessed value versus changing the amount for an exemption*
- *Average out the last 2-3 years to see how it would have affected the average home owner and the seniors, also how it would affect the average taxpayers.*
- *Review the exemption that went up based on the prior year valuation*
- *Review what if we had done the increase by tying the exemptions to the growth and statistical revaluations over the last 10 years*
- *Report on historical averages of exemption to arrive at what the moving target would be*

Seconded by Councilor Tabor and voted.

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"

Assistant Mayor Splaine spoke regarding the testimony he provided on behalf of Mayor Becksted. He reported that the public hearing was 2 hours and suggested that the bill be narrower to speak to hotels of certain size it might have more support. He spoke to the original meals and room tax and the importance of the NH Municipal Association. He suggested contacting former City Councilor Chris Dwyer to serve on the Subcommittee because she was effective and there is power in pooling together. Assistant Mayor Splaine suggested that Mayor's from the 13 cities serve on these issues and the need to lobby on this matter. He also suggested the City Manager put together a City Manager Association to focus on common issues.

2. Report Re: "Neighborhood Walk," and "2050 Vision: North Mill Pond"

Assistant Mayor Splaine spoke regarding his neighborhood walk and his 2020 vision of the North Mill Pond. He said the original 2020 Vision Plan was done on April 11, 1996 and everyone that joined him in his recent walk are interested in creating a 2050 Vision Plan. He stated we are doing more walks in the fall and urged the City Council to think about this for other parts of the City. He announced in June we will be uncovering a time capsule which contains coins and what people thought Portsmouth would look like in 2020. He said Eileen Foley was part of the project and indicated that people would be walking around with computers in their pockets. Assistant Mayor Splaine said he is very much looking forward to uncovering the time capsule.

B. COUNCILOR McEACHERN

1. Identifying Costs Associated with Tourism and the Impact on Infrastructure Spending

Councilor McEachern moved to asked City staff to provide estimates on the impact of tourism spending during their work on budget proposals. Seconded by Councilor Kennedy.

Councilor McEachern said data will provide information on impact fees and meals and room tax.

Motion passed.

2. Options to Better Align Hoteliers with Interests and Needs of the City

Councilor McEachern moved to ask City staff whether the hotel industry supports the wages necessary for hotel workers to work and live in Portsmouth. Seconded by Assistant Mayor Splaine and voted.

3. Formalizing a Coalition, Similar to the State Wide Property Tax Coalition, to Address Distribution of Room and Meals Tax in Concord

Councilor McEachern moved to have the Honorable Mayor with the assistance of City Manager Conard reach out to the NH Municipal Association directly to the Mayor's in the 12 cities in NH to suggest forming a coalition to address how local communities can better benefit from tourism. Seconded by Assistant Mayor Splaine.

Councilor Kennedy said she would like to incorporate more than Mayor's in this coalition.

Councilor McEachern said all cities are getting less than their share in the meals and room tax.

Councilor Kennedy said we need to include the other communities without Mayor's.

Councilor Tabor said first part is getting the State to distribute the right amount.

Assistant Mayor Splaine suggested we include City Manager's, Town Manager's Assistants to Mayor's as part of this Coalition.

Councilor Kennedy said she does not want to alienate the other communities.

Councilor Huda asked that on Identifying Costs Associated with Tourism and the Impact on Infrastructure Spending and Options to Better Align Hoteliers with Interests and Needs of City that we share the information with the Chamber of Commerce if the report becomes back in a sharable form.

Motion passed.

At 9:50 p.m., Mayor Becksted declared a brief recess. At 10:00 p.m., Mayor Becksted call the meeting back to order.

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

Councilor Kennedy moved any contract with a value of \$10,000.00 or more will come in front of the Portsmouth City Council for a vote. Seconded by Assistant Mayor Splaine.

City Attorney said that this item has City Charter and Ordinance implications. He recommended referring the matter to City Manager Conard for report back on the Charter and Ordinance implications.

Councilor Tabor said he doesn't want too many cooks in the kitchen and the City Manager's job is to bring budget targets in and not take away control from the City Manager on these matters.

Councilor Kennedy moved to send this matter to City Manager Conard for report back on the Charter and Ordinance implications. Seconded by Assistant Mayor Splaine.

Councilor Kennedy said this is what the State does and they make sure they know where their funds are going. The State can do it then we can too, it is not micromanaging.

Councilor McEachern said the Executive Council meets on contracts and makes decisions. He is interested in knowing about no bid contracts versus multiple bids on contracts.

Assistant Mayor Splaine said he supports the approach and City Attorney Sullivan would provide his thoughts on this matter. He said there are problems with contracts and they need to be more transparent.

Councilor Whelan said he supports the motion to report back. He said the City Manager works for the residents and the City Council.

Councilor Huda said she would like to gain a better understanding of the process and the Capital Improvement Plan.

Motion passed. Councilor Lazenby voted opposed.

- 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

Councilor Kennedy moved to request a report back from City Manager on any position that opens up because of retirement or person is leaving the city employment and will be filled with a new employee must come to the Portsmouth City Council for review. Seconded by Councilor Huda.

Councilor Kennedy said she feels it is important and there are concerns for the budget being expressed by residents. She said the City is changing and this is a good way to think about the position before hiring someone. She said this will spark a conversation as to whether the position is needed.

Councilor Tabor said he feels this is a matter between the City Manager and her staff. He said there are over 900 employees and this would take a great deal of City Council time.

Councilor McEachern said he would support it going back to the City Manager to hear about policies and procedures to justify head counts and procedures. He said this might be different when we set the budget. He said we will set a hard and attainable goal instead of justifying how they plan to provide the services twice.

Councilor Lazenby said some of the request made have been a regular part of our budget and include the justification and giving credit to the staff for the work they already do. He said this is overstepping our roll and our Human Resources team. Councilor Lazenby said this process could cause us to lose people.

Assistant Mayor Splaine said he would not expect this to affect the School Department, Police Commission or Fire Commission. He said that this goes hand and hand with what Councilor Huda and Councilor Trace brought forward. He said this would provide more information on an annual basis and we need to look at the report from the City Manager.

Councilor Huda said the point is at budget time and asking departments to project retirements and head counts.

Councilor McEachern said he is looking forward to seeing the process that City Manager Conard will bring forward and hearing about the process that is in place.

Councilor Whelan said in a couple of weeks we will be in the budget process and we need to look at head counts and trust City Manager Conard to come in at a number and manage the City.

Motion passed. Councilor Lazenby voted opposed.

2. Growth Management Ordinances = RSA 674:22

Councilor Kennedy moved to request a report back from staff on where we are in the built pipeline in terms of building permits, what zoning changes will be needed, what are height requirements downtown, and next steps to schedule a work session on this matter. Also, allowing public comment at the beginning of the work session and then again at the end of the work session. Seconded by Councilor Trace.

Councilor Kennedy said the concern is based on infrastructure and requested other communities to join us. She said she believes we need to examine and formulate a committee in the next 120 days.

Assistant Mayor Splaine thanked Councilor Kennedy for the intent but the more appropriate way would be to ask the Planning Board for insight and we need to all meet together to brain storm on where we are going. He said we need to get a better grip on zoning needs. He said he does not want to see us on February 18th to force people to go out and hire attorneys and expend monies. Assistant Mayor Splaine said we should not consider first reading until we know where we are going.

Councilor McEachern said he agrees with Assistant Mayor Splaine's comments and we need to look at this matter. He said we are Portsmouth and have a great group of people to discuss this with.

Councilor Kennedy said not everyone was here this evening that want this put in place.

Councilor Lazenby said in terms of getting further information on wanting to go down a path like this the Economic Development Commission wants to do an impact report on growth in the City.

Councilor Tabor said he is concerned moving down the road of a moratorium. He said there are better ways to address this matter.

Mayor Becksted passed the gavel to Assistant Mayor Splaine.

Mayor Becksted said no one knows what is in the pipe line and what is coming down the path. He said the Planning Department works with projects and what is coming in the next 6-24 months from now. He said you were encouraging on single family homes. He feels we need to continue the discussion for first reading.

Assistant Mayor Splaine returned the gavel to Mayor Becksted.

Councilor Kennedy moved to continue the meeting beyond 10:30 p.m. Seconded by Assistant Mayor Splaine and voted.

City Manager Conard said she would provide the information back in her comment and announced the earliest we could schedule a work session would be at the March 2, 2020 City Council meeting.

Councilor McEachern requested to have a presentation preceding the work session.

Councilor Trace said she supports Councilor Kennedy bringing this matter forward. She spoke regarding the Wastewater Treatment Facility and the two lines under Little Bay that need replacement.

Motion passed.

D. COUNCILOR HUDA

1. Mold Remediation in the Police Areas

Councilor Huda moved to 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) along with asking the appropriate staff to prepare a dollars 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). Seconded by Councilor Kennedy and voted.

3. Request the Publishing of the "Proposed Annual Budget FY2020 Excel Spreadsheets

Councilor Huda moved to request that City Manager Conard 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. Seconded by Councilor Kennedy and voted.

XII. APPROVAL OF GRANTS/DONATIONS

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

XVI. CITY MANAGER'S INFORMATIONAL ITEMS

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

City Manager Conard explained the process used for 24-Hour Warming Centers. She reported we extend hours for the Library as we may need and we consider the demand.

Fire Chief Germain reported that a private entity has approached us to open a warming center. He said there is a small population that do not seek warming centers. He said he and Deputy Chief Howe reviewed the area of the warming center and it would work and we would identify some facilities and groups to run the center and would issue them a 3-day occupancy permit.

City Manager Conard said she would inform the City Council when the policy is in final form.

Councilor Lazenby requested to pull the item on Middle Street Bicycle Lanes – Public Meeting and Request for a Work Session out of the City Manager’s Consent Agenda Items.

City Manager Conard reported that the public meeting will be held on March 2nd and a work session would be scheduled for March 23, 2020 in the Council Chambers. She stated meeting notification will be sent to all property owners in the direct area.

Councilor Lazenby moved 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. Seconded by Councilor Whelan and voted.

Assistant Mayor Splaine requested information regarding this matter be put on the website and by public announcement.

Councilor Lazenby would like to continue the Bike Share Program but asked how the City no longer pays the \$54,000.00. Planning Director Walker said the goal is to look at ways to withstand the program through private sponsorships and grow the program. She suggested operating one or two stations out of the parking funds. Councilor Lazenby asked the status of the micro-transit. Planning Director Walker said the micro-transit matter is with the Economic Development Commission and the Parking, Traffic and Safety Committee.

Councilor McEachern asked about factors and other means of moving people around. Planning Director Walker said we would want to bring that back to the City Attorney for a policy decision. Councilor McEachern said he would like to see us expand services to other parts of the City. Planning Director Walker said there is an ordinance that regulates scooters and where they can park.

Councilor Kennedy asked if we have had any insurance issues and who obtains the liability. Planning Director Walker said we position ourselves that people join the program. She said parking is where you place the scooter and where you can regulate these.

Councilor Huda said she would like more information on the cost to the City. She asked if you can put numbers to private sponsorships. Planning Director Walker reported that one spot sponsorship is \$9,000.00 - \$10,000.00 and funds are coming from parking revenues. Councilor Huda said she would not support this unless we can go to private sponsorships.

Assistant Mayor Splaine said there is a benefit to a ride share program. Planning Director Walker said that this would be a one year pilot and come from parking funds but not from revenues of the general fund.

Councilor Trace asked if we have checks and balances. Planning Director Walker said that they report to City staff.

Councilor McEachern would like to see other areas in the City that could use this type of program.

XIII. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD CONSENT AGENDA ITEMS

- Expenditure of Funds from African Burying Ground Trust ***(Anticipated action – move to authorize the release of up to \$10,450.00 from the African Burying Ground Trust for genome sequencing and forensic genealogy)***
- Construction License – 135 Congress Street ***(Anticipated action 0 move to authorize the City Manager to execute and accept the temporary construction license regarding 135 Congress Street as submitted)***

Councilor Kennedy moved adopt the Consent Agenda. Seconded by Councilor McEachern and voted.

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)***

Councilor McEachern to adopt the Consent Agenda. Seconded by Councilor Lazenby and voted.

XVII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Assistant Mayor Splaine said we need a Non-Public Session regarding the McIntyre and how to address the matter.

Mayor Becksted said we would set a date for this and it would take place sooner than later.

Assistant Mayor Splaine moved to hold an anticipated Non-Public Session with City Attorney Sullivan and City Manager Conard on Monday, February 10, 2020 at 6:00 p.m. regarding the McIntyre Project. Seconded by Councilor Lazenby and voted.

Councilor Lazenby said he would like to clarify what happened last week and asked if there was a session on the McIntyre last week and whether an additional conversation took place with City Attorney Sullivan. He said he is concerned not having the full City Council involved.

Mayor Becksted said he finds that offensive.

XVIII. ADJOURNMENT

At 11:15 p.m., Mayor Becksted voted to adjourn. Seconded by Councilor Kennedy and voted.

A handwritten signature in black ink, reading "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK