

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 21, 2021 TIME: 6:00PM

Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:

https://zoom.us/webinar/register/WN_eyJX7P3bMQVSTumeRf_67Uw

6:00PM – ANTICIPATED NON-PUBLIC SESSION:

1. **1386B COLLECTIVE BARGAINING TENTATIVE AGREEMENT IN ACCORDANCE WITH RSA 91-A:3 II (a)**
2. **DEER STREET ASSOCIATES – LEGAL ADVICE – RSA 91-A:3, II (I)**
3. **ACQUISITION OF REAL ESTATE – RSA 91-A:3, I (d)**

AGENDA

- I. **WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – N/A**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**
- VII. **ACCEPTANCE OF MINUTES – JUNE 7, 2021; OCTOBER 5, 2020; OCTOBER 19, 2020 & OCTOBER 26, 2020 (Sample motion – move to accept and approve the minutes of the June 7, 2021; October 5, 2020; October 19, 2020 and October 26, 2020 City Council meetings)**
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
 - A. *2021 Division II NHIAA Girls Lacrosse Champions – Portsmouth High School Clippers
 - B. *2021 Division II NHIAA Boys Lacrosse Champions – Portsmouth High School Clippers
- IX. **PUBLIC COMMENT SESSION – (Via Zoom)**
- X. **PUBLIC DIALOGUE SUMMARY [when applicable] – N/A**
- XI. **PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

Public Hearing:

- A. **AUTHORIZE THE CITY MANAGER TO APPLY FOR, ACCEPT AND EXPEND THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT OF 2021 IN THE AMOUNT OF \$6,441,140.00**

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

(Sample motion – move to authorize the City Manager to apply for, accept and expend the Coronavirus State and Local Fiscal Recovery Funds through the American Rescue Plan Act of 2021 in the amount of \$6,441,140.00, with the final approval on the plan for expenditures by the City Council and subject to the attached terms and conditions of the offer and the rules and regulations pertaining thereto)

First Reading of Ordinance:

- B. First Reading of Ordinance amending Chapter 1, Article IV – COMMISSIONS AND AUTHORITIES, Section 1.414 AUDIT COMMITTEE *(Sample motion – move to pass first reading and schedule a public hearing and second reading at the July 12, 2021 City Council meeting)*

Third and Final Reading of Ordinance:

- C. Third and Final Reading of Ordinance amending Chapter 7, Article VII, Section 7.702 – Truck Traffic Prohibited *(Sample motion – move to pass third and final reading of the ordinance)*

XII. MAYOR BECKSTED

1. Clarification Regarding Indigenous Peoples' Day Vote on 6/7/2021
2. Resignation of Steven Gray from the Cable Television & Communications Commission
3. *Appointments to be Voted:
 - Appointment of Henry Mellynychuck to the Conservation Commission
 - Appointment of Beth Margeson to the Zoning Board of Adjustment

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR McEACHERN

1. *Request Presentation on Creating a Community Housing Trust

B. COUNCILOR HUDA

1. Resolution – Appropriation for Funds *(Sample motion - move to adopt a Resolution relative to NH RSA 31:95-B, Appropriation for funds made available during the year. (Unanticipated Moneys – I.E. ARP Funds)*
2. Final Report Back regarding MBRC to Reopen Portsmouth *(Sample motion – move for a Final Report Back from the City Manager on the MBRC to Reopen Portsmouth)*

XIV. APPROVAL OF GRANTS/DONATIONS

(There are no grants/donations on the agenda this evening)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Renewal of Boarding House Permits
2. *Request to Schedule Work Session Regarding Community Power

XVI. CONSENT AGENDA

(Proper Motion for Adoption of Consent Agenda - move to adopt the Consent Agenda)

- A. Letter from Richard Mason, Veterans Count, requesting permission to hold the 8th Salute-Our-Soldiers on Friday, September 10, 2021 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Ken LaValley, Out of the Darkness, requesting permission to hold Out of the Darkness Community Walk on Saturday, October 2, 2021 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Josh Denton, Commander of V.F.W. Post 168, requesting permission to hold an End of the Afghanistan War Parade on Saturday, September 25, 2021 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence ***(Sample motion – move to accept and place on file)***
- B. Letter from Michael Griffin, Portsmouth Lodge of Elks, requesting the City Council approval to place a referendum question on the Municipal Election ballot to allow KENO to be offered in Portsmouth
- C. Letter from George Remick requesting a referendum question to be placed on the Municipal Election ballot to allow KENO to be offered in Portsmouth
- D. Letter from Derek Nadeau regarding providing enhanced Public Safety and continual commerce of high traffic city area and provide law enforcement with video footage (no audio), for monitoring and follow up investigation purposes for a period of 2 weeks (not traffic enforcement)
- E. Letter from Attorney Timothy Phoenix on behalf of Bluestone Properties of Rye, LLC, requesting the City Council to authorize City Manager Conard to execute the Parking Agreement confirming the 20 year term for 5 parking space in the Worth Lot behind 135 Congress Street

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Report Back on Assistant Mayor's Request from 6/7/2021 Regarding Extension to 60 Days for Parking Payment Citations Increases
2. Report Back on Assistant Mayor's Request from 6/7/2021 Regarding PFAS in Playing Fields

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XX. ADJOURNMENT [at 10:30 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: June 17, 2021

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 June 21, 2021

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

A. **Public Hearing Regarding Authorization for the City Manager to Apply For, Accept, and Expend the Coronavirus State and Local Fiscal Recovery Funds Through the American Rescue Plan Act (ARPA) of 2021 in the amount of \$6,441,140:**

On March 11, 2021, the American Rescue Plan Act of 2021 (ARPA) was signed into law which established the Coronavirus State and Local Fiscal Recovery Fund to provide direct support for local governments to respond to COVID-19's impact on our community, residents and businesses. It is, in essence, an economic stimulus bill to help every city and town correct the harm caused by COVID-19.

Under the ARPA, Portsmouth has been classified as a Metropolitan City, one of five in NH (along with Dover, Rochester, Manchester, and Nashua). The City has received the first half of our funds in the amount of \$6,441,140. The money has been deposited in a special revenue fund. The Interim Final Rules of the ARPA require each community to assess its needs, evaluate those needs and develop a plan on how to expend these funds within the parameters of the allowable and encouraged expenditures. We have recently learned that although Portsmouth has been identified as a Metropolitan City, it is not required to submit a formal Recovery Plan Performance Report to the Department of the Treasury. However, Portsmouth, like all recipients of these funds, will need to create a plan for how these funds can best serve our community.

In order to initiate the first of many conversations our community will have on these funds, the City Council held a work session on the ARPA funds on June 14, 2021 with public comment. During the work session, the Council discussed and approved the creation of an Ad Hoc ARPA Evaluation Committee comprised of City staff, City Councilors, and members of the public to help assess community needs, solicit public input, evaluate eligible projects, and create a recommended plan for the expenditure of these funds to the Council.

It is recommended that the Council vote to accept and expend these funds at this evening’s meeting, with the understanding that a plan for specific expenditures of ARPA funds will be presented to the Council at future meetings.

*I recommend that the City Council move to authorize the City Manager to apply for, accept, and expend the Coronavirus State and Local Fiscal Recovery Funds through the American Rescue Plan Act of 2021 in the amount of \$6,441,140, with the final approval on the plan for expenditures by the City Council and subject to the **attached terms and conditions of the offer** and the rules and regulations pertaining thereto.*

B. First Reading of Ordinance Amending Chapter 1, Article IV – Commissions and Authorities, Section 1.414 Audit Committee:

Attached is a proposed ordinance drafted on the recommendation of Councilor Huda for the purpose of fulfilling the City Council’s obligation to oversee external auditing per the City Charter.

C. Third and Final Reading of Ordinance Amending Chapter 7, Article VII, Section 7.702 – Truck Traffic Prohibited:

At its April 8, 2021 meeting, the Parking and Traffic Safety Committee (PTSC) voted to unanimously recommend to the City Council that truck traffic be prohibited on Bartlett Street as soon as Hodgdon Way (Cate Street Connector) is open to traffic. The Committee considered this recommendation as part of modifications to truck traffic in the Bartlett Street area in response to residents’ concerns to calm traffic and create a more pedestrian friendly environment. For many years, Bartlett Street has been the designated truck route through the area, primarily for deliveries to Ricci Lumber. Prohibiting truck traffic on Bartlett Street could cause trucks to use a portion of Dennett Street from Woodbury Avenue to Bartlett Street that currently permits truck traffic. In order to encourage trucks to use the revised truck route proposed by this amendment and to lessen the impact on that section of Dennett Street, it is recommended that the ordinance be amended to include a prohibition of truck traffic on Dennett Street between Woodbury Avenue and Bartlett Street. The other minor amendment to create the new truck route includes removing the truck restriction on the portion of Cate Street between Bartlett Street and the new Hodgdon Way.

On May 17, 2021, the City Council held the first reading of an ordinance that would prohibit truck traffic on Bartlett Street as soon as practicable, followed by a public hearing and second reading at the June 7, 2021 City Council meeting. The **attached ordinance** amends Chapter 7, Article VII, Section 7.702, TRUCK TRAFFIC PROHIBITED, to restrict truck traffic on Bartlett Street once Hodgdon Way is open for public travel and makes other minor amendments to the ordinance to effectuate the implementation of the revised truck route. A map of this area is also **attached**.

I recommend that the City Council move to adopt the third and final reading of the proposed amendments as presented.

XV. City Manager's Items which Require Action:

1. **Renewal of Boarding House Permits:**

Pursuant to [Chapter 9, Article VIII, Section 9.804 – Permit Renewal](#), the City has concluded its inspections of **278 Cabot Street** and **350-352 Hanover Street**. The inspections require review by the City's Inspection, Health, and Fire Departments.

I recommend that the City Council move to renew the Boarding House permits for 278 Cabot Street and 350-352 Hanover Street as presented.

2. **Request to Schedule Work Session Regarding Community Power:**

At the June 7th City Council meeting, the City Council voted to schedule a work session regarding exploring further the Community Power concept in the City of Portsmouth.

I recommend that the City Council move to schedule a work session on Monday, August 9, 2021 at 7:00 p.m. regarding this topic.

XVIII. City Manager's Informational Items:

1. **Report Back on Assistant Mayor's Request from 6/7/2021 Regarding Extension to 60 Days for Parking Payment Citation Increases:**

The Parking Division has **contacted a sampling of nineteen other municipalities** regarding management of unpaid parking citations.

Portsmouth currently levies a citation fine of \$35 for unpaid/ expired parking in metered areas, and escalates that fine to \$55 if the citation remains unpaid for a period of 30 calendar days. Incentivizing payment of fines through this methodology is standard best practice, and is utilized by the majority of cities throughout the United States.

Notably, the City of Portsmouth does not have a second or third escalation, nor do we take the more aggressive steps of accessing MVR records or hiring third-party collection agencies to encourage timely payment, as many towns do.

Notable data points from the survey:

- None of the respondents indicated a first escalation at 60 days;
- 21% of the sampling escalates at 30 days, as does Portsmouth;
- 79% of the sampling is more aggressive, escalating earlier than 30 days;
- 74% of the sampling escalates a second time, with two cities utilizing a third escalation;
- Three of the respondents indicated they send unpaid citations to third-party collections between 60 and 100 days;
- Three of the respondents indicated they send unpaid data to the State MVR and hold the constituents ability to renew vehicle registrations until all citations are satisfied.

The Parking Division provides this data to assist in determining whether the City of Portsmouth's longstanding fine escalation process is adequate, or if it should be altered to be less (or more) aggressive in an effort to encourage the desired behavior of timely payment of parking fines.

2. **Report Back on Assistant Mayor's Request from 6/7/2021 Regarding PFAS in Playing Fields:**

At its June 7th City Council meeting, the City Council requested a report back on the PFAS testing and PFAS free certification of the new artificial turf field. Attached are two letters from the City's engineering consultants that confirm the turf at the new athletic field has been tested and the results indicate PFAS was not detected. A copy of the test results are posted at the City's website at the following link: <https://www.cityofportsmouth.com/publicworks/new-athletic-fields-project>.