

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 18, 2021 TIME: 7:00PM

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_wKiMuBLSO6M9KrxKhaz2g

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 – OCTOBER 4, 2021** (*Sample motion – move to accept and approve the minutes of the October 4, 2021 meeting as presented*)
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
- 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**

Third and Final Reading of Ordinances:

- A. Ordinance amending Chapter 7, Article XI, Section 7.1100 – SPEED LIMITS Sub-section E – Speed Limit: 25 MPH – Chevrolet Avenue (**Sample motion – move to pass third and final reading of the ordinance as presented**)
 - B. Ordinance amending Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled (**Sample motion – move to pass third and final reading of the ordinance as presented**)
- XII. MAYOR BECKSTED**
1. Appointments to be Considered:
 - Hawk Furman appointment to the Audit Committee (2 year term)
 - Christopher White appointment to the Audit Committee (3 year term)
 2. *Appointment to be Voted:
 - Sarah Lachance reappointment to the Economic Development Commission

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE & COUNCILOR WHELAN

1. Testing for PFAS On Artificial Turf Playing Fields (***Sample motion – move that the City Council requires the City Manager to commission independent third party test for PFAS of the new playing field. As recommended by independent experts, the testing shall use the non-targeted PFAS analysis and total oxidizable precursor (TOP) assay methods to look for the presence of PFAS in the synthetic turf, shock pad, and infill material. The results will be provided to the City Council within 30 days***)

B. COUNCILOR McEACHERN

1. *Letter requesting air quality testing in the immediate vicinity of the city railways

XIV. APPROVAL OF GRANTS/DONATIONS

- A. *Donation to the Portsmouth 400th - \$10.00 (***Sample motion – move to approve and accept the donation from Valerie Rochon in the amount of \$10.00 as presented***)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Request from Pontine Theatre for Shed
2. *Surplus Granite and Portsmouth Housing Authority
3. Eversource Pole and Vault License Request
4. Resolution Regarding Optional Tax Credit for Combat Service
5. Approval of Community Garden License Agreement

XVI. CONSENT AGENDA

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

- A. Letter from Adam Benoit, The Greg Hill Foundation, requesting permission to hold the 9th Annual Jingle All The Way 5K Road Race on Saturday, December 4, 2021 at 10:00 a.m. – 11:30 a.m. (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- B. Request for License to Install Projecting Sign for owner Emily Stearns of The Drift Collective LLC, for property located at 50 Daniel 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***
- C. Letter from Nick Diana, requesting permission to host the 5th annual Running Road Race on Saturday, April 23, 2022 from 9:30 a.m. to 11:30 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *Presentation Regarding Conditional Use Permits by Interim Planning Director, Peter Britz and Principal Planner, Nicholas Cracknell
- B. Email Correspondence ***(Sample motion – move to accept and place on file)***

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Clarification Regarding Ward 3 Polling Location
2. Household Hazardous Waste Collection Day – October 30, 2021
3. Report Back on August 2021 Monthly Summary Report
4. Little Harbor Road Paving
5. Report Regarding Request for Costs of McIntyre Consultants to Date

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

1. Citywide Neighborhood Committee Ward 2 Forum – September 14, 2021 Minutes

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: October 14, 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 October 18, 2021

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

A. Third and Final 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 the third and final reading, and adopt the ordinance amendment as presented.

B. Third and Final 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 the third and final reading, and adopt the ordinance amendment as presented.

XIV. Approval of Grants/Donations:

A. Donation to the Portsmouth 400th - \$10:

The City received a donation of \$10 from Valerie Rochon for the Portsmouth 400th celebration.

For anyone interested in donating to this celebration, donations will be accepted on the [City's website](#) and via a "DONATE" button on the homepage of PortsmouthNH400.org

I recommend that the City Council move to approve and accept the donation from Valerie Rochon in the amount of \$10 as presented.

XV. City Manager's Items which Require Action:

1. Request from Pontine Theatre for Shed:

Pontine Theatre currently leases the Plains School under a 10-year lease with the City. The organization, in a cost sharing agreement with the City, repaired and improved the building in 2017 as part of its lease obligations. The organization is currently seeking to erect a shed for the storage of equipment at its cost. See **attached request letter**. Pontine has coordinated with the Department of Public Works, which supports the installation of the shed.

I recommend that the City Manager be authorized to approve Pontine's installation of the shed and to make such minor adjustments to the existing lease document as may be necessary to reference this new structure.

2. Surplus Granite for Portsmouth Housing Authority:

As part of the Portsmouth Housing Authority's workforce housing project at 160 Court Street, the Portsmouth Housing Authority conveyed to the City community space easements for the purposes of public pocket parks and a plaza.

These community space easement areas include land adjacent to Fire Station One and the area of the Firefighter statue. These community space easements were approved by the City Council on November 23, 2020.

Portsmouth Housing Authority (PHA) has approved designed plans for the hardscape for the community space areas which includes granite benches. The City has various pieces of surplus granite that would be appropriate for these benches. Authorization is sought for the release of these pieces of granite for installation by PHA's contractor into the community spaces areas as part of the approved designed. As they will become part of the approved hardscape, ownership will transfer to the Portsmouth Housing Authority, but the Housing Authority will have the requirement to maintain the area in accord with the approved plans for the public benefit.

I recommend that the City Manager be authorized to release to the Portsmouth Housing Authority granite pieces for benches to be installed in the public community space areas as part of the Court Street work force housing project.

3. **Eversource Pole and Vault License Request:**

Eversource is seeking a license for a new pole, underground vaults and conduit along State, Penhallow and Daniel Streets. This proposed infrastructure is part of the long term effort to bury the overhead wires and to improve the distribution of electricity in the downtown. Specifically, this work will eliminate the wires on Daniel Street from Penhallow Street to Market Square, and set the City up for more eliminations on Penhallow Street when the McIntyre Building work comes to fruition.

Eversource would typically submit its pole licensing request later in its design and licensing process, however, it would like to start excavation work as soon as possible to avoid winter time conditions (the next City Council meeting is not until November 15, 2021 and some excavation work may be able to take place before that date). Thus, City staff have worked with Eversource to submit this request for preliminary license approval. After the conduit and manholes are constructed, Eversource will come forward for final approval of the pole license in its usual form with all vaults and conduits shown in their as-built locations.

The installation of the conduit and other improvements is being financed by the 60 Penhallow private development and no City funds are being spent as part of this effort. Attached are the schematic locations for the conduits and vaults as shown on **two plan sheets from the Brick Market project**. The work shown on these two plans is part of a larger discussion with Eversource and the City to improve the electrical infrastructure in the downtown. Public Works personnel and Eversource have approved these locations.

I recommend that the City Manager be provided with the authority to negotiate and approve a preliminary license agreement with Eversource for the excavation, conduit installation and other work needed ahead of the final pole licensing submission by Eversource.

4. **Resolution Regarding Optional Tax Credit for Combat Service:**

As you are aware, a proposed resolution regarding the optional tax credit for combat service was brought forward at the recommendation of Josh Denton, Commander of #168 VFW, for the City Council’s consideration at the October 4, 2021 City Council meeting. At that meeting the City Council voted to request a **Resolution** to be drafted by the City Attorney and brought back to the City Council at this evening’s meeting.

I recommend that the City Council move to schedule a public hearing and adoption of the Optional Tax Credit for Combat Service Resolution at the November 15, 2021 City Council meeting.

5. **Approval of Community Garden License Agreement:**

Attached is a license agreement for a proposed community garden located on Greenland Road.

I recommend that the City Council move to authorize the City Manager to execute the Community Garden License Agreement as presented.

XVI. Consent Agenda:

B. **Projecting Sign License – 50 Daniel Street:**

Permission is being sought to install a projecting sign at **50 Daniel Street** that extends over the public right of way, as follows:

Sign dimensions: 48” x 36”

Sign area: 12 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 Regarding Conditional Use Permits:**

Interim Planning Director, Peter Britz, and Principal Planner, Nicholas Cracknell, will be providing a presentation on Conditional Use Permits during this evening’s meeting.

XVIII. City Manager's Informational Items:

1. **Clarification Regarding Ward 3 Polling Location:**

Please find attached a memorandum regarding the Ward 3 polling location during the 2020 election.

2. **Household Hazardous Waste Collection – October 30, 2021:**

On October 30, 2021, the Department of Public Works will host Household Hazardous Waste Collection Day from 8:00 a.m. to 12 noon. A press release with additional details is attached.

3. **Report Back on August 2021 Monthly Summary Report:**

Please find attached a report back on the August 2021 Monthly Summary Report that was requested at the October 4, 2021 City Council meeting.

4. **Little Harbor Road Paving:**

As part of its annual road maintenance program, Public Works Staff are planning on reclaiming and binder paving Little Harbor Road. The Little Harbor Road project is one of many paving projects managed by Public Works in accordance with the City's Capital Improvement Plan and available funding.

The road work will start late in October 2021, weather permitting, and will take several days as road crews grind up the existing surface and then put down a binder pavement layer. The road will be accessible throughout, though travel will be limited to one lane, alternating traffic. Flaggers will be in place to direct traffic.

This initial work will be followed in the spring of 2022 with the final wearing course of paving. Prior to final paving, staff will solicit public input and work with the Parking and Traffic Safety Committee to identify acceptable traffic calming measures that can be implemented as part of the final paving. Questions related to this project can be directed to Dave Desfosses at 603-766-1411. Attached please find a press release regarding this issue.

5. **Report Back on Request for Costs of McIntyre Consultants to Date:**

Attached please find a report back with the costs of the McIntyre Redevelopment consultants to date as requested by Councilor Lazenby.