

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, SEPTEMBER 20, 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://us06web.zoom.us/webinar/register/WN_KIYHuvWdRqircChaQFigBQ

6:00PM – ANTICIPATED NON-PUBLIC SESSION:

1. MCINTYRE - 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 (*There are no minutes on this evening for acceptance*)
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
 - A. Recognition of Salt Pile Rescue
- IX. PUBLIC COMMENT SESSION – (*participation may be in person or via Zoom*)
- X. PUBLIC DIALOGUE SUMMARY [when applicable] – **N/A**
- XI. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

Public Hearings of Ordinances & Resolutions:

- A. RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF UP TO ELEVEN MILLION SIX HUNDRED AND FIFTY THOUSAND DOLLARS (\$11,650,000.00) TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTERESTS COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO (*Two-thirds vote required*)
 - PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS

- B. RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF UP TO ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000.00) TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTERESTS COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO (*Two-thirds vote required*)

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

First Reading of Ordinances:

- C. First Reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits sub-section E – Speed Limit: 25 MPH – Chevrolet Avenue
- D. First Reading of Ordinance amending Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled

Third and Final Reading of Ordinances:

- E. Third and Final Reading of Ordinance amending Chapter 1, Article IV, Section 1.414 – Audit Committee
- F. Third and Final Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Kevin Charette, Energy Advisory Committee
 - Ben D’Antonio, Energy Advisory Committee
 - Tom Rooney, Energy Advisory Committee
 - Peter Somssich, Energy Advisory Committee
 - Allison Tanner, Energy Advisory Committee
2. *Appointments to be Voted:
 - Alan Gold reappointment to the Economic Development Commission
 - Marsha Filion reappointment to the Board of Library Trustees
3. Note from Dana Levenson – Not seeking reappointment to Economic Development Commission

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR McEACHERN

1. *Request a report back from the Legal Department on interpretation of Tier 1 Highway Project Qualifications
2. *Resuming the use of video inspections to help with backlog

B. COUNCILOR WHELAN

1. Action Items Needing Approval by City Council:

- Request for Approval of Executed Valet Agreements of Portwalk Hampton and Portwalk Marriott (***Sample motion – move to approve agreements***)
2. Parking & Traffic Safety Committee Action Sheet and Minutes of the September 2, 2021 meeting (***Sample motion – move to accept and approve the Action Sheet and Minutes of the September 2, 2021 Parking & Traffic Safety Committee meeting***)
3. McIntyre Committee Update

C. COUNCILOR LAZENBY & COUNCILOR TABOR

1. Portsmouth Energy Advisory Committee

D. COUNCILOR HUDA

1. Sagamore Creek Sewer Extension Project (***Sample motion – move for a report back from the City Manager to the residents and the Council at the October 4th City Council meeting on the status of the Sagamore Creek Sewer Extension Project***)

Questions to be Addressed:

- ***What were the results of the core sample testing?***
 - ***Has the results of testing changed the cost of the project?***
 - ***Current count of residents opting to participate?***
 - ***Current cost estimate of the project?***
 - ***Current cost estimate per resident count for those residents opting in?***
 - ***Are there any changes in the process or progress of this project that the residents & Council should be made aware of?***
2. Per the City Charter 7.4 – Independent Audit “Reporting to the City Council”

FY21 Melanson Audit Contract:

- I request a copy of the final signed, executed, FY21 Melanson Audit Contract to be included in the Council packet of 9/20/21 for the Council to review.
- I request a progress update from staff to the City Council on the status of the FY21 Audit to be included in the Council packet of 9/20/21 for the Council to review.

(as the communication channel was diverted to City staff & the MBRAC has no visibility to the current process)

Questions to be Addressed:

- ***Has the planning meeting phase of the FY21 Audit been completed?***
- ***When will the auditors be starting the on-site testing?***
- ***Have there been any requested changes made by Melanson?***

(Sample motion – move that the City of Portsmouth join the New England Government Finance Officers Association)

(It is free & will enable the City access to more certified public accounting firms that perform municipal audits)

E. COUNCILOR TRACE

1. *Report back on “The new Bartlett Street intersection cross walk”

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Memorial Plaque Donation in Honor of Kate Crowell
- B. *A Grant to the Portsmouth Police Department from the State Department of Justice for the New Hampshire Internet Crimes Against Children (ICAC) Task Force - \$500,000.00
- C. *A Grant to the Portsmouth Police Department from the New Hampshire Department of Safety for nine different highway safety initiatives - \$17,641.00

XV. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Borthwick Forest Easements
2. Authorization of Purchase and Sale for Acquisition of Community Campus

XVI. CONSENT AGENDA

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

- A. Letter from Anna Howard, Women’s March Seacoast Org., requesting permission to hold the Women’s March on Saturday, October 2, 2021 ***(Sample motion – 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)***

XVIII. CITY MANAGER’S INFORMATIONAL ITEMS

1. Report Back on Bartlett and Cate Street Intersection
2. Report Back on Conditional Use Permits
3. Additional Information Regarding Resolutions for Callable Bonds as presented on September 7, 2021
4. *Eversource Public Coordination Meeting for Little Harbor Road Tree Removal
5. Funding Request from the Mayor’s Blue Ribbon Committee on Arts and Non-Profits

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*



CITY OF PORTSMOUTH

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

Karen S. Conard
City Manager

Date: September 16, 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 September 20, 2021

VIII. Recognitions and Volunteer Committee Reports:

A. Recognition of Salt Pile Rescue:

Mayor Becksted, the City Council, and I would like to recognize numerous members of City staff for aiding in the rescue of a man at the Sprague Operating Resources terminal salt pile at Shattuck Way on August 23, 2021. The man was working on the tarps that covered the salt, and had accidentally fallen into a hole in the piles and was trapped inside.

Members of the City's Department of Public Works:

- Jim Tow
- Mike Baker
- Jason Beevers
- Karl Snyder
- John Adams
- Doug Sparks
- Nathan Campbell
- Donald Fate
- Mike Paganelli

Members of the City's Fire Department:

- Lt. Brett Nelson
- Firefighter Amy Pellitier
- Firefighter Alan Scholtz
- Firefighter Shaw Terrill
- Lt. Garrett Miller
- Firefighter Tim Dame
- Firefighter Phil Davis
- Firefighter Clark Brighton
- Firefighter Lucas Raymond
- Firefighter Wayne LaCaillade

- Fire Prevention Officer Shawn Wheeler
- Assistant Chief William McQuillen

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

A. **Public Hearing and Vote on Resolution Authorizing Issuance of Refunding Bonds of up to Eleven Million Six Hundred and Fifty Thousand Dollars (\$11,650,000) to Refinance Certain Outstanding Bonds of the City so as to Reduce Interest Costs, and to Pay All Costs Incidental and Related Thereto:**

Attached is the **proposed resolution**.

I recommend that the City Council move to adopt the proposed resolution as presented.

B. **Public Hearing and Vote on Resolution Authorizing the Issuance of Refunding Bonds of up to One Million Six Hundred Thousand Dollars (\$1,600,000) to Refinance Certain Outstanding Bonds of the City so as to Reduce Interest Costs, and to Pay All Costs Incidental and Related Thereto:**

Attached is the **proposed resolution**.

I recommend that the City Council move to adopt the proposed resolution as presented.

C. **First Reading of Ordinance Amending Chapter 7, Article XI, Section 7.1100 – Speed Limits Sub-Section E – Speed Limit: 25 MPH – Chevrolet Avenue:**

At its October 8, 2020 meeting, the Parking and Traffic Safety Committee (PTSC) heard a report back on traffic calming on Chevrolet Avenue in response to residents' concerns about pedestrian and traffic safety. In addition to a discussion on beginning a neighborhood traffic pattern plan for the area, the PTSC voted unanimously to lower the speed limit on Chevrolet Avenue from 30 mph to 25 mph as a measure to improve pedestrian and traffic safety.

The speed limit became a temporary parking and traffic regulation through the Council's approval of the PTSC's meeting minutes on November 16, 2020. Temporary parking regulations expire one year after approval unless they are adopted by the Council as an amendment to Chapter 7 through the City's ordinance adoption process.

The Parking and Traffic Safety Committee recommends the adoption of **an amendment to Chapter 7, Section XI, Section 7.1100 Speed Limits, Sub-Section E** to reduce the speed limit on Chevrolet Avenue from 30 mph to 25 mph.

I recommend that the City Council move to pass first reading, and schedule a public hearing and second reading at the October 4, 2021 City Council meeting.

D. First Reading of Ordinance Amending Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled:

At its August 5, 2021 meeting, the Parking and Traffic Safety Committee (PTSC) voted unanimously to recommend to the City Council [an amendment to Chapter 7, Article XII, Section 7.1200](#) that would provide three hours of free parking in parking metered zones for ADA-credentialed vehicles. Over the course of several prior meetings, the PTSC acknowledged that before the enactment of the Stay and Pay system, the City had an uncodified policy of providing three hours of free parking for the walking disabled in time-limited parking spaces. This policy conformed with NH RSA 265:74, which provides that a municipality must provide free parking for the walking disabled but has discretion to set reasonable time limits for free parking.

After the enactment of the Stay and Pay System, most time limits in City-managed parking spaces were abolished. The PTSC was uncertain as to what would qualify as reasonable time limits for free parking under our Stay and Pay parking system because we no longer have time limited parking and the guidance documents provided by the Governor’s Commission on Disability did not address a Stay and Pay type parking system. The PTSC instructed staff to reach out to the Commission for clarification. Representatives at the Commission’s Office confirmed that three hours of free parking for the walking disabled was reasonable under our Stay and Pay system and was consistent with the Commissions’ policies and state law.

I recommend that the City Council move to pass first reading, and schedule a public hearing and second reading at the October 4, 2021 City Council meeting.

E. Third and Final Reading of Ordinance Amending Chapter 1, Article IV, Section 1.414 – Audit Committee:

Attached please find a [copy of the ordinance amending Chapter 1, Article IV, Section 1.414 – Audit Committee](#). This copy incorporates edits that were reviewed and approved by the City Council at the September 7, 2021 meeting.

I recommend that the City Council move to pass the third final reading of this ordinance amendment, and adopt the ordinance as presented.

F. Third and Final Reading of Ordinance Amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures, and Separability:

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-managed parking inventory. 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 four most common citations were updated via City Council passing of third reading on May 17, 2021.

During discussions regarding the four most common citations, it was further discussed that a number of additional violation categories were similarly in need of an update.

Research of surrounding towns shows that Portsmouth lagged behind peer averages in several violation categories.

To address the issue of modernizing the fine structure for safety violations, the Parking Division presented the **attached fine schedule** and **proposed ordinance amendments** to the Parking and Traffic Safety Committee on June 3, 2021, resulting in a unanimous vote to forward to the City Council for first reading.

I recommend that the City Council move to pass the third final reading of this ordinance amendment, and adopt the ordinance as presented.

XIV. Approval of Grants/Donations:

A. Approval of Memorial Plaque Donation in Honor of Kate Crowell:

Linda Bernier has requested permission to donate and locate a memorial plaque at the Jay Smith Pocket Park on State Street. The plaque is in recognition of her daughter Kate Crowell, who passed away in April of this year. Kate maintained the park for over six years, taking pride in keeping the plants maintained and the area clean for the public to enjoy.

If approved by the City Council, the 8x10” plaque will be mounted on a granite post one foot off the ground at a suitable location determined by the Department of Public Works’ Parks and Greenery Division. The Department of Public Works will be responsible for installing the plaque and has all of the materials needed for the installation. There will be no cost associated with this work.

I recommend that the City Council move to approve and accept a memorial plaque donation from Linda Bernier in recognition of Kate Crowell to be placed in the Jay Smith Pocket Park.

B. Approval of Grant for the Portsmouth Police Department from the State Department of Justice for the New Hampshire Internet Crimes Against Children (ICAC) Task Force - \$500,000:

At the September 8, 2021 Special Commission meeting, the Board of Police Commissioners approved and accepted a grant in the amount of \$500,000 from the State Department of Justice for the New Hampshire Internet Crimes Against Children (ICAC) Task Force.

I recommend that the City Council move to approve and accept the grant for the Police Department in the amount of \$500,000 as presented.

C. **Acceptance of Grant for the Portsmouth Police Department from the New Hampshire Department of Safety for Nine Different Highway Safety Initiatives - \$17,641:**

At the September 8, 2021 Special Commission meeting, the Board of Police Commissioners approved and accepted a grant in the amount of \$17,641 from the New Hampshire Department of Safety. This grant will be utilized for nine different safety initiatives.

I recommend that the City Council move to approve and accept the grant for the Police Department in the amount of \$17,641 as presented.

XV. City Manager's Items which Require Action:

1. **Borthwick Forest Easements:**

At the City Council meeting of September 7, 2021, staff brought forward four easements for acceptance by the City Council. These easements will secure municipal rights to both new and existing public water lines as well as to public bicycle and pedestrian path infrastructure. A request was made at that meeting for additional information/a presentation regarding these easements.

The Acting Deputy City Manager Suzanne Woodland, with the support of the Public Works Department, has prepared a figure which more readily shows the new infrastructure and easement areas. See [attached one page Borthwick Forest Easement Overview Figure](#). Deputy City Manager Woodland is prepared to speak to this Figure and the easements at this evening's meeting.

Note that there is no emergency access road as part of this project, which was an early concept as part of the development process, but later dropped. All of the improvements have been constructed and the City Council action requested is simply to secure, by easements, the rights of the municipality and the public in the use of the infrastructure.

The information provided at the last meeting, which included [plan sheets and easement deeds](#), is also attached for the Council's information.

I recommend that the City Council move that the City Manager be authorized to negotiate, execute, deliver and record the necessary easement deeds to secure the municipal rights associated with the project.

2. **Authorization for Purchase and Sale for Acquisition of Community Campus:**

The Foundation for Seacoast Health has announced their intent to sell Community Campus to the City of Portsmouth. Following a three-year strategic planning process and keeping in mind their goal to maintain the campus' original vision as a multi-tenant non-profit center, while adding new resources to benefit the community, the Foundation has determined the City to be the ideal buyer to manage the Campus.

The City has made the decision to move forward with a **letter of intent with the Foundation for Seacoast Health**. The opportunity for the City to acquire such a significant property and determine the future use of that site could not be more ideal, and offers the City tremendous potential to reinforce the Recreation and School Department programs and overall facilities. This is the type of strategic investment that will truly serve as a positive impact for generations to come, and I would be happy to answer any additional questions at this evening's meeting.

I recommend that the City Council move to authorize the City Manager to negotiate a purchase and sale agreement to be brought back to the Council for final approval, and to refer this acquisition to the Planning Board for its review and report back.

XVIII. City Manager's Informational Items:

1. Report Back on Bartlett and Cate Street Intersection:

At the August 2, 2021 City Council meeting, the Council requested a report back on the status of the Bartlett Cate Street intersection modification. As requested, City staff and the Design Engineer will provide a brief presentation and be available to answer any questions on the status of the Bartlett Cate Street intersection at this evening's meeting. The report back focuses on the intersection function, especially the new crosswalk and the Engineer's findings and recommendations. **Attached is a summary of the review.**

The approved design was implemented on July 16, 2021. The current configuration was done in a manner to allow for an adjustment period during which the Department of Public Works has monitored the traffic pattern to confirm the effectiveness of the modified roadway. The modification was designed by the engineering firm Fuss and O'Neil to improve traffic and pedestrian safety in conjunction with the creation of Hodgdon Way. Hodgdon Way, the new roadway from Cate Street to the Route 1 Bypass, was created in part as a response to resident requests to reduce truck and vehicle traffic in the Bartlett Street Neighborhood. The design was peer reviewed for the City by the traffic engineering firm TEC, approved by the City's Planning Board, and stamped by the Professional Engineer of Record.

2. Report Back on Conditional Use Permits:

As previously requested by Councilor Trace, please find attached a **report back on all Conditional Use Permits** granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021.

3. Additional Information Regarding Resolutions for Callable Bonds as Presented on September 7, 2021:

Please find attached a report back on additional questions posed by Councilor Huda at the September 7, 2021 City Council meeting regarding the refunding of bonds.

4. **Eversource Public Coordination Meeting for Little Harbor Road Tree Removal:**

In an effort to inform property owners and residents, and to assist Eversource with the necessary coordination to complete the work effort associated with tree removals along Little Harbor Road, a public coordination meeting has been scheduled for September 23, 2021 at 6:30 PM in the City Council Chambers at the City Hall. Property owners, residents and businesses along Little Harbor Road are invited to attend this public coordination meeting. Participants can join the meeting in person or via Zoom. Advance registration is required to participate by Zoom.

This meeting is to provide residents and businesses on Little Harbor Road the opportunity to learn the schedule and logistics for this work. Eversource plans to deploy a crane to remove select trees identified as impeding the power lines along the right-of-way and approved by the City's Tree and Greenery Committee for removal. This meeting is intended for those with Little Harbor Road residence or business addresses to ask specific questions about the work plan and schedule.

The work requires the closure of Little Harbor Road from 7:00 a.m. to 3:00 p.m. for five days, and is anticipated to be completed September 27 through October 1, 2021. Emergency fire, police and paramedics will be stationed on the far side of the work area every day should an emergency arise.

5. **Funding Request from the Mayor's Blue Ribbon Committee on Arts and Non-Profits:**

Included in this evening's packet is a [letter to the City Manager from the Mayors Blue Ribbon Committee on Arts and Non-Profits \(BRC\) requesting funds](#) for a pilot arts and culture marketing program. This BRC was charged with helping local non-profit arts organizations recover from the negative impacts which the sector suffered during mandatory shuttering of venues and events during the COVID-19 pandemic.

Populated by the executive directors and managers of the City's premier arts and culture organizations, the BRC quickly surveyed local non-profit cultural organizations and their audiences to determine the impact of COVID-19 and how the City might best assist in the recovery response. The survey indicated that the most significant challenge to the non-profit arts and culture community was lack of consumer confidence for attendance at events. 85% of respondents wished to see the continuation of arts and culture collaboration with 78% expressing a desire for a centralized marketing campaign for the City's arts and culture institutions.

In response to these desires, the Committee is seeking City funding for roughly \$51,700 for a pilot marketing campaign in collaboration with the Greater Portsmouth Chamber Collaborative.

I plan to allocate the residual funds identified for Art-Speak from the existing Reinvestment in the Arts account approved and appropriated by a previous City Council for this request.