

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, FEBRUARY 7, 2022 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_zzXTY6z0S7K6sm6lQ1o8tA

6:00PM – ANTICIPATED NON-PUBLIC SESSIONS:

1. McINTYRE REGARDING LITIGATION AND LEGAL ADVICE – RSA 91-A:3 II (e) and (I)

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 – DECEMBER 20, 2021; JANUARY 3, 2022; JANUARY 13, 2022 AND JANUARY 24, 2022
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

PROCLAMATION

1. *Recognition of Black History Month

- IX. PUBLIC COMMENT SESSION (*This session shall not exceed 45 minutes*) – (*participation may be in person or via Zoom*)
- X. PUBLIC DIALOGUE SUMMARY [when applicable] – **N/A**
- XI. PUBLIC HEARINGS AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

Public Hearing – Capital Improvement Plan (CIP):

- A. CAPITAL IMPROVEMENT PLAN (CIP) FY 2023-2028
 - PRESENTATION (*Presentation was held at the January 19, 2022 Work Session*)
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Action on CIP will take place at the March 7, 2022 City Council meeting)

Public Hearing – Second Reading of Ordinance:

- B. Public Hearing/Second Reading of Ordinance amending Chapter 3, Article XI, Section 3.1101 – 3.1104 – Face Coverings During the COVID-19 Pandemic (***Sample motion – move to pass second reading and hold third and final reading at the February 22, 2022 City Council meeting***)

PRESENTATION

1. *Presentation by Mark Debowski, Consulting Engineer Project Manager for NHDOT Rail Trail Project

XII. MAYOR McEACHERN

1. Appointments to be Considered:
 - Genevieve Aichele to the Blue Ribbon Committee on Portsmouth Arts & Non-Profits
 - Jeffrey Barraclough to the Blue Ribbon Committee on Portsmouth Arts & Non-Profits
2. *Appointments to be Voted:
 - Jason Huett to the Cable Television and Communications Commission
 - Chris Benecick to the Cemetery Committee
 - Eva Boice to the Cemetery Committee
 - Deirdre (Dee) Forte to the Cemetery Committee
 - Michael Griffin to the Cemetery Committee
 - Donald Margeson to the Cemetery Committee
 - Sue Polidura to the Cemetery Committee
 - Kerry Rubinstein to the Cemetery Committee
 - Susan Sterry to the Cemetery Committee
 - Steven Detrolio to the Sustainable Practices Blue Ribbon Committee
 - Jay Lieberman to the Sustainable Practices Blue Ribbon Committee
3. *Appointment of Governance Committee
4. Approval of City Council Rules and Orders
5. *McIntyre

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR KELLEY

1. Adoption of Legislative Principles and Procedures for Testimony

B. COUNCILOR DENTON

1. *CIP – Electric Vehicle Charging Stations (***Sample motion – move for reports back on funding options, to include the Capital Improvement Plan, to begin the installation of Level 3 (480 volt) Electric Charging Stations in Parking Zone A in FY23 and to begin annual greenhouse gas emission inventories***)

C. COUNCILOR MOREAU

1. ***Land Use Committee (*Sample motion – move the formation of a “Land Use Committee” to look at Diversifying Land Use Regulations within the City. The purpose is to review all current zoning and policies surrounding housing and development to encourage sustainable, diverse, and affordable development including expanded multi model transportation. With a report back to the City Council on recommended alterations to the zoning and existing policies along with any new zoning or policies to be considered important to furthering the City’s Goals. Furthermore, the committee shall consist of eight members of which two members from the City Council, two members from the Planning Board, two members from Planning Department staff, one member from Economic Development Commission and one member from Portsmouth Housing Authority as approved by the Mayor*)**

Members to be approved:

Beth Moreau, City Councilor
Rich Blalock, City Councilor
Rick Chellman, Planning Board Chair
Corey Clark, Planning Board Vice Chair
Beverly M. Zendt, Planning Director
Nick Cracknell, Principal Planner
Craig Welch, Executive Director, Portsmouth Housing Authority
TBD, Economic Development Commission

D. COUNCILOR BAGLEY AND ASSISTANT MAYOR KELLEY

1. ***Outdoor Dining in 2022 (*Sample motion – move to request a report back from the city staff on outdoor dining in 2022 and future years at the February 22, 2022 meeting. In particular suggestions for; fees, fee implementation process, insurance requirements, possible alternatives to Jersey barriers that may allow for more flexible use of space, accessibility, general appearance, dates of the season, as well as any other concerns or suggestions the city may have in regards to health and safety. In addition, a plan to engage with downtown residents, retail, office, and restaurants in the discussion and planning process in an ongoing manner*)**

E. COUNCILOR COOK

1. Face Coverings During the COVID-19 Pandemic Ordinance Amendments

XIV. APPROVAL OF GRANTS/DONATIONS

- A. ***Acceptance of Donation to the Police Department:**
 - Paul Gormley and Kimi Iguchi - \$2,500.00**(Sample motion – move to accept the donation to the Police Department as presented)**

- B. *Acceptance of Donation to the Police Department:
 - Libby Giordano & Make-A-Wish for Captain Michael Maloney - \$15.00 Moe's Italian Sandwiches Gift Card

(Sample motion – move to accept the donation to the Police Department as presented)

- C. *Acceptance of Donation to the Portsmouth 400th
 - Catherine Keenan - \$1,623.00

(Sample motion – move to accept the donation to the Portsmouth 400th as presented)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

- 1. Approval of Fire Department Memorandum of Agreement
- 2. *Extension to Neighborhood Parking Pilot Program

XVI. CONSENT AGENDA

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

- A. Letter from Stephen Infascelli, Eastern States 20 Mile Road Race, requesting permission to hold the 20 Mile Road Race on Sunday, March 27, 2022 at 11:00 a.m.
(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. Letters from various downtown businesses regarding outdoor dining and the use of parking spaces ***(Sample motion – move to refer to the City Manager for report back at the February 22, 2022 City Council meeting)***

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Report Back on Management of the Farmers' Market
- 2. Memorandum Regarding Process for Charter Review
- 3. Inspection Department Update
- 4. PFAS Testing Updates

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XX. ADJOURNMENT [at 10:30 p.m. or earlier]

**Indicates verbal report*

**KELLI L. BARNABY, MMC/CNHMC
CITY CLERK**



CITY OF PORTSMOUTH

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

Karen S. Conard
City Manager

Date: February 3, 2022
To: Honorable Mayor Deaglan McEachern and City Council Members
From: Karen S. Conard, City Manager *KSC*
Re: City Manager's Comments on City Council Agenda of February 7, 2022

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

A. Public Hearing – Capital Improvement Plan (CIP) FY2023-2028:

In accordance with Section 7.7 of the City Charter, the City Council is conducting a public hearing at this evening's City Council meeting regarding the [proposed Capital Improvement Plan for FY 2023 – FY 2028](#). In addition to this evening's public hearing, the City Council held a work session on January 19, 2022 and [the City shared the attached presentation](#). At the work session, a presentation of the proposed CIP was made by City staff. As you are aware, the City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the public hearing and before the City Manager submits the budget to the City Council.

Adoption of the proposed CIP will take place at the March 7, 2022 City Council meeting.

B. Public Hearing and Second Reading of Ordinance Amending Chapter 3, Article XI – Face Coverings During the COVID-19 Pandemic:

[Attached please find a proposed ordinance](#) regarding Chapter 3, Article XI – Face Coverings During the COVID-19 Pandemic. It includes amendments proposed by Councilor Cook.

XIV. Approval of Grants/Donations:

A. Approval of Donation for Police Department - \$2,500:

The Police Department received a donation of \$2,500 from Portsmouth residents Paul Gormley and Kimi Iguchi. The Board of Police Commissioners approved and accepted this donation at their January 18, 2022 meeting.

I recommend that the City Council move to approve and accept the donation for the Police Department as presented.

B. Approval of Gift Card Donation for Police Department:

The Police Department received a donation in the form of a \$15 Moe's Italian Sandwiches gift card from Libby Giordano and Make-A-Wish for Captain Michael Maloney for his efforts with one of their events in December 2021. The Board of Police Commissioners approved and accepted this donation at their January 18, 2022 meeting.

I recommend that the City Council move to approve and accept the donation for the Police Department as presented.

C. Approval of Donation to Portsmouth 400th:

The City received a donation to the Portsmouth 400th from Catherine Keenan in the amount of \$1,623.

I recommend that the City Council move to approve and accept the donations as presented.

XV. City Manager's Items which Require Action:

1. Approval of Fire Department Memorandum of Agreement:

Attached please find a [proposed Memorandum of Agreement \(MOA\) between the City and the Firefighters Association of Portsmouth, New Hampshire Local #1313](#). The MOA provides the Fire Department the flexibility to offer potential lateral transfers a higher starting rate of pay, based on relevant experience earned in other fire departments. The MOA also provides compensation for the same relevant experience previously earned by two (2) recent lateral transfers to the Department.

I recommend that the City Council move to approve the proposed Memorandum of Agreement with the Fire Department as presented.

2. Extension to Neighborhood Parking Pilot Program:

The Islington Creek Neighborhood Parking 6-month Pilot Program (NPP) was ratified in September 2021 with a start date of August 4, 2021 and an end date of February 4, 2022.

The Parking Division has since deployed its resources to the startup, management and enforcement of the program, gathering daily data as to its effects on the target neighborhood, and presenting a mid-pilot report at the November 16, 2021 Parking and Traffic Safety (PTS) Committee meeting.

In light of the fact that this is a complex issue, and a new Council was seated in January 2022, the City Manager and the Parking Division believe it appropriate to request an administrative extension of this program in order to provide time to deliver a full 6-month report of statistics and results at the PTS Committee meeting scheduled for March 3, 2022.

At that time, the PTS Committee will make recommendations to the City Council as to the factors it believes the Council should consider when determining how to proceed on policy issues pertaining to the program.

I recommend that the City Council move to approve a two-month administrative extension for the Islington Creek Neighborhood Parking Program, placing its effective end date as April 4, 2022, pending any additional factors.

XVII. Presentation and Consideration of Written Communications and Petitions:

A. Presentation by Mark Debowski, Consulting Engineer Project Manager for NHDOT's Rail Trail Project:

Mark Debowski, Consulting Engineer Project Manager for NHDOT's Rail Trail project, will be joining us via Zoom this evening to briefly update everyone the status of the project.

XVIII. City Manager's Informational Items:

1. Report Back on Management of Farmers' Market:

At the January 24th City Council meeting, the Council requested that the Legal Department report back on [Seacoast Eat Local's request to take over management of the Farmers' Market](#). Attached please find [Attorney Sullivan's recommendation](#).

2. Memorandum Regarding Process for Charter Review:

Please find [attached a memorandum outlining the Charter Amendment process](#) as requested by Councilor Denton at the January 24th City Council meeting.

3. Update from the Chief Building Inspector:

Shanti Wolph, the City's Chief Building Inspector, has provided a [written update on the Inspections Department](#) for your information.

4. PFAS Testing Updates:

Attached for your information are two memoranda from staff providing an update on the [Artificial Turf Field](#) and [Sagamore Creek](#) as it relates to PFAS testing. Given that there may be continued conversation on PFAS testing as part of the School Department's CIP item to replace its artificial turf field, this updated and additional information is important to share with you.