

# CITY COUNCIL MEETING

Remote Meeting Via Zoom Conference Call

To register in advance for this meeting, click on the link below or copy and paste it into your web browser: [https://zoom.us/webinar/register/WN\\_vQnG\\_Yo0T1iLXPHNn1Sx\\_g](https://zoom.us/webinar/register/WN_vQnG_Yo0T1iLXPHNn1Sx_g). You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site: <https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-8, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

**DATE: MONDAY, MAY 18, 2020**

**TIME: 7:00PM**

## AGENDA

- I. **6:00PM WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – **POSTPONED****
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**
- VII. **ACCEPTANCE OF MINUTES** (*There are no minutes on for acceptance*)
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
- IX. **PUBLIC COMMENT SESSION – (Via Zoom)**
- X. **PUBLIC DIALOGUE SUMMARY [when applicable] – **POSTPONED****
- XI. **PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**
  - A. Public Hearing and Second Reading of Ordinance amending Chapter 7, Article I, Section 7.105 C – Designated Motorcycle Parking Area
    - **PRESENTATION**
    - **CITY COUNCIL QUESTIONS**
    - **PUBLIC HEARING SPEAKERS**
    - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**
- XII. **MAYOR BECKSTED**
  1. Appointment to be Voted:
    - Robert W. Bogardus appointment to the Recreation Board Senior Subcommittee

### **XIII. CITY COUNCIL MEMBERS**

#### **A. ASSISTANT MAYOR SPLAINE & COUNCILOR McEACHERN**

1. ***Portsmouth Citizen Response Task Force (Sample motion – move that the City Council directs the assemblage of a Portsmouth Citizen Response Task Force that will include representatives of our business community, restaurant owners and managers, non-profit organizations from the arts community and health services, citizens, members of the Economic Development Commission, health care professionals, and city staff member.***

***The nineteen members of the group will include the City Manager, the Health Care Director, the Police Chief or designee, the Fire Chief or designee, the Economic Development Program Manager, two members of the Economic Development Commission selected by the Chair of the Economic Development Commission, the President of the Chamber Collaborative of Greater Portsmouth or designee, two members of non-profit organizations representing the arts community, appointed by the Mayor; two members of non-profit organizations representing health care organizations, appointed by the Mayor; two other health care professionals, appointed by the Mayor; three individuals representing restaurants appointed by the Mayor; and two additional residents to represent citizens-at-large, appointed by the Mayor.***

***The Chair of the Portsmouth Citizen Response Task Force shall be chosen from among the members who have been appointed by the Mayor. To keep the Portsmouth Citizen Response Task Force as non-political as possible, no elected official may be a member. The group will remain in operation until December 31, 2020, and may be reestablished prior to that time. All the Mayor's appointments will be Portsmouth residents. The participation of city staff is dependent upon the approval of the City Manager.***

#### ***Tasks (TO BE CONSIDERED AS PART OF THE MOTION):***

***To recommend to the City Management and City Council on decisions related to COVID-19 that affect the business community and organizations in addressing the needs of re-opening within the confines of health care advisories.***

***To discuss, identify, and then educate Portsmouth businesses and the public about “best practices” and approaches as they re-open, based on health care advisories.***

***To consider further recommendations for the business community for addressing the needs of health care safety.***

***To consider guidelines and enforcement for the wearing of masks by all who work in and visit our businesses.***

***To include and work with citizen and business interest in an inclusive way as possible to provide recommendations and schedules for addressing the needs for protecting the health of our citizens, visitors, and employees.***

**To review the financial impact of the pandemic on businesses in Portsmouth, and provide recommendations for response.**

**The Portsmouth Citizen Response Task Force may call on other Portsmouth City Government staff members for assistance and advice.**

**The Portsmouth Citizen Response Task Force may hold public meetings to hear from members of the community.**

**The Portsmouth Citizen Response Task Force may meet with agencies or boards of neighboring communities and the state for advice.**

**All meetings of the Portsmouth Citizen Response Task Force shall be public at all times)**

**B. COUNCILOR WHELAN**

1. \*Parking Traffic and Safety Valet Request

**C. COUNCILOR LAZENBY**

1. \*Permit Fees for Outdoor Service (**Sample motion – move the City waive any municipal fees, such as building permit fees, which are determined to be directly associated with the reopening of restaurants for outdoor service in accordance with the Governor’s Emergency Order #40, Exhibit C)**

**D. COUNCILOR KENNEDY**

1. \*Commitment by the City of Portsmouth to use local business as a Priority when buying products and services for the city (**Sample motion – move to have all city government departments investigate local businesses for products and services that the city uses for its everyday needs. If a local business can provide the same service or product at a market value that is competitive: then the city should give priority to purchase from that local business. For this motion, local is a product and/or service with a fifty mile radius of Portsmouth)**)

**E. COUNCILOR HUDA**

1. Revenues, Federal & State Aid (**Sample motion – move to request the City Manager and Finance Director provide an update to the residents & City Council of the latest data available on incoming (revenues) Federal & State Aid: Both COVID related & all other to include the following:**
  - A. **All known incoming funds related to the Government Programs that the City is to receive for all departments such as:**
    - **Police – COVID related funds of \$300 week hazard pay for COVID related activities**
    - **Fire - \$32,000**
    - **School – State & Federal Aid: School Building Aid, SPED Aid, Grants for IDEA, Medicaid, Special Revenue Food Service Municipal Aid for COVID related Federal Funds, part of the \$1.25M - \$523,000**

**B. Status on the April 2020 Month End Reporting (1<sup>st</sup> Full Month of Pandemic Effect)**

**F. COUNCILOR TABOR**

1. \*Zero-Increase Budget (*Sample motion – move that the Council request of the School Board, Police and Fire Commissions, and of the City Manager, a “what if” exercise for a zero increase budget for their respective FY21 including an explanation of actions to be taken and impact on services. Work to be completed by June 1. Includes further public presentation and discussion with the Council if needed.*)

*This exercise would be designed to inform final budget decisions with the best data. It would 1) allow school, fire and police to work with their boards and commissions at their May meetings, and the City Manager and Finance Director to work with department heads, to figure out specific actions needed for each unit to achieve a zero increase budget; 2) in the process, develop specificity so the Council’s final budget decisions in June are well informed and we protect services as much as possible)*

**G. COUNCILOR TRACE**

1. \*Little League and further Recreation this Summer (*Sample motion – move to create a task force to oversee this in a transparent manner allowing resident to better understand & help with the decisions that affect their children in the ever evolving world of COVID 19*)
2. \*Report Back from City Officials/Staff Committee Re: Restaurants to open with outside dining on May 18<sup>th</sup>

**XIV. APPROVAL OF GRANTS/DONATIONS**

*There are no Grants/Donations for approval this evening)*

**XV. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION**

**A. CITY MANAGER CONARD**

**City Manager’s Items Which Require Action:**

1. The One Hundred Club Valet Parking License Renewal
2. Sidewalk Café License for AC Hotel, 299 Vaughan Street
3. \*CARES Act Funds
4. Approval of Election Support Letter
5. Recommended Modifications to Middle Street / Lafayette Road Bike Lanes for 2020 Season
6. Bluestone Properties of Rye, LLC Request for 135 Congress Street Parking Lease

## XVI. CONSENT AGENDA

- A. Request for License to Install 3 Projecting Signs for owners of Laura Cote & Melanie Bisson, True East Realty, LLC; Melanie Bisson, Generations Home Inc.; and Jason Mills, BCM Advisory Group for property located at 400 Deer Street (400 The Hill) ***(Anticipated action - move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the 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 projecting sign, for any reason, shall be done at no cost to the City; and***
  - ***Any disturbance of a sidewalk, street or other public 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***
- B. Letter from Maria Stephanou, Alzheimer's Association, requesting permission to hold the 2020 Annual Seacoast Walk to End Alzheimer's on September 27, 2020 ***(Anticipated action – move to authorize the City Manager to act)***

## XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. \*Presentation by Health Officer Kim McNamara regarding COVID-19 Update
- B. Email Correspondence ***(Sample motion – move to accept and place on file)***
- C. Letter from Jeff Goss and Sean Sullivan, the Clipper Tavern, requesting permission for outdoor dining in front of the Clipper Tavern and closure of road

## XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Draft Great Bay Total Nitrogen General Permit Comments to EPA
2. Outdoor Dining Requests – Public Realm Venues Work Group
3. \*Status Update on Report Back on Impact Fees

## XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

\* Indicates verbal report



Karen S. Conard  
City Manager

## CITY OF PORTSMOUTH

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

**Date:** May 14, 2020

**To:** Honorable Mayor Rick Becksted and City Council Members

**From:** Karen S. Conard, City Manager *KSC*

**Re:** City Manager's Comments on City Council Agenda of May 18, 2020

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### ***XI. Public Hearings and Votes on Ordinances and/or Resolutions:***

#### **A. Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article I, Section 7.105 C – Designated Motorcycle Parking Area:**

In June 2019, the Parking and Traffic Safety Committee approved an amendment to the Designated Motorcycle Parking Area Ordinance (Chapter 7, Article I, Section 7.105 C). A citizen raised concerns regarding the amendment, and in August 2019 the Committee rescinded its approval and requested a report back from City staff. Upon review, the Committee voted to request a revised amendment in September 2019. On February 6, 2020, the Parking and Traffic Safety Committee voted to approve the [attached](#) amendment to Chapter 7, Article I, Section 7.105 C and to refer it to the City Council to request first reading.

At the March 16th Council meeting, Ben Fletcher, Director of Parking, provided a brief presentation on the amended ordinance and at the May 4<sup>th</sup> Council meeting, the Council voted to pass the first reading and have it return for a second reading at this evening's meeting.

The ordinance in question is [attached](#).

*I recommend that the City Council move to approve the second reading of an amendment to Chapter 7, Article I, Section 7.105 C, the Designated Motorcycle Parking Area Ordinance, and schedule a third and final reading at the June 1, 2020 Council meeting.*

### ***XV. City Manager's Items which Require Action:***

#### **1. The One Hundred Club Valet Parking License Renewal:**

The One Hundred Club currently has a license agreement with the City to operate a valet parking operation in the loading zone on Hanover Street adjacent to their site at 100 Market Street. The hours of the operation are 5:00 p.m. to 12:00 a.m., Monday through Sunday. Vehicles are not parked in municipal spaces.

A copy of the [current agreement](#) and [map](#) of the location are attached. The license term is for one year, expiring on June 30, 2020. As specified in the agreement, if they wish to renew the license for another term, they must obtain approval from the Parking and Traffic Safety Committee (PTSC) and the City Manager. In an email dated April 24, 2020 from Dana Wergen, Managing Director of The One Hundred Club, they have requested renewal of the license agreement for another year.

Typically, the PTSC reviews and approves the request, and then their meeting minutes are accepted by the City Council to officially approve the PTSC action. This year, however, the renewal request would be the only action item on the PTSC agenda at their next meeting. In light of the current pandemic and difficulty in holding meetings, it is recommended that the matter be brought to the City Council directly for their approval, rather than first obtaining PTSC approval. There have been no complaints regarding the valet parking operations and City staff have had no issues with the use of the loading zone for valet parking during the licensed hours of operation. It is therefore City staff’s recommendation that the valet parking license agreement with The One Hundred Club be renewed for another one year term under the current terms and conditions of the agreement.

*I recommend that the City Council move to authorize the City Manager to execute the Valet Parking License Agreement with The One Hundred Club in a form similar to those attached for another year term.*

**2. Sidewalk Café License for AC Hotel, 299 Vaughan Street:**

The City has received an [application from the AC Hotel at 299 Vaughan Street](#) for a Sidewalk Café providing alcohol service on a private sidewalk. City staff representatives from Police, Fire, Public Works, Building Inspection, Health, and Code Enforcement have reviewed the application and found it complete, and recommend issuance of the Area Service Agreements in accordance with [City Council Policy 2012-02](#).

While this proposed location is completely contained on private property, it is adjacent to the sidewalk area that the City has an easement over. Because the operation occurs on private property and not on City property, as the other Sidewalk Café licenses, there is no associated fee with this action.

<b>Record #</b>	<b>Establishment</b>	<b>Location</b>	<b>Area</b>	<b>Tables</b>	<b># of Chairs</b>
20-8	AC Hotel	299 Vaughan	520	7	24

*I recommend the City Council move to authorize the City Manager to enter into an Area Service Agreement with the AC Hotel for outdoor alcohol service on City land for the 2020 season subject to City Council Policy No. 2012-02, and further subject to all Governor’s orders relating to the COVID-19 pandemic.*

### 3. **CARES Act Funds:**

The City has begun the process of applying for and receiving federal funds made available through the Coronavirus Aid, Relief and Economic Security (CARES) Act to assist municipalities in addressing costs associated with responding to COVID-19. This will address several different funds under the CARES Act which require the City Council to vote to authorize the City Manager to apply, accept and expend those funds related to the City's emergency response to COVID-19.

#### **CARES ACT FLEX FUNDS**

Last week the Governor announced that \$32 million of the \$1.25 billion the State received in CARES Act Flex Funds would be used to create two funds to assist municipalities.

The first fund is the Municipal Relief Fund. The \$32 million in the fund will be distributed to municipalities based on population. Portsmouth is eligible to apply for up to \$522,989, the maximum amount the City could receive, for reimbursement for certain necessary expenditures incurred due to COVID-19 between March 1, 2020 and December 30, 2020. Reimbursement is only allowed for funds that were not accounted for in the regular municipal budget, not FEMA or other federal grant eligible and not for revenue shortfalls. This is not an outright grant and will require completion of several grant award applications with associated documents.

The purpose of the Municipal Relief Fund is for emergency management and the first of three deadlines to apply to the fund is June 1, 2020.

*If the City Council chooses to apply to the fund, I recommend that they authorize the City Manager to apply for, accept and expend any funds received by gift, grant or loan from state, federal or other governmental units that become available to the City through CARES Act Flex Funds.*

The second fund is the First Responder COVID-19 Stipend Fund. This fund will distribute \$25 million to qualified first responders by way of a stipend for hazard pay of \$300 a week for full time employees and \$150 a week for part-time employees for eight weeks. The Fire Department and Police Department have submitted applications for the hazard pay stipend, pending City Council approval. The guidance documents published by the State provide that the stipend will be paid by the City in the first instance and the City will be reimbursed by the First Responder COVID-19 Stipend Fund. The stipend is subject to payroll tax deductions and will not be compensable as earnings for the New Hampshire Retirement System. The City must pay the costs associated with the payroll deduction but may request reimbursement for those costs from the Municipal Relief Fund. The City may pay the stipend in one lump sum, bi-weekly or weekly. It is optional for the City to participate in the stipend program and all funds received will be subject to audit.



The cost for the stipend program for the Fire Department will be as follows:

8 weeks stipend = \$151,200  
Medicare = \$2,240  
FLSA = \$4,000  
Retirement = \$0  
FIRE TOTAL = \$157,440

The cost for the stipend program for the Police Department will be as follows:

8 weeks stipend = \$181,985  
Medicare = \$2,790  
Social Security = \$1,156  
FLSA = \$10,985  
Retirement = \$0  
POLICE TOTAL = \$196,916

If the City Council chooses to participate in the stipend program, *I recommend that they authorize the City Manager to pay the City's qualified first responders a stipend consistent with the terms, conditions and guidance documents of the First Responder COVID-19 Stipend Fund and to apply for, accept and expend any reimbursement for the stipend and payroll taxes received from the First Responder COVID-19 Stipend Fund and the Municipal Relief Fund.*

### **CARES ACT PROVIDER RELIEF FUNDS**

The City received \$31,698.87 from the CARES Act Provider Relief Funds ("Relief Funds"). The Relief Funds were deposited in the City's ambulance account by Health and Human Services on April 17, 2020. The Relief Funds reimburse Healthcare providers for healthcare related expenses or lost revenues that are attributable to coronavirus that are not reimbursed from other sources. The \$31,698.87 was calculated based on the City's share of Medicare fees for ambulance service reimbursement in 2019.

The City would like to use these funds for lost revenue attributed to the reduction in ambulance services due to COVID-19. Although the guidance documents provide that the Relief Funds can be used for lost revenue, the guidance documents were drafted for private healthcare providers, and as a result, it is unclear whether municipalities can use these funds for lost revenue because all other CARES Act funds prohibit municipalities from using federal funds for lost revenue. Further guidance on this issue is being sought by the New Hampshire Municipal Association and the Attorney General's office.

The Relief Funds must be accepted or rejected within 45 days of receipt. The City's deadline is May 30, 2020, one day before the next City Council meeting.

Because further guidance is expected after this meeting, *I recommend that the City Council authorize the City Manager to accept or reject CARES Act Provider Relief Funds in the amount of \$31,698.87 pending further guidance on use of funds.*

#### **CARES ACT EMERGENCY RELIEF FUNDS**

CARES Act Emergency Relief Funds provided funding to numerous federal programs, including but not limited to CDBG and FEMA. The City is in the process of making application to some of those Care Act Emergency Relief Funds, including FEMA, and exploring other sources of funding available to the City.

*If the City Council supports the City’s application for FEMA funds or other funds available through the CARES Act Emergency Relief Funds or any other federal or state funds, I recommend that they authorize the City Manager to apply for, accept and expend any funds, including but not limited to FEMA funds, through the CARES Act Emergency Relief Fund or any other state or federal funds received by gift, grant or loan that become available to the City.*

#### **4. Approval of Election Support Letter:**

On May 4, 2020 the City Council voted to have Assistant City Attorney Ferrini draft an election support letter based on the City’s Legislative Principle of encouraging citizens to vote and to support eliminating barriers to voting. [Attached](#) is the letter for submission to the Council for their review and approval at this evening’s Council meeting.

*I recommend that the City Council approve and execute the attached election support letter.*

#### **5. Recommended Modifications to Middle Street / Lafayette Road Bike Lanes for 2020 Season:**

Please find [attached](#) a memorandum outlining the City’s recommended modifications to the Middle Street Bike Lanes, including the proposal to install the bollards in a limited number along the corridor. While the Council had expressed interest in holding a work session on this topic, I recommend postponing that to the fall given the current state of emergency and need to focus on other time sensitive priorities.

*I recommend that the City Council move to refer the recommended modifications to the bollard locations, parking spaces, and reduced speed limit to the Parking and Traffic Safety Committee.*

#### **6. Bluestone Properties of Rye, LLC Request for 135 Congress Street Parking Lease:**

By [letter addressed to the Mayor and Council](#) dated May 13, 2020, Bluestone Properties of Rye, LLC has requested that the City Council, “...authorize the City Manager to negotiate a twenty-year lease” for five parking spaces in the Worth Parking Lot. The parking spaces are requested on a 24/7 basis.

The request is based upon a complex historical analysis of the history of the Worth Lot and abutting businesses as well as City actions going back in time to the early 1970s. The municipal policy implications of making any 20 year agreement which would allow a private party to have exclusive use of public parking spaces for the next two decades are significant.

The lease, license or other form of agreement requested by Bluestone would need to deal with the numerous types of issues that might arise in twenty years, such as changes in parking fees, changes in municipal use of the Worth Lot, assignability of the spaces and sale or transfer of the Bluestone property.

For these reasons, City staff needs time to study the Bluestone request and prepare a recommendation for the City Council.

*I recommend that the Bluestone Properties of Rye, LLC parking lease request be referred to the City Manager for a report back at a future Council meeting.*

## ***XVI. Consent Agenda:***

### **A. Projecting Sign License – 400 Deer Street (The Hill):**

Permission is being sought to install projecting signs that extend over the public right of way, as follows:

**Sign 1:** Business Name: True East Realty, LLC  
Business Owner: Laura Cote & Melanie Bisson  
Sign dimensions: 16” x 40”  
Sign area: 4.4 sq. ft.

**Sign 2:** Business Name: Generations Home Inc.  
Business Owner: Melanie Bisson  
Sign dimensions: 16” x 40”  
Sign area: 4.4 sq. ft.

**Sign 3:** Business Name: BCM Advisory Group  
Business Owner: Jason Mills  
Sign dimensions: 16” x 40”  
Sign area: 4.4 sq. ft.

The proposed signs comply with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, *I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) The license shall be approved by the Legal Department as to content and form;*
- 2) Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*

- 3) *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, 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.*

## ***XVIII. City Manager's Informational Items:***

### **1. Draft Great Bay Total Nitrogen General Permit Comments to EPA:**

On May 8, 2020 the City of Portsmouth filed its comments to the EPA's draft Great Bay Total Nitrogen General Permit. [Attached](#) are the City's comments on the draft Permit along with the [briefing sheet](#) previously distributed to the City Council in February 2020.

In addition to the City of Portsmouth, several other impacted communities also filed comments along with various stakeholder organizations. Given the anticipated extent of the comments received, it will likely be at least several months before the EPA communicates next steps on this draft General Permit.

### **2. Outdoor Dining Requests - Public Realm Venues Work Group:**

The City has received [requests](#) from downtown business owners related to temporary closure of streets, sidewalks, and public parking spaces to provide outdoor space for use by businesses that allows adequate space for social distancing. These requests should be considered as part of an overall program for the downtown and not on a block by block (or business by business) basis. City staff from Health, Police, Fire, Planning, DPW, and Economic Development are reviewing these requests and will be prepared to report back at the June 1, 2020 Council meeting.

### **3. Status Update on Report Back on Impact Fees:**

At the March 16, 2020 City Council meeting, the Council voted to request that the City Manager, Legal Department, Fees Committee and Planning Board review and report back regarding suggested development impact fees proposed by Councilor Kennedy and any other feedback related to impact fees. Councilor Kennedy has proposed the following for consideration in this review:

For projects over two units the following impact fees would apply:

- 1-Bedroom or 1,000 sq. ft. or less \$25,000/unit
- 2-Bedrooms or 1,500 sq. ft. or less \$50,000/unit
- 3-Bedrooms or 2,000 sq. ft. or less \$75,000/unit
- 4-Bedrooms or 2,500 sq. ft. or less \$100,000/unit
- 5-Bedrooms or 3,000 sq. ft. or less \$125,000/unit

At the April 23, 2020 Planning Board meeting, the Board voted to request that the Planning and Legal department staff prepare a report back to the Planning Board on the legal process for establishing impact fees and any additional studies that would be required in order to incorporate them into the City's local land use regulations. This

report back is anticipated to be provided to the Board at the May 21<sup>st</sup> Planning Board meeting, in which case staff would anticipate being able to provide a report back to Council in June.