

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_b1MAqJdYTT6gktDB0LlpOw

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 2020-20, 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, DECEMBER 14, 2020

TIME: 6:30PM

(CONTINUED FROM DECEMBER 7, 2020)

Items stricken have been voted upon

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~~
- ~~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 10, Article 6 – Overlay Districts – Flood Plain Overlay District Zoning Maps~~
- ~~B. Public Hearing and Second Reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Chase Drive: northerly side, from Michael Succi Drive to a point 30 feet on either side west of the driveway located at 355 Chase Drive~~

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

~~C. Public Hearing and Second Reading of Ordinance amending Chapter 3, Article IX—
Distribution of Single-Use Disposables on City Property—Effective Date: This
Ordinance shall take effect on December 31, 2022~~

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

~~*(Sample motions—move that the City Council advise the City Manager of its preference that due to the exigent circumstances created by the COVID-19 pandemic, until December 31, 2021 City enforcement activities in connection with the distribution of single use disposables either on City property or on a citywide basis (see Chapter 3, Article IX) be limited to the issuance of written warnings by the City to those persons or entities found to be in violation; and move to pass second reading as amended and hold third and final reading at the December 21, 2020 City Council meeting)*~~

~~D. Public Hearing and Second Reading of Ordinance amending Chapter 3, Article X—
Distribution of Single-Use Disposables—Citywide—Effective Date: This Ordinance
shall take effect on December 31, 2022~~

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

~~*(Sample motion—move that the City Council advise the City Manager of its preference that due to the exigent circumstances created by the COVID-19 pandemic, until December 31, 2021 City enforcement activities in connection with the distribution of single use disposables either on City property or on a citywide basis (see Chapter 3, Article IX) be limited to the issuance of written warnings by the City to those persons or entities found to be in violation; and move to pass second reading as amended and hold third and final reading at the December 21, 2020 City Council meeting)*~~

~~E. Public Hearing and Second Reading of Ordinance amending Chapter 3, Article XI—
Face Coverings—Effective Date: This ordinance shall take effect immediately and shall
terminate on vote of the City Council to that effect~~

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

F. ~~Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or Notes of up to Four Hundred Thousand (\$400,000.00) Dollars for Costs related to the Upgrade of the Police Facility~~

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

G. ~~Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or Notes of up to One Million Dollars (\$1,000,000.00) for Costs related to School Facilities Improvements~~

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

H. ~~Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or Notes of up to Three Million Six Hundred Forty Thousand Dollars (\$3,640,000.00) for costs related to Outdoor Pool Upgrades and City Street and Sidewalk Upgrades~~

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

I. ~~Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Three Million Six Hundred Thousand Dollars (\$3,600,000.00) related to Water Line Upgrades, New Ground Water Source, Water Transmission Main Replace and Water Storage Tanks Painting~~

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

J. ~~Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Five Million Two Hundred Fifty Thousand Dollars (\$5,250,000.00) for Costs related to Sewer Force Main Improvements and Sewer line Upgrades~~

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

- K. Second reading of Ordinance amending Chapter 11, Article II – Sewers, Section 11.203 and Section 11.204 – Waiver from Connection to Public Sewer (*Postponed Second Reading at the November 16, 2020 City Council meeting*) (**Sample motion – move to amend the current draft by adding after the first sentence in Section 11.204 (E) the following new sentence: The City Engineer may extent the period to connect from ninety (90) days to no more than one hundred and fifty (150) days for winter conditions or other good cause**)
- L. Third and Final Reading of Ordinance amending Chapter 7, Article IVA, Section 7-A.402 – BUS STOPS DESIGNATED – D. Hanover Street: southerly side of Hanover Street ~~90 feet east of~~ from Fleet Street to a point 285 feet east of Fleet Street
- M. Third and Final Reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits, E: Speed Limit: 25 MPH by the addition of South Street, from Middle Road to Lafayette Road
- N. Third and Final Reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – A: Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations: Dearborn Street:
 - a. westerly side from Maplewood Avenue to the easterly end of Dearborn Lane (entire westerly side)
 - b. easterly side, from the North Mill Pond running northerly for a distance of 25 feet

XII. MAYOR BECKSTED

- 1. Appointments to be Considered:
 - Appointment of David MacDonald as a regular member to the Zoning Board of Adjustment
 - Appointment of Corey Clark as a regular member of the Planning Board
 - Appointment of Peter Harris as a regular member to the Planning Board
 - Appointment of Rick Chellman as a regular member to the Planning Board
- 2. *Appointments to be Voted:
 - Reappointment of Peter Weeks to the Trustees of the Trust Funds
 - Reappointment of Philip Cohen to the Economic Development Commission
 - Appointment of Devan Quinn to the Peirce Island Committee
 - Appointment of Andrew Samonas to the Conservation Commission
- 3. *Governor’s Council on Housing Stability

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

- 1. *Request for Update on Availability of Winter Portsmouth Warming Centers

B. COUNCILOR McEACHERN

- 1. *Extend Citizen Response Task Force to June 30, 2021 with input from Council and consideration of Citizen Response Task Force recommendations

C. COUNCILOR WHELAN

1. Action Item Needing Approval by City Council:
 - Request for 30 minute spaces on Court Street near Fleet Street, by Portsmouth Housing Authority (PHA) (***Sample motion – move to temporarily designate two spaces as 30 minute parking and one space as handicapped parking in front of the Feaster Apartments during construction, which should be complete in April 2022***)
2. Parking Traffic & Safety Action Sheet and Minutes of the November 5, 2020 meeting (***Sample motion – move to accept and approve the Parking Traffic & Safety Action Sheet and Minutes of the November 5, 2020***)

D. COUNCILOR KENNEDY & COUNCILOR HUDA

1. *Reports & Year End Status Updates
 - Report Back on the Date Availability for the Final FY20 Actual Detail
 - Report Back on FY21 CIP Including the Following:
 - November 2020 & 6 Months Ended December 2020 CIP Balances to Include:
 - FY21 CIP Distribution by Line Item Amount
 - Year to Date Spend
 - Year to Date Encumbered
 - Remaining Balance
 - Report Back on the Status of the Middle Street Bike Lane Study (Expected Delivery Date of Report)
 - Report Back on the current Status of Public Art on City Property
 - Report on the Services and/or Projects Completed by the former City Manager-John Bohenko over the 12 Month Period Ending December 31st Per the Agreed Upon Consultant Contract and Verify Contract End Date
 - A 6 Month Update Report on the Status of CARES Act Funding to Include:
 - A Guide to the Taxpayers & Council on CARES Act Funds in the Monthly & Year-to-Date Reports
 - Total Amounts Submitted/Received for Reimbursement
 - Current Balance at December 1st by Funding Source
 - Update on any other COVID related Funds that are Available to the City from the State of New Hampshire
 - Status of the Boyle Case
 - What is the Current Status of the Sagamore Creek Project
 - Please provide for Review – The Contracts of the Auditors and all Legal Contracts or Retainers currently on file

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of New Hampshire Highway Safety Grant for dedicated patrol enforcement operations - \$17,641.00 (***Sample motion – move to approve and accept the New Hampshire Highway Safety Grant to the Portsmouth Police Department as presented***)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

(There are no items on under this Section of the Agenda this evening)

XVI. CONSENT AGENDA

- A. Request for License to Install a Projecting Sign for owner Sandra Cole for Backstreet Barbers LLC d/b/a/ The Clip Joint Barbers for property located at 10 Ladd Street
(Anticipated action - move to approve the aforementioned Projecting Sign License 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 Jennie Halstead, My Breast Cancer Support, requesting permission to hold the 13th Annual Celebrate Pink 5k Walk & Run on Sunday, September 19, 2021
(Anticipated action – move to refer to the City Manager with Authority to Act)

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. ~~*Presentation by Health Officer Kim McNamara regarding COVID-19 Update~~
- B. Presentation by Portsmouth Citizens Response Task Force on the future of the Task Force
- C. Letter from Attorney Bernard Pelech, Bosen & Associates, PLLC, on behalf of property owners at 138 Leavitt Avenue, requesting the Restoration of Involuntarily Merged Lots fronting Peverly Hill Road and Lots which front on Leavitt Avenue ***(Sample motion – move to refer to the Planning Board and Assessor for report back to the City Council)***
- D. Email Correspondence ***(Sample motion – move to accept and place on file)***

~~XVIII. CITY MANAGER'S INFORMATIONAL ITEMS~~

- ~~1. *Report Back on Police Department HVAC Improvements~~

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*