

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 3, 2022 TIME: 5:45PM

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_7EqbomifShaE3GtHN4RUMQ

5:45PM – ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A

1. COLLECTIVE BARGAINING AGREEMENTS – RSA 91-A:3, II (a)
2. CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3, II (I)

AGENDA

**Regular portion of City Council meeting to begin at 7:00 p.m.*

- 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**

PROCLAMATIONS

1. Breast Cancer Awareness Month
2. Domestic Violence Awareness Month

VII. **ACCEPTANCE OF MINUTES – AUGUST 1, 2022**

VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

- A. *Recognition of Former State Representative Laura Pantelakos

IX. **PUBLIC COMMENT SESSION** (*This session shall not exceed 45 minutes*) – (*participation may be in person or via Zoom*)

X. **PUBLIC HEARINGS AND VOTE ON ORDINANCE AND/OR RESOLUTION**

Public Hearing/Second Reading of Ordinance:

- A. Public Hearing/Second Reading of Ordinance amending Chapter 10, Article 5A, Section 10.5A21B, Amend Map For Building Height Standards, Incentive Overlay Districts Sections 10.5A21.20 – Building Height Standards, Sections 10.5A21.21 & 10.5A21.22, Section 10.5A43.32 – Building and Story Heights, Section 10.1530 – Terms of General Applicability

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

(Sample motion – move to pass second reading and hold third and final reading at the October 24, 2022 City Council meeting as presented)

Third and Final Reading of Ordinance:

- B. Third and final reading of Ordinance amending Chapter 1, Article IV, Section 1.414 – Commissions and Authorities ***(Sample motion – move to pass third and final reading of the Ordinance as presented)***

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

- 1. Request to Establish Polling Hours
- 2. Right of Way Easement Deeds for properties located on Chevrolet Avenue

XII. CONSENT AGENDA

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

- A. Letter from Jake Dodge, The Greg Hill Foundation, requesting permission to hold the 10th Annual Jingle All The Way 5k Road Race on December 10, 2022 at 10:00 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the 14th Annual Turkey Trot 5k on Thursday, November 24, 2022 at 8:30 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Kathryn Garcia & Joanne Wolfe, Alliance for Greater Good, requesting permission to use South Mill Pond and adjacent areas for the Portsmouth 400 Lantern Festival on Saturday, September 30, 2023 (rain date of Sunday, October 1, 2023) ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Letter from Tina Sawtelle, The Music Hall, requesting approval for the closure of Chestnut Street on Monday, October 24, 2022 for Strategic HR’s Conference from 7:00 a.m. to 5:30 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- E. Letter from Laurie Mantegari, Scarecrows of the Port Committee, requesting permission to place scarecrows in designated locations throughout the downtown area for the 14th year beginning Sunday, October 16, 2022 through Sunday, November 6, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence ***(Sample motion – move to accept and place on file)***

- B. Letter from James Albion, Generations United, Inc. d/b/a Generations Arcade LLC, requesting an open discussion regarding possibly opening one of their Console Arcades at the Skateboard Park
- C. Letters from Bob Newby regarding Dog Ordinance

XIV. MAYOR McEACHERN

- 1. Letter of Recognition of Elaine Syracuse
- 2. Appointments to be Considered:
 - Appointment of John Mayer to the Arts & Nonprofit Committee – Cultural Plan Subcommittee
 - Reappointment of Everett Eaton to the Economic Development Commission
 - Reappointment of Thomas Watson to the Economic Development Commission
 - Appointment of Richard Candee to the Task Force to Study Private/Public Historical Archives
 - Appointment of Susan Sterry to the Task Force to Study Private/Public Historical Archives
 - Appointment of Katinka de Ruiter to the Board of Library Trustees
 - Reappointment of Janaki Fonseka to the Board of Library Trustees
- 3. *Request to Change Date of December 19, 2022 City Council meeting (***Sample motion – move to change the City Council meeting date of December 19, 2022 to Wednesday, December 14, 2022***)

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

- 1. Citizen Input into ARPA Funding, 2022 Recreation Study and Community Campus (***Sample motion – move to authorize the City Manager to implement a citywide survey process to determine residents' values and priorities for us of ARPA funds, updated city recreation initiatives, and future use of the Community Campus and adjoining property***)

B. COUNCILOR DENTON

- 1. *Climate Change Impacts (***Sample motion – move that the Legal Department explore potential legal remedies to recover costs incurred by the City of Portsmouth, residents, and businesses due to climate change impacts***)

C. COUNCILOR MOREAU & COUNCILOR COOK

- 1. Presentation from Ernie Greenslade and Valerie Rochon regarding the Portsmouth NH 400 Legacy projects pillar and the sculpture garden they are working towards installing in a public park and the RFP that has been created to gather the art communities ideas (***Sample motion – move to accept donation and approve the placement of sculptures to be commissioned by Portsmouth NH 400 in the public property known as Bohenko Park***)

D. COUNCILOR COOK

1. Public Art Policy/Ordinances
 - Public Art Policy Changes
 - Amendment to Article 17 – Funding of Public Art Ordinance
 - Draft Public Art Review Committee Ordinance

(Sample motion – move to bring forward for first reading at the October 24, 2022 City Council meeting)
2. Auditor Rotation Policy

E. COUNCILOR BLALOCK

1. *Skateboard Park Update

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Donation for a Memorial Park Bench in the South Mill Pond Dog Park in honor of Joshua Fogel - \$2,350.00 ***(Sample motion – move to accept and approve donation for a Memorial Park Bench in South Mill Pond Dog Park in honor of Joshua Fogel)***
- B. Approval of Donation to the Portsmouth Police Explorers Program from the Barrington Fireman Association - \$240.00 ***(Sample motion – move to accept and approve to donation from the Barrington Fireman Association to the Police Explorers Program in the amount of \$240.00)***
- C. Approval of The Violence Against Women Act (VAWA) Grant from the NH Department of Justice to the Victim Witness Advocate position – *includes a cash match contribution* - \$25,025.00
- D. Approval of The Office of Highway Safety Grant from the NH Department of Safety which includes thirteen different highway safety initiatives – *includes a 20% match* - \$53,510.66

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *McIntyre Update
2. Report Back Re: Demolition Ordinance

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XIX. 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: September 29, 2022

To: Honorable Mayor McEachern and City Council Members

From: Karen S. Conard, City Manager *KSC*

Re: City Manager's Comments on City Council Agenda of October 3, 2022

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

A. **Public Hearing and Second Reading of Ordinance of Amending Chapter 10, Article 5A, Section 10.5A21B, Amend Map for Building Height Standards, Incentive Overlay Districts Sections 10.5A21.20 – Building Height Standards, Sections 10.5A21.21 and 10.5A21.22, Section 10.5A43.32 – Building and Story Heights, Section 10.1530 – Terms of General Applicability:**

Attached please find [proposed amendments to various sections of Chapter 10, Zoning Ordinance](#).

I recommend that the City Council move to pass second reading, and schedule a third and final reading at the October 24, 2022 City Council meeting.

B. **Third and Final Reading of Ordinance Amending Chapter 1, Article IV, Section 1.414 – Commissions and Authorities:**

Attached please find [proposed amendments to Chapter 1, Article IV, Section 1.414 – Commissions and Authorities](#).

I recommend that the City Council move to pass third and final reading, and adopt the Ordinance as presented.

XI. City Manager's Items which Require Action:

1. **Request to Establish Polling Hours:**

In accordance with RSA 659:4, the City Council shall determine the polling hours for the election. In collaboration with the City Clerk, I request that the polling hours for the State General Election on November 8, 2022, be established from 8:00 a.m. to 7:00 p.m.

Based on new procedures being put in place and the significant amount of time and effort to complete documentation for the election, I seek your support with this request.

I recommend that the City Council move to establish polling hours for the November 8th General Election as presented.

2. **Right of Way Easement Deeds for Properties Located on Chevrolet Avenue:**

At its regularly scheduled meeting on May 19, 2022, the Planning Board granted site plan approval and subdivision approval for land addressed at 668 Middle Street. As a part of that approval, the property owner, now Public Land Holdings LLC, agreed to convey a right of way and utility easement to the City for the portion of Chevrolet Ave which is on 668 Middle Street. The applicant also secured an agreement from its abutter, Catherine R. Whelan, to make a similar conveyance to the City. Both conveyances were made a condition of Planning Board approval.

Historically, the City has not had a clear right of way interest to the entirety of Chevrolet Avenue. Over the past two decades, the City has worked slowly to acquire clean right of way interests in Chevrolet Avenue as opportunities arise. The proposed easements from Public Land Holdings LLC and Catherine Whelan would secure right of way interests over a total of 5,556 square feet located at existing Tax Map 147, Lots 18, 19-1 and 19-2. [The easement area is depicted on the drawing](#) included in the Council packet.

The Planning Board, Planning Department, Public Works Department and the Legal Department recommend the City accept easement deeds over Chevrolet Avenue from Public Land Holdings LLC and Catherine R. Whelan in [forms substantially similar to those included in the Council packet](#).

I recommend that the City Council move to authorize the City Manager to accept and record Right of Way and Utility Easement Deeds in substantially similar form to the easement deeds from Public Land Holdings LLC and Catherine R. Whelan contained in the agenda packet.

XVI. Approval of Grants/Donations:

A. **Approval of Donation for a Memorial Park Bench in the South Mill Pond Dog Park in Honor of Joshua Fogel - \$2,350:**

[Please find attached a memorial bench application](#) from Maggie Fogel in honor of Joshua Fogel. The City's Department of Public Works have reviewed this request of a bench with a plaque in the South Mill Dog Park.

I recommend that the City Council move to approve and accept the donation from Maggie Fogel for a bench in memory of Joshua Fogel as presented.

B. Approval of Donation to the Portsmouth Police Explorers Program from the Barrington Fireman Association - \$240:

The Police Department received a donation to the Portsmouth Police Explorers Program from the Barrington Fireman Association in the amount of \$240. [Attached please find the City's Gift and Donation Submission form in regards to this donation.](#)

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

C. Approval of Violence Against Women Act (VAWA) Grant for the Police Department from the NH Department of Justice to the Victim Witness Advocate Position - \$25,025:

At the September 20, 2022 Police Commission meeting, the Board of Police Commissioners approved and accepted a [Violence Against Women Act Grant from the NH Department of Justice in the amount of \\$25,025](#) to help fund 45% of the Police Department's Victim Witness Advocate position. This grant includes a cash match contribution, which is provided in the FY23 Budget.

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

D. Approval of the Office of Highway Safety Grant for the Police Department from the NH Department of Safety - \$53,510.66:

At the September 20, 2022 Police Commission meeting, the Board of Police Commissioners approved and accepted an [Office of Highway Safety grant from the NH Department of Safety in the amount of \\$53,510.66](#). This grant includes a cash match contribution, which can be accommodated in the FY23 Budget.

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

XVII. City Manager's Informational Items:

1. McIntyre Update:

I will provide a verbal update on the McIntyre Redevelopment Project at this evening's meeting.

2. Report Back on Demolition Ordinance:

Attached please find [a report back regarding](#) the Demolition Ordinance from the Demolition Review Committee (DRC), the Historic District Committee, and the Planning Board.