

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_q1HrtMtYTCibKQD6TVxG9Q

You are requyryyyired 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 2020-18, 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, OCTOBER 5, 2020

TIME: 7:00PM

AGENDA

- I. **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 this evening*)
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
 1. *Recognition of Senior Center Volunteer
- IX. **PUBLIC COMMENT SESSION – (Via Zoom)**
- X. **PUBLIC DIALOGUE SUMMARY [when applicable] - POSTPONED**
- XI. **PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

First Reading of Ordinances:

- A. First reading of Ordinance amending Chapter 7, Article III, Section 7.326 – Limited Parking – Daniel Street: southerly side, ~~first five~~ three metered spaces ~~east from Market Square~~ running between 102 and 160 feet west of Penhallow Street; and Hanover Street ~~delete northerly side, first two spaces east from Bridge Street~~
- B. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking by the addition of Little Harbor Road: Both sides of the roadway beginning at the east side of the Wentworth Coolidge Mansion driveway, running easterly for a distance of 155 feet to the gate at the end of the pavement

- C. First reading of Ordinance amending Chapter 7, Article III, Section 7.336 – One-Way Streets by the deletion of ~~Parker Street northerly from Tanner Court to Hanover Street~~
- D. First reading of Ordinance amending Chapter 7, Article VI, Section 7.601 – Limited Hours Loading Zones by the addition of Pleasant Street: easterly side, beginning 94 feet south of the southerly curb line of Daniel Street and running southerly for a distance of 45 feet

Public Hearing and Second Reading of Ordinances:

- E. **ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.326 – LIMITED PARKING – 15 MINUTES BY THE DELETION OF DEER STREET: ONE SPACE ON THE NORTHERLY SIDE OF THE STREET, BEGINNING 13 FEET WEST OF THE EXTENSION OF THE WESTERLY CURB LINE OF HIGH STREET, AND RUNNING 20 FEET IN AN EASTERLY DIRECTION. THE ADDITION OF HANOVER STREET: SOUTHERLY SIDE, FIRST TWO SPACES EAST FROM MAPLEWOOD AVENUE**

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

- F. **ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING BY THE ADDITION MIDDLE STREET: WESTERLY SIDE, BEGINNING AT THE NORTHERLY CURB LINE OF ALDRICH ROAD, AND RUNNING NORTHERLY FOR A DISTANCE OF 76 FEET**

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

- G. **ORDINANCE AMENDING CHAPTER 7, ARTICLE VI, SECTION 7.601 – LIMITED HOURS LOADING ZONES BY THE ADDITION OF VAUGHAN STREET: WESTERLY SIDE, BEGINNING AT THE INTERSECTION WITH RAYNES AVENUE AND RUNNING SOUTHERLY FOR A DISTANCE OF 60 FEET, FROM 6:00AM TO 9:00AM**

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

XII. MAYOR BECKSTED

1. *Request to Establish Work Session COVID Planning and the Future of the Citizens Response Task Force – Monday, November 9th at 6:30 p.m.
2. Appointments to be Considered:
 - Appointment of David Adams to the Historic District Commission as a Regular Member
 - Reappointment of Richard Katz to the Library Board of Trustees
 - Appointment of Maria Peppas to the Library Board of Trustees
 - Appointment of Kelly Delekta to the Library Board of Trustees

- Appointment of Latonya Wallace to the Library Board of Trustees
 - Appointment of Daniel Main to the Portsmouth Housing Authority
3. Appointments to be Voted:
 - Appointment of Margot Doering to the Historic District Commission as a Regular Member filling the unexpired term of Cyrus Beer
 - Appointment of Michelle Consolazio to the Citizens Advisory Committee
 4. Resignations:
 - Joseph M. O'Neill as an Alternate from the Conservation Commission
 - Adrienne Harrison from the Conservation Commission
 - Nathan Moss from Portsmouth Citizen Response Task Force
 - Samantha Finigan from Portsmouth Citizen Response Task Force
 - Ruth L. Griffin from the Portsmouth Housing Authority

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Creating a Year-Round Citywide Outside-Use Policy for our Restaurants and Other Businesses

B. COUNCILOR McEACHERN

1. *Report Back regarding Policies Adopted by the Membership
2. *Report Back regarding NHMA Conference
3. *Extend Outside Dining to end of November

C. COUNCILOR WHELAN

1. *McIntyre Update (***Sample motion – move to appropriate with Council Approval up to \$150,000.00 out of contingency to redesign plans and drawings to better reflect the public input from the recently returned survey. All past and future legal action concerning McIntyre will be terminated between all parties as part of this motion***)
2. Parking and Traffic Safety Committee Action Sheet and Minutes of the August 6, 2020 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the August 6, 2020 Parking and Traffic Safety Committee meeting***)

D. COUNCILOR LAZENBY

1. Nomination of Dan Rawling for Appointment as a regular member of the Historic District Commission

E. COUNCILOR LAZENBY & COUNCILOR McEACHERN

1. Safe Water Advisory Group (***Sample motion – move the formation of the Portsmouth Safe Water Advisory Group as an advisory group related to Safe Drinking Water***)

F. COUNCILOR HUDA

1. The Final FY20 Budget Surplus Amounts by Budget Unit as Estimated to the Mayor in June 2020 (Due to the Insightful Response of the City Manager to put a Freeze on Spending Immediately, a FY20 Surplus was Expected)

	Estimate @ 6/30/2020	Actual @ 9/30/20 (Unaudited)
Police	\$350,000.00	?
Fire	\$250,000.00	?
Municipal	\$450,000.00	?
School	\$200,000.00	?

(Sample motion – move for a report back from the City Manager to the residents and City Council on the outlined information listed above)

2. On the Financial Impact to the City of Portsmouth Resulting from the State of NH suspending all State Aid Grants (SAGS)

(As reported in the Portsmouth Herald on 9/27 Exeter is Facing Serious Shortfalls in meeting Debt Service Payments on their just completed Wastewater Treatment Plant)

Since our WWTP is scheduled to be completed this year, is the City of Portsmouth facing the same issues?

3. Update on the Status & Solutions being discussed per the Emergency Police Commission Meeting on the Re-Occurrence of Mold in the Police Department

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of CARES ACT Election Grant ***(Sample motion - move***

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. 33 Northwest Street Request for Revocable License
2. Greenleaf Recreation Center Concession Agreement
3. Request to Name New Public Street Located Between Cate Street and Route 1 Bypass
4. Establish Polling Hours for the November 3, 2020 General Election
5. Request to Exempt the Peirce Island Wastewater Treatment Facility from the Public Art Requirement
6. Request to Schedule First Reading of Sewer Ordinance Amendment

XVI. CONSENT AGENDA

- A. Request for License to Install a Projecting Sign for owner River-Wharf, LLC, SOL, LLC for property located at 111 State Street (***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***

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *Presentation by Health Officer Kim McNamara regarding COVID-19 Update
- B. *Update on the Portsmouth Citizens Response Task Force
- C. Email Correspondence (***Sample motion – move to accept and place on file***)

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *Racial Equity Initiatives as a Result of City Council Resolution #13-2020
2. Report Back on Use of CARES Act Funding
3. Report Back on Election Officials Salaries as Requested at the September 14, 2020 City Council Meeting
4. Parking Citation Fine Structure Recommendations
5. Letter from Citizen Response Task Force to Commissioner Caswell Regarding Business Reopening
6. *Memorandum on Field and Right-of-Way Maintenance

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: October 1, 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 October 5, 2020

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

First Reading of Four Ordinances Amending Various Sections of Chapter 7:

In the past, the temporary actions approved by the Parking and Traffic Safety Committee (PTSC) and authorized by the City Council, were brought forward to the Council once a year as part of a "Parking and Traffic Omnibus" package. At that time, all of the temporary actions approved by the PTSC and authorized by the Council in the prior year were presented as one package to the Council for adoption as an ordinance.

This year, pursuant to City Council vote of August 18, 2020, the individual action items have been separated into groups based on their expiration date and each group is being presented to the Council separately based on their expiration date and are not grouped by ordinance section.

At the September 14, 2020 City Council meeting, the Council voted to schedule first readings of amendments to the following ordinances at this evening's meeting: Chapter 7, Article III, Section 7.326: Limited Parking - 15 Minutes regarding Daniel and Hanover Street; Chapter 7, Article III, Section 7.330: No Parking regarding Little Harbor Road; Chapter 7, Article III, Section 7.336: One-Way Streets regarding Parker Street; Chapter 7, Article VI, Section 7.601: Limited Hours Loading Zones regarding Pleasant Street.

Eric Eby, Parking and Transportation Engineer, will be presenting the proposed amendments to each ordinance at this evening's meeting.

- A. **First Reading of Ordinance Amending Chapter 7, Article III, Section 7.326 – Limited Parking – Daniel Street: southerly side, first five-three metered spaces east from Market Square running between 102 and 160 feet west of Penhallow Street; and Hanover Street delete northerly side, first two spaces east from Bridge Street:**

Attached is the [diagram](#) and the [proposed amendment](#) to this ordinance.

I recommend that the City Council move to pass first reading and to schedule a public hearing and second reading at the October 19, 2020 City Council meeting.

- B. **First Reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking by the addition of Little Harbor Road: Both sides of the roadway beginning at the east side of the Wentworth Coolidge Mansion driveway, running easterly for a distance of 155 feet to the gate at the end of the pavement:**

Attached is the [diagram](#) and the [proposed amendment](#) to this ordinance.

I recommend that the City Council move to pass first reading and to schedule a public hearing and second reading at the October 19, 2020 City Council meeting.

- C. **First reading of Ordinance amending Chapter 7, Article III, Section 7.336 – One-Way Streets by the deletion of Parker Street northerly from Tanner Court to Hanover Street:**

Attached is the [diagram](#) and the [proposed amendment](#) to this ordinance.

I recommend that the City Council move to pass first reading and to schedule a public hearing and second reading at the October 19, 2020 City Council meeting.

- D. **First Reading of Ordinance Amending Chapter 7, Article VI, Section 7.601 – Limited Hours Loading Zones by the addition of Pleasant Street: easterly side, beginning 94 feet south of the southerly curb line of Daniel Street and running southerly for a distance of 45 feet:**

Attached is the [diagram](#) and the [proposed amendment](#) to this ordinance.

I recommend that the City Council move to pass first reading and to schedule a public hearing and second reading at the October 19, 2020 City Council meeting.

As a reminder, the schedule for the first readings of the remaining PTSC temporary actions is as follows:

PTS Action Taken	Origin of Action	Date of PTS Action	PTS Vote	Council Acceptance Date	Council Vote	1-Year Expiration Date	1 st Reading Date
Eliminate four parking spaces on Hanover Street to expand bus stop area	Requested by COAST bus	11/7/19	*8-0	12/02/19	9-0	12/02/2020	10/19/2020
Prohibit parking at end of Dearborn Street	Requested by abutter	11/7/19	*8-0	12/02/19	9-0	12/02/2020	10/19/2020
Lower speed limit on section of South Street to 25 mph	Requested by abutters	11/7/19	*8-0	12/02/19	9-0	12/02/2020	10/19/2020
Prohibit parking along north side of Chase Drive	Requested by abutters	12/5/19	9-0	1/21/2020	7-1-1 Kennedy opposed Tabor abstained	1/21/2021	11/16/2020

**member absent*

Public Hearing and Second Reading of Three Ordinances Amending Various Sections of Chapter 7:

At the September 14, 2020 City Council meeting, the Council voted to schedule public hearings and second reading of amendments to the following ordinances, which were the first group of temporary actions approved by the PTSC that the Council voted to come forward separately based on their expiration date.

- E. **Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article III, Section 7.326 – Limited Parking – 15 Minutes by the Deletion of Deer Street: One Space on the Northerly Side of the Street Beginning 13 Feet West of the Extension of the Westerly Curb Line of High Street, And Running 20 Feet in an Easterly Direction. The Addition of Hanover Street: Southerly Side, First Two Spaces East from Maplewood Avenue:**

[Attached is the diagram](#) and [the proposed amendment](#) to this ordinance.

I recommend that the City Council move to pass second reading and to schedule a third and final reading at the October 19, 2020 City Council meeting.

- F. **Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article III, Section 7.330 – No Parking by the Addition of Middle Street: Westerly Side, Beginning at the Northerly Curb Line of Aldrich Road, and Running Northerly for a Distance of 76 Feet:**

[Attached is the diagram](#) and [the proposed amendment](#) to this ordinance.

I recommend that the City Council move to pass second reading and to schedule a third and final reading at the October 19, 2020 City Council meeting.

G. Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article VI, Section 7.601 – Limited Hours Loading Zones by the Addition of Vaughan Street: Westerly Side, Beginning at the Intersection With Raynes Avenue and Running Southerly For a Distance of 60 Feet, From 6:00 AM to 9:00 AM:

[Attached is the diagram](#) and [the proposed amendment](#) to this ordinance.

I recommend that the City Council move to pass second reading and to schedule a third and final reading at the October 19, 2020 City Council meeting.

XIV. Approval of Grants/Donations:

A. Acceptance of CARES Act Election Grant:

The City is in the process of applying for and receiving funds through the Coronavirus Aid, Relief, and Economic Security (CARES) Act. A portion of CARES Act funds (previously identified in prior memorandum and prior Council votes as CARES Act Emergency Relief Funds) was distributed to the Election Assistance Commission (EAC) under the Help America Vote Act (HAVA). These funds were distributed to each state to help offset COVID-19 related costs for the upcoming elections. New Hampshire received approximately \$3.2 million and part of those funds are being used to create election security grants for municipalities to help offset COVID-19 related election costs. Portsmouth is eligible for a total grant allocation of \$64,899.71 of which 80% (\$54,083.09) is a direct grant and the other 20% (\$10,816.62) is a match requirement. The match will not require any new expenditure by the City but may be calculated from the City's regular election budget.

The NH Secretary of State issued a Notice of Grant Opportunity ([attached](#)) which explains the process by which cities and towns can apply for the grant. The Allocations to Municipalities lists Portsmouth grant award amount and is also [attached](#). The City will be applying for these election grant funds and is eligible to receive direct reimbursement of up to \$54,083.09. The reimbursement rate is calculated by multiplying the Statewide Standard Cost Rate for absentee ballots in this primary and general election by each absentee ballot mailed or processed by the City over and above the amount in 2016.

The City Council voted on May 18, 2020 to 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.

Prior votes distinguished between the CARES Act Flex Funds (the GOFERR funds) and the CARES Act Flex Funds (which include FEMA and these election funds). Although the May 18th Council vote generally authorized the application, acceptance and expenditure of these

CARES Act election funds, because a specific grant amount has been awarded to the City, the following motion is recommended:

I recommend that the City Council move to authorize the City Manager to apply for, accept and expend any funds through the CARES Act for election support in the amount of \$64,899.71 (80% direct grant of \$54,083.09 and 20% match of \$10,816.62) subject to the terms of any offer, rule or regulation pertaining thereto and any other election security grants or other funds received by gift, grant or loan from state, federal or other governmental units to assist with elections.

XV. City Manager’s Items which Require Action:

1. 33 Northwest Street Request for Revocable License:

Rebecca and Michael Bernier own the property located at 33 Northwest Street. The property has an existing wooden picket fence which appears to be located on City-owned property adjacent to their premises. There is a concrete retaining wall on the Bernier property which they wish to relocate to the inside of the wooden fence. See [attached Exhibit A](#).

The Planning and Public Works Departments have reviewed the Bernier request and would support the granting of a revocable license allowing the Berniers to relocate the retaining wall to be adjacent to the fence. [Attached hereto as Exhibit B](#) is a proposed Revocable License which will allow the Berniers to move the retaining wall subject to their being responsible for any liability associated with the wall and being obligated to move the wall on the demand of the City. Failure to do so would give the City the authority to remove the wall.

I recommend that the City Manager be authorized to execute and deliver a Revocable License allowing Michael and Rebecca Bernier of 33 Northwest Street to locate a retaining wall on City Property inside of an existing wooden fence as described in Land Use Application LU-20-118.

2. Greenleaf Recreation Center Concession Agreement:

The Greenleaf Recreation Center Concession Agreement with Operation Blessing is due for renewal and extension consideration.

Operation Blessing’s programming at the recreation center has been satisfactory over the current and past agreement periods. It provides important programming for youth, elderly, persons with disabilities and other resident/community groups desiring to use the facility. In particular, the location of the recreation center offers proximate opportunities for Portsmouth Housing Authority’s Wamesit Place residents.

The use of the Greenleaf Recreation Center will continue as in prior years, with activities including:

- Recreation and socialization program for young adults with disabilities (Friends in Action program);
- Youth recreation;

- Portsmouth Housing Authority after school/out of school programs; and
- Other various similar type programming.

The terms of the Concession Agreement extension are the same as the current agreement, except for very minor clarifications. The Concessionaire, Operation Blessing, by authority of Gary Holmes, has reviewed and agreed upon the extension period and all other terms. City Attorney Sullivan has also reviewed this agreement extension.

Please [find attached](#) for the City Council's review and approval, a two (2) year extension of the current agreement. This extension would be effective through April 15, 2022.

I recommend that the City Council move to accept an extension on the Greenleaf Recreation Center Concession Agreement, effective through April 15, 2022.

3. **Request to Name New Public Street Located Between Cate Street and Route 1 Bypass:**

Cate Street Development, LLC, the developers of the West End Yards mixed use project has [submitted a request for the naming of the new public roadway](#) that is being constructed to connect [Cate Street to the Route 1 Bypass](#).

Per the City Ordinances, Article V, Section 11.501, any naming of a public street must go before the Planning Board for a public hearing prior to final vote by the City Council. As part of the public hearing at Planning Board, it has been City policy to notify affected abutters of the proposed street naming.

I recommend that the City Council move to refer the request for naming of the public street to the Planning Board for a recommendation.

4. **Establish Polling Hours for the November 3, 2020 General Election:**

Please find [attached a memorandum from the City Clerk](#) requesting the establishment of polling hours for the General Election on November 3, 2020.

I recommend that the City Council move to establish polling hours for the November 3, 2020 General Election from 8:00 a.m. to 8:00 p.m.

5. **Request to Exempt the Peirce Island Wastewater Treatment Facility from the Public Art Requirement:**

The Department of Public Works is recommending that the City Council exempt the Peirce Island Wastewater Treatment Facility from the requirement to invest \$150,000 in public art at the facility. Currently, the City is required to make such an investment under [Chapter 1, Article XVII, Funding of Public Art](#). [Attached please find a memorandum](#) outlining in further detail this recommendation.

I recommend that the City Council move to exempt the Peirce Island Wastewater Treatment Facility from the Public Art requirement as cited in Chapter 1, Article XVII.

6. Request to Schedule First Reading of Sewer Ordinance Amendment:

The City Engineer, Terry Desmarais, and the Deputy City Attorney, Suzanne Woodland, recommend that the City Council vote to bring forward for first reading an [amendment to the Sewer Ordinance](#) to codify the City’s practice of allowing property owners to defer tying-in to a new sewer line when their existing septic system is functional.

State law, which requires residents to tie into a public sewer main if within 100 feet of that line, allows municipalities to waive the requirement of tie-in to the new sewer main or to set the distance beyond 100 feet. Portsmouth has historically, as a matter of practice, allowed such deferral to tie-in as part of sewer extension projects. Residents tie in when they are ready to do so as long as their existing septic system is functioning. Portsmouth has never codified this waiver practice in its sewer ordinance. (The Portsmouth Ordinance does however use 150 feet rather than 100 feet as the determining or triggering distance.)

Staff recommends that the City codify the waiver from sewer connection requirements now so that Sagamore Avenue area residents can have confidence that the choice to connect or not is theirs if their septic system is functioning. Staff believes it is prudent to do this now prior to bidding and construction next year.

On a related note, staff believes the sewer ordinance as a whole needs a complete update and incorporation of industrial pretreatment standards but that is a bigger effort that may well take many months of consideration and discussion. This proposed minor amendment to address the concerns of the Sagamore Avenue area residents should be able to be accomplished before year end.

I recommend that the City Council move to schedule a first reading at the October 19, 2020 City Council meeting regarding an amendment to the Sewer Ordinance to codify allowing waiver of sewer tie-in following extensions.

XVI. Consent Agenda:

A. Projecting Sign License - 111 State Street:

Permission is being sought to install a projecting sign at [111 State Street](#) that extends over the public right of way, as follows:

Sign dimensions: 24” x 36”
 Sign area: 6 sq. ft.

The proposed sign complies 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.

XVII. Presentations and Consideration of Written Communications and Petitions:

A. Presentation by Health Officer Kim McNamara Regarding COVID-19 Update:

City Health Officer, Kim McNamara, will provide a verbal update to City Councilors and the public on COVID-19.

B. Update on the Portsmouth Citizen Response Task Force:

I will be providing an update on the Portsmouth Citizen Response Task Force at this evening's meeting, along with Co-Chairs James Petersen and Mark Stebbins.

XVIII. City Manager's Informational Items:

1. Racial Equity Initiatives as a Result of City Council Resolution #13-2020:

The following is a summary of actions taken in response to the City Council's Racial Justice Municipality resolution, passed by unanimous vote on June 15th. We are at the beginning of what we expect to be an enduring effort to address diversity, equity, and inclusion (DEI) in our local government and City. We have begun through education and discussion.

- The City has established an initial web page under the City Manager's page to indicate its commitment to [Racial Justice](#).
- An interdepartmental staff working group on racial justice, inclusion, and equity has been meeting once or twice a month since July. The group now involves 10 participants, and has established a staff web site that serves as a repository for useful resources (videos, articles, presentations, trainings) any member suggests may be helpful to the discussion.
- The City has scheduled its first mandatory training on the subject of Diversity, Equity, and Inclusion (DEI) with Jermaine Moore of the [Mars Hill Group](#) on October 29th. Department Heads and supervisors have been invited to this training, which will be recorded and re-usable.
- Various departments have begun conducting roundtable discussions among themselves. Individual staff members have attended numerous trainings, including:
 - Urban Sustainability Director's Network: Driving Towards Equity Series
 - ICMA's Building and Maintaining an Equity Mindset in Local Government
 - Portsmouth Public Library's series on "Standing Up to Racism"

- One department is offering its staff a “[21-Day Racial Equity Habit Building Challenge](#).” Another has developed an internal on-line forum for staff to discuss DEI-related issues. And, the Library is exploring endorsement of the [Urban Libraries Council's Statement on Race and Social Equity](#).
- The City’s working group has reached out to Portsmouth Listens and expects to host its leaders at a future meeting to discuss their current “Equity and Inclusion” dialogue.
- The City has joined the [Diversity Workforce Coalition](#). We are evaluating the possibility of joining the [Government Alliance on Race and Equity](#) (GARE).
- Next steps being discussed by the working group include: better organizing web resources to assist those in self-education, expanding training to additional staff; hosting monthly brown-bag lunches (via Zoom) to “Celebrate Differences;” reaching out to other communities to learn what they are doing with regarding DEI, and looking at available data to determine “where we are at” in relation to DEI issues.

2. Report Back on Use of CARES Act Funding:

The Finance Department has prepared a [timeline of events relating to federal CARES Act funding](#), including submissions to the Governor’s Office for Emergency Relief and Recovery (GOFERR) and specific expenses incurred to provide infrastructure to the POPUPNH effort at the Bridge Street Parking Lot.

There have been three (3) formal submissions to GOFERR to date: June 15th (for expenses incurred during March-April), July 15th (for expenses incurred during May-June) and September 15th (for expenses incurred during July-August). It is anticipated that the City will have drawn down the entire amount of our initial allocation of \$522,989.00 once we receive confirmation/reimbursement for those items requested in the third submission.

Per the NH GOFERR website, “the deadline to submit a Grant Agreement and the Reimbursement Request for COVID-19 related expenses from March 1 through August 31 is September 15, 2020. Municipalities and counties will only be able to request COVID-19 related expenses from September 1 through October 15 in the final submission deadline date of October 30, 2020.” It is for this reason that we made the decision to submit for expenses that clearly met the eligibility requirements for reimbursement to avoid the risk of leaving grant funds unutilized by the City. By the fourth submission deadline of October 30th, we could submit the \$11,472.40 in POPUPNH expenses incurred if our September 15th submittal is not fully reimbursed and we still have funds available.

The CARES Act grant functions as a reimbursement program; eligible expenses must be paid up front using City funds. GOFERR does not reimburse for encumbrances, only incurred (paid) expenses. The City paid expenses relative to COVID-19 from many line items within various departments/funds (Information Technology, Emergency Management, Planning, Library, Health, Welfare, School, Fire, Police, Parking, Water, Sewer, Leave at Termination, Contingency and Capital). The initial expenditures paid out of these line items were credited

from receipt of the first two submissions to GOFERR. The expenditures are recorded in a Special Revenue Fund with the GOFERR grant as the revenue source. In addition, the Finance Department reached out to GOFERR representatives to inquire about eligibility on certain expenditures and they replied “we are unable to pre-approve expenditures.”

Councilor Kennedy had asked for clarification of the school transportation and senior transportation incurred expenses that were included in earlier submissions. Per the School Department Business Manager, bussing for children was budgeted. Using busses to deliver food was not budgeted. The approved claim was for transportation services that supported the distribution of school nutrition breakfast and lunch meals into city neighborhoods to serve children through the end of June 2020. Those expenditures were charged to the General Fund. The School Department received credit for not bussing children during the pandemic. The credit would have been larger if the busses were not used for food delivery. Senior Transportation expenses were not included in any of the submission to GOFERR for reimbursement. Senior Transportation was originally budgeted in the Parking & Transportation Fund but was removed during the budget process as Portsmouth received additional funds from the Community Development Block Grant (CDBG) through the CARES Act which will pay for Senior/Disabled Transportation.

No CARES Act money was given to POPUPNH. The City paid contractors/vendors and labor costs related to the establishment of water/sewer service provided on-site for services related to infrastructure to support the use of the Bridge Street Parking Lot as an entertainment venue. At the time of the June 15th and July 15th submissions, there were no incurred expenses related to POPUPNH.

Of note: the State of NH still has \$200 million in CARES Acts funds to disperse. To date, the total estimated expenditures for the efforts of the Citizen Response Task Force stands at \$58,000, of which roughly \$51,000 represents costs to support the efforts at the Bridge Street Parking Lot and \$7,000 represents relocation of jersey barriers donated by Severino Construction. The City could petition the State for additional CARES Act funds via this funding or any new CARES Act funds as may be appropriated in the future by the Governor.

The June 15th motion was to appropriate \$100,000 and use the majority of the money, if possible, from CARES Act funds for Task Force projects. It was my understanding that the intent of the Council, regardless of the CARES Act funding eligibility, was to move forward with the project. Due to the limited time period in which these expenditures started to be incurred and in which the majority of the funds were received, I determined that the appropriation from FY20 Contingency funds could be utilized. As has been mentioned, the City has incurred costs well in excess of the \$522,989 that was allotted to the City of Portsmouth.

3. **Report Back on Election Official Salaries as Requested at the September 14, 2020 City Council Meeting:**

[Attached](#) please find a report back on Election Official salaries as prepared by the City Clerk.

4. **Parking Citation Fine Structure Recommendations:**

In its ongoing effort to ensure compliance with applicable City Ordinances, the Parking Division deploys a Citation Protocol with a view to encouraging residents and visitors to pay the meter system for the use of City Parking spaces. The Citation Protocol includes patrolling the City's parking spaces to ensure payment, and to issue Parking Citations when payment is not made or a driver has allowed their session to expire without renewal.

The current fine structure was last revisited in 2013. Presently, the Parking Division recognizes that the fine structure no longer encourages the desired effect, particularly as it pertains to the new daily maximum rates under the Stay and Pay system. Out-of-town guests who find a \$15 citation on their vehicle are now even more prone than before to simply skip payment for the remainder of the day, rather than be encouraged to either vacate the space or continue their parking session. Additionally, research of surrounding towns shows that Portsmouth lags behind peer averages in myriad violation categories.

To address this ongoing issue, the Parking Division recommends revisiting the fine structure as it pertains to four of the most common violations. Please see the [attached spreadsheet](#) detailing in blue the current fines, recommended changes, and peer town averages. These recommendations have been updated to account for the new Stay & Pay system's higher daily maximums.

Because these recommendations are in regards to fines as opposed to fees, they are not presented to the Fee Committee. Appropriately, they were brought before PTS on March 5, 2020, resulting in a unanimous vote to forward to City Council for First Reading on March 16, prior to the COVID 19 outbreak, which put this item on hold.

I would request that the City Council consider further action in the form of a presentation by the Director of Parking at a future Council meeting.

5. **Letter from Citizen Response Task Force to Commissioner Caswell Regarding Business Reopening:**

Please find [attached](#) a letter drafted by the Citizen Response Task Force to Commissioner Taylor Caswell regarding the extension of existing liquor licenses for on-street dining establishments through at least November 1, 2020.

6. **Memorandum on Field and Right-of-Way Maintenance:**

During the last five years there has been increasing concern about the various products applied by the Department of Public Works and its contractor as part of its maintenance activities. As this 2020 growing season comes to a close and in the interests of transparency, staff provides this brief summary on its activities this past season.

The Department of Public Works has been using organic practices and products for City ball fields, trees, parks and greenspaces. The Department has been experimenting with compost tea fertilizers, trimming and mulching and other techniques to promote a native and healthy ecosystem and environment while maintaining outdoor municipal spaces for their intended use.

Management of invasive species is the only exception to the DPW's organic practices. To manage invasive species, the Department has had to continue to rely on non-organic products, and particularly glyphosate herbicides. Municipal Pest Management has conducted limited spraying of invasive plants in the City's rights-of-way with glyphosate during September. These invasive plants are primarily Japanese knotweed, but the City also targets phragmites and the occasional bittersweet colony. Once the plant is sprayed, the herbicide translocates into the root system which kills the entirety of the plant.