

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, JULY 10, 2023 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\\_VnVEJkWaRFaVhK-6MGes4g](https://us06web.zoom.us/webinar/register/WN_VnVEJkWaRFaVhK-6MGes4g)

**6:00PM - ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A**  
1. 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. Parks and Recreation Month
2. Plastic Pollution Reduction Month

- VII. ACCEPTANCE OF MINUTES – JUNE 5, 2023 AND JUNE 20, 2023
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
- 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 ORDINANCES AND/OR RESOLUTIONS

### First Reading of Ordinances:

- A. First reading of Ordinance amending Chapter 1, Article III – BOARDS and Article IV – COMMISSIONS AND AUTHORITIES (***Sample motion – move to pass first reading and schedule a public hearing and second reading at the August 7, 2023 City Council meeting***)
- B. First reading of Omnibus Ordinance amending Chapter 7, VEHICLES, TRAFFIC AND PARKING:
  - Amend Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.336, A: One-Way Streets:
    24. Raynes Avenue: westerly from Vaughan Street to Maplewood Avenue
    35. Vaughan Street: northerly from Maplewood Avenue to Raynes Avenue

- Amend Chapter 7, Article IVA – BUS STOPS AND TAXICAB STANDS, Section 7A.408: Taxi Stands Designated

The following areas are hereby designed as Taxi stands:

A. Pleasant Street: easterly side, first parallel parking space north of State Street

- Amend Chapter 7, Article XI – SPEED LIMITS, Section 7.1100, E: Speed Limits: 25 MPH

Section 7.1100: SPEED LIMITS:

E. Speed Limits: 25 MPH

7. Islington Street
10. Middle Road, from Peverly Hill Road to Middle Street
12. Parrott Avenue
17. Summit Avenue

***(Sample motion – move to pass first reading and schedule a public hearing and second reading at the August 7, 2023 City Council meeting)***

- C. First reading of Ordinance amending Chapter 7, Article VI – LOADING ZONES, Section 7.601- LIMITED HOURS LOADING ZONES ***(Sample motion – move to pass first reading and schedule a public hearing and second reading at the August 7, 2023 City Council meeting)***
- D. First reading of Ordinance amending Chapter 7, Article X – TOWING, Section 7.1004 – TOWING OR IMMOBILIZATION OF MOTOR VEHICLES FOR NON-PAYMENT OF PARKING FINES:

ILLEGALLY PARKED: accumulated unpaid parking violations in an amount in excess of two hundred fifty dollars (\$250.00) on any or all vehicles at any time registered to the owners of said vehicle as shown on the records maintained by the Parking Clerk.

NOTICE: At any time subsequent to the accumulation of unpaid parking fines in excess of two hundred fifty dollars (\$250.00) on any or all vehicles at the time registered to the owner of any vehicle on the records maintained by the Parking Clerk, the Parking Clerk may send a Notice by certified mail to the registered owner of said vehicle or vehicles at the address on the registration.

***(Sample motion – move to pass first reading and schedule a public hearing and second reading at the August 7, 2023 City Council meeting)***

Public Hearing/Second Reading of Ordinance:

- E. PUBLIC HEARING/SECOND READING of Ordinance amending Chapter 10 – Article 5A – CHARACTER-BASED ZONING, Section 10.5A20, **Regulating Plan**, Subsection 10.5A21.10 Contents of Regulating Plan, Map 10.5A21B – Building Height Standards, Section 10.5A43.30 = **Building and Story Heights**, Subsection 10.5A43.33, Section 10.5A43.40 – **Maximum building footprint**, Subsections 10.5A43.41-44, and Section 10.5A45 – **Community Spaces**, Subsection Figures 10.5A45.10 Community Spaces, Section 10.5A46.20 – **Requirements to Receive Incentives to the Development Standards**, Subsections 10.5A46.21-22, and Article 15 – DEFINITIONS, Section 10.1530 – **Terms of General Applicability**, of the Ordinances of the City of Portsmouth *(Sample motions – #1 – move to bring forward for consideration the recommended language from Planning Board submitted under Councilor Moreau’s name; and #2 – move to amend the ordinance consistent with Planning Board recommendations and schedule a public hearing and second reading at the August 7, 2023 City Council meeting)*
- **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**
- F. PUBLIC HEARING/ADOPTION on proposed Resolution Authorizing a Bond Issue and/or Notes of up to Seventeen Million Three Hundred Fifty Thousand Dollars (\$17,350,000.00) for Costs Related to Police Station Upgrades, Land Acquisition, Outdoor Pool Upgrades, Citywide Facilities Capital Improvements, Elwyn Park Sidewalks Traffic calming, Borthwick Avenue Bike Path, Sagamore Avenue Sidewalk, Citywide Sidewalk Reconstruction Program, Street Paving; Management and Rehabilitation, Pease Tradeport Street Rehabilitation, Edmond Avenue Upgrades, Islington Street Improvements and Union Street Reconstruction *(Sample motion – move to adopt the Resolution as presented) (A roll call with two-thirds vote required for adoption)*
- **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**
- G. PUBLIC HEARING/ADOPTION on a proposed Resolution Authorizing a Bond Issue and/or Notes of up to Two Million Three Hundred Fifty Thousand Dollars (\$2,350,000.00), Together with the Transfer of Unexpended Bond Proceeds in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00), for a Total Appropriation of Three Million Eight Hundred Fifty Thousand Dollars (\$3,850,000.00), to pay Costs Related to School Facilities Improvements and Fit-Up of Community Campus Space for Robert J Lister Academy *(Sample motion – move to adopt the Resolution as presented) (A roll call with two-thirds vote required for adoption)*
- **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

- H. PUBLIC HEARING/ADOPTION on a proposed Resolution Authorizing the Borrowing of up to One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) through the Issue of Bonds and/or Notes for Costs Related to the Design and Construction of Foundry Place Parking Offices (***Sample motion – move to adopt the Resolution as presented***) (***A roll call with two-thirds vote required for adoption***)
- **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**
- I. PUBLIC HEARING/ADOPTION on a proposed Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Nine Million Two Hundred Seventy-Six Thousand Five Hundred Dollars (\$9,276,500.00) Related to Annual Water Line Replacement, New Groundwater Source, Greenland Well Treatment, Dover Water Emergency Interconnection, Edmond Avenue Waterline Reconstruction, Islington Street Improvements and Union Street Reconstruction (***Sample motion – move to adopt the Resolution as presented***) (***A roll call with two-thirds vote required for adoption***)
- **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**
- J. PUBLIC HEARING/ADOPTION on a proposed Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Six Million Nine Hundred Fifteen Thousand Dollars (\$6,915,000.00) for Costs Related to Annual Sewerline Upgrades, Long Term Control Related Projects, Woodbury Avenue Sewer Separation, Sewer Service for Sagamore Ave Sewer Extension, Fleet Street Utilities Upgrades/Streetscape, Edmond Avenue Improvement, Islington Street Improvements and Union Street Reconstruction (***Sample motion – move to adopt the Resolution as presented***) (***A roll call with two-thirds vote required for adoption***)
- **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**
- K. PUBLIC HEARING/ADOPTION on a proposed Resolution Authorizing a Supplemental Appropriation from the Water Fund Unrestricted Net Position, a Grant from the NH Drinking Water and Groundwater Trust Fund, and a Grant from NHDES Local Source Water Protection Program for the Purchase of a Conservation Easement on the Fernald Property to Protect the Bellamy Reservoir Water Quality (***Sample motion – move to adopt the Resolution as presented***) (***A roll call with two-thirds vote required for adoption***)
- **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

## XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

### A. CITY MANAGER CONARD

#### **City Manager's Items Which Require Action:**

1. Approval of Tentative Agreement with the Portsmouth School District Paraeducators
2. Approval of a Memorandum of Agreement between the City of Portsmouth and Portsmouth City Employees AFSCME 1386A
3. Community Space Easement for Property Located at 3548 Lafayette Road
4. Water Service Access Easement for Property Located at 212 Woodbury Avenue
5. Authorization to Release a Portion of the Prescott Park Chain-Link Fence to Seacoast Repertory Theatre
6. Request to Establish a SAU 52 Site Investigation Committee for Purposes of Exploring a Potential Location for a Multisport Complex
7. Request to Establish a Public Hearing to Obligate ARPA Funds for Several Projects

## XII. CONSENT AGENDA

### ***(Proper Motion for Adoption of Consent Agenda – move to adopt the Consent Agenda)***

- A. Letter from Trent and Denise Sensiba regarding Property Located at 12 Ruth Street ***(Anticipated action – move to refer to the Legal Department for report back to the City Council)***
- B. Request from Candace & Steven Byrnes, Dripbar, to install a Projecting Sign at 77 Hanover Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability 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 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***

### **XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

- A. \*Presentation Regarding Community Policing Facility – Brief Announcement and Invitation to Attend July 11<sup>th</sup> Public Meeting – Peter Rice, Public Works Director
- B. Email Correspondence (***Sample motion – move to accept and place on file***)
- C. Letter from Seth Berg, Student at Portsmouth High School, regarding EPA Regulations of PFAS Chemicals
- D. Letter from Mark McNabb, McNabb Properties Ltd., regarding Improvement Plans for High Street, Ladd Street and Haven Court as part of the 1 Congress Street Project
- E. Letter from John Singer and Ruth Kennedy regarding Proposal for Permanent Outdoor Dining (***Sample motion – move to refer to the City Manager to be shared with consultant for Market Square Redesign Plan***)

### **XIV. MAYOR McEACHERN**

- 1. \*Appointment to be Voted:
  - James Hewitt to the Safe Water Advisory Group (SWAG)
- 2. Resignation of Jan Fonseka from the Board of Library Trustees

### **XV. CITY COUNCIL MEMBERS**

#### **A. COUNCILOR TABOR**

- 1. Update from Legal Department on Letter from Holland & Knight

#### **B. COUNCILOR MOREAU**

- 1. Planning Board Recommendation for Density Incentives
- 2. Request for First Reading regarding Zoning Ordinance Use Regulations

### **XVI. APPROVAL OF GRANTS/DONATIONS**

*(There are no items under this section of the agenda this evening)*

### **XVII. CITY MANAGER'S INFORMATIONAL ITEMS**

- 1. Update on First FlashVote Survey Results
- 2. AAA Bond Rating Announcement
- 3. Update on Community Power Rates

### **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:** July 6, 2023

**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 July 10, 2023

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

A. **First Reading of Ordinance Amending Chapter 1, Article III – Boards and Article IV – Commissions and Authorities:**

Attached please find an amendment to Chapter 1, Article III – Boards and Article IV – Commissions and Authorities.

*I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the August 7, 2023 City Council meeting.*

B. **First Reading of Omnibus Ordinance Amending Chapter 7, Vehicles, Traffic and Parking:**

Attached please find the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee to be presented to the City Council. This year's omnibus changes are detailed on the attached sheets, and address changes to one-way streets, taxicab stands, and speed limits.

By way of background, on March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article I, Section 7.103 of the Vehicles, Traffic and Parking Ordinance. This ordinance was adopted in order to be more responsive to the changing parking needs of the downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. This process would often take 3-4 months to complete.

The current ordinance authorizes the Parking and Traffic Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year the Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance.



These temporary regulations are presented at one time to the Council for its consideration. If adopted, the following sections of the ordinance would be amended: Chapter 7, Article III, Traffic Ordinance, Section 7.336A, One-Way Streets; Chapter 7, Article IVA, Bus Stops and Taxicab Stands, Section 7A.408, Taxi Stands Designated; and Chapter 7, Article XI, Speed Limits, Section 7.1100E, Speed Limit 25MPH.

The attached amendments to Chapter 7, Vehicles, Traffic and Parking for the Council's consideration summarize the temporary regulations implemented by the Parking and Traffic Safety Committee over the past 12 months.

*I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the August 7, 2023 City Council meeting.*

C. **First Reading of Ordinance Amending Chapter 7, Article VI – Loading Zones, Section 7.601 – Limited Hours Loading Zones:**

Attached please find an amendment to Chapter 7, Article VI – Loading Zones, Section 7.601 – Limited Hours Loading Zones.

*I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the August 7, 2023 City Council meeting.*

D. **First Reading of Ordinance Amending Chapter 7, Article X – Towing, Section 7.1004 – Towing or Immobilization of Motor Vehicles for Non-Payment of Parking Fines:**

Attached please find an amendment to Chapter 7, Article X- Towing, Section 7.1004 – Towing or Immobilization of Motor Vehicles for Non-Payment of Parking Fines.

*I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the August 7, 2023 City Council meeting.*

E. **Public Hearing and Second Reading of Ordinance amending Chapter 10 – Article 5A – Character-Based Zoning, Section 10.5A20, Regulating Plan, Subsection 10.5A21.10 Contents of Regulating Plan, Map 10.5A21B – Building Height Standards, Section 10.5A43.30 - Building and Story Heights, Subsection 10.5A43.33, Section 10.5A43.40 – Maximum building footprint, Subsections 10.5A43.41-44, and Section 10.5A45 – Community Spaces, Subsection Figures 10.5A45.10 Community Spaces, Section 10.5A46.20 – Requirements to Receive Incentives to the Development Standards, Subsections 10.5A46.21-22, and Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, of the Ordinances of the City of Portsmouth:**

Attached please find the language presented at First Reading to amend Chapter 10 regarding Character-Based Zoning.



If the Council wishes to move forward with the amendments recommended by the Planning Board, I recommend that the City Council:

- *Move to bring forward for consideration the recommended language from Planning Board submitted under Councilor Moreau's name; and*
- *Move to amend the ordinance consistent with Planning Board recommendations and schedule a public hearing and second reading at the August 7, 2023 City Council meeting.*

F. **Public Hearing and Adoption on Proposed Resolution Authorizing a Bond Issue and/or Notes of up to Seventeen Million Three Hundred Fifty Thousand Dollars (\$17,350,000.00) for Costs Related to Police Station Upgrades, Land Acquisition, Outdoor Pool Upgrades, Citywide Facilities Capital Improvements, Elwyn Park Sidewalks Traffic Calming, Borthwick Avenue Bike Path, Sagamore Avenue Sidewalk, Citywide Sidewalk Reconstruction Program, Street Paving, Management and Rehabilitation, Pease Trade port Street Rehabilitation, Edmond Avenue Upgrades, Islington Street Improvements and Union Street Reconstruction:**

Attached please find a Resolution in the amount of \$17,350,000 and corresponding element sheets describing the projects.

*I recommend that the City Council move to adopt the Resolution as presented.*

G. **Public Hearing and Adoption on a Proposed Resolution Authorizing a Bond Issue and/or Notes of up to Two Million Three Hundred Fifty Thousand Dollars (\$2,350,000.00), Together with the Transfer of Unexpended Bond Proceeds in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00), for a Total Appropriation of Three Million Eight Hundred Fifty Thousand Dollars (\$3,850,000.00), to pay Costs Related to School Facilities Improvements and Fit-Up of Community Campus Space for Robert J Lister Academy:**

Attached please find a Resolution in the amount of \$3,850,000 and corresponding element sheets describing the projects.

*I recommend that the City Council move to adopt the Resolution as presented.*

H. **Public Hearing and Adoption on a Proposed Resolution Authorizing the Borrowing of up to One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) through the Issue of Bonds and/or Notes for Costs Related to the Design and Construction of Foundry Place Parking Offices:**

Attached please find a Resolution in the amount of \$1,250,000 and corresponding element sheet describing the projects.

*I recommend that the City Council move to adopt the Resolution as presented.*

- I. **Public Hearing and Adoption on a Proposed Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Nine Million Two Hundred Seventy-Six Thousand Five Hundred Dollars (\$9,276,500.00) Related to Annual Water Line Replacement, New Groundwater Source, Greenland Well Treatment, Dover Water Emergency Interconnection, Edmond Avenue Waterline Reconstruction, Islington Street Improvements and Union Street Reconstruction:**

Attached please find a Resolution in the amount of \$9,276,500 and corresponding element sheets describing the projects.

*I recommend that the City Council move to adopt the Resolution as presented.*

- J. **Public Hearing and Adoption on a Proposed Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Six Million Nine Hundred Fifteen Thousand Dollars (\$6,915,000.00) for Costs Related to Annual Sewerline Upgrades, Long Term Control Related Projects, Woodbury Avenue Sewer Separation, Sewer Service for Sagamore Ave Sewer Extension, Fleet Street Utilities Upgrades/Streetscape, Edmond Avenue Improvement, Islington Street Improvements and Union Street Reconstruction:**

Attached please find a Resolution in the amount of \$6,915,000 and corresponding element sheets describing the projects.

*I recommend that the City Council move to adopt the Resolution as presented.*

- K. **Public Hearing and Adoption on a Proposed Resolution Authorizing a Supplemental Appropriation from the Water Fund Unrestricted Net Position, a Grant from the NH Drinking Water and Groundwater Trust Fund, and a Grant from NHDES Local Source Water Protection Program for the Purchase of a Conservation Easement on the Fernald Property to Protect the Bellamy Reservoir Water Quality:**

Attached please find a Resolution as it relates to the purchase of a conservation easement on the Fernald property to protect the Bellamy Reservoir water quality.

*I recommend that the City Council move to adopt the Resolution as presented.*

## ***XI. City Manager's Items Which Require Action:***

1. **Approval of Tentative Agreement with the Portsmouth School District Paraeducators:**

Attached please find a memorandum from Tom Closson, the City's Labor Negotiator, regarding a Tentative Agreement with the Portsmouth School District Paraeducators. Proposed adjustments are also attached.

*I recommend that the City Council move to approve an agreement with the Portsmouth School District Paraeducators.*

2. **Approval of a Memorandum of Agreement between the City of Portsmouth and Portsmouth City Employees AFSCME 1386A:**

Attached for your consideration is a Memorandum of Agreement between the City and the AFSCME 1386A union to add a new title to their Collective Bargaining Agreement.

Approval of this MOA will allow the City to add this title to the current AFSCME 1386A Collective Bargaining Agreement and file a modification with the New Hampshire Public Employee Labor Relations Board.

A current employee will be moved to this new title, which aligns better with their job duties. This is not a new position and will cause no change to the current budgeted salary.

*I recommend that the City Council move to approve the agreement with Portsmouth City Employees AFSCME 1386A.*

3. **Community Space Easement for Property Located at 3548 Lafayette Road:**

At its regularly scheduled meeting on Thursday, February 17, 2022, the Planning Board voted to grant site plan approval for a new 75-unit residential development located at 3548 Lafayette Road, the site of the former Wren's Nest. This property is owned by Monarch Village, LLC.

On May 15, 2023, this City Council voted to authorize the City Manager to accept and record a Bicycle Pedestrian Path Easement and an Access Easement for Water Services over 3548 Lafayette Road. Subsequent to that approval, Planning Department staff identified an additional easement depicted on the Site Plan approved by the Planning Board. This easement is a 15,063 square foot community space easement containing a bocce ball court and other amenities. The location of the proposed community space easement is depicted on [the attached drawing](#).

The Planning and Legal Departments recommend the form of [the attached easements](#).

*I recommend that the City Council move to authorize the City Manager to accept a Community Space Easement from Monarch Village LLC.*

4. **Water Service Access Easement for Property Located at 212 Woodbury Avenue:**

At its regularly scheduled meeting on Thursday, April 20, 2023, the Planning Board granted preliminary and final subdivision approval for a lot relocation plan and site plan approval for the construction of an eight-unit condominium development with associated infrastructure to be located at 212 Woodbury Avenue. As a part of the site plan approval, the Planning Board recommended the City Council accept a Water Service Access Easement over the parcel. This Water Service Access Easement will permit City staff to access the property for the purpose of leak detection and to turn valves in the case of an emergency.

The applicants have [provided the attached deed](#) which conforms with the City's ordinary form for water service access easements. The Legal and Planning Departments have reviewed this document for form and recommend acceptance.

*I recommend that the City Council move to authorize the City Manager to accept and record a Water Service Access Easement Deed in substantially similar form to the easement deed from Maple Heights Realty, LLC contained in the agenda packet.*

5. **Authorization to Release a Portion of the Prescott Park Chain-link Fence to Seacoast Repertory Theatre:**

The Seacoast Repertory Theatre has expressed interest in acquiring a portion of the fence at Prescott Park which is covered in locks.

Seacoast Repertory has indicated that it could use a portion of the fence as part of the set in its upcoming production. At the conclusion of the production, the fence used on set could be installed on its property in the front of the theater in the garden area.

*I recommend that the City Manager be authorized to release a portion of the Prescott Park fence with locks to the Seacoast Repertory Theatre for use on set and/or installation on its property as an artistic element.*

6. **Request to Establish a SAU 52 Site Investigation Committee for Purposes of Exploring a Potential Location for a Multisport Complex:**

In May, the City of Portsmouth issued Request for Qualifications (RFQ) 51-23 to initiate a process to investigate the potential for a public-private partnership to develop an indoor multisport complex. The City received two responses to the RFQ, one from The Sports Facilities Companies and the second from Edge Sports Group. [Copies of the responses are attached.](#)

City staff has determined that both firms are qualified to proceed and has preliminarily ranked the two firms (that ranking is not public information at this time). City staff is in the process of requesting additional information from each firm and may interview each firm to better understand the experience of the firm, potential approaches and opportunities, which may result in re-ranking. The City does not intend to select a single firm at this early stage in the procurement process.

As the City staff continues its investigation to assemble information for a work session with the City Council and Recreation Board this fall, I recommend that an SAU 52 Site Investigation Committee be established. The SAU communities of Greenland, Newington, New Castle and Rye may have properties to serve as a potential site. Based on current information, a minimum of a five-acre site would be needed for the construction and parking associated with an indoor multisport complex. Additional information relative to site options and conditions may be gleaned from the additional process that the staff will be undertaking with the firms that might further inform the work of a Site Investigation Committee.

As described in the RFQ, “After the short-listed firms are identified and ranked, the City anticipates holding a work session with the City Council and Recreation Board to determine what if any next steps will be taken. Next steps may include but not be limited to: a discussion with adjacent communities with the School District, issue a Request for Proposals to lead to a final selection of a firm with whom to partner, or ending the process ...”

*I recommend that the City Manager work with the School Superintendent to establish an SAU 52 Site Investigation Committee relative to the potential development of an indoor multisport complex.*

**7. Request to Establish a Public Hearing to Obligate ARPA Funds for Several Projects:**

Pursuant to the recent request for a report back on the potential use of ARPA funds to implement certain recommendations from the COVID Recovery Task Force, staff and I present the following options outlined herein. In addition, as a means to support the City’s efforts to provide important improvements designed to maximize functionality at Community Campus for the non-profit tenants and for the City uses, I would also like to include this request for the Council’s consideration as part of the discussion relative to use of remaining ARPA funding.

If the City Council is interested in further investigating and potentially obligating ARPA funds for any of the projects listed below, a public hearing would need to be established (I would specifically recommend during the August 21st Council Meeting). City staff (and its partners as appropriate) would be prepared to provide additional information on any of these items described below at the hearing and to further refine potential costs by obtaining better cost estimates.

Recommendations from the Covid Recovery Task Force:

- Community Resource Network - Obligate funding to improve the existing website and to explore using technology tools to help the non-profits that already exist.  
  
**\$15,000 -\$20,000** (subject to discussions with a technology consultant and exploration of opportunities to leverage the platform)
- Gas and Uber/Lyft gift cards (or similar) - to facilitate transportation to and from after school programs, medical appointments, jobs, childcare, other essential trips. This investment recognizes that sometimes the best transportation option is a direct point-to-point solution on an as needed basis; the challenge will be the best means to get this type of aid to those that need it most.  
  
**\$10,000**
- Mobile Library Resources - The Portsmouth Public Library is very interested in offering mobile library resources for community outreach, at parks, centers and local events. Library Director Christine Friese shares an example from the Grandview Heights Public Library (in Columbus, OH); a small, storable electric vehicle referred to as a pop up library <https://www.ghpl.org/services/#toggle-id-18>.

**\$80,000** (for acquisition, operation & maintenance for two years)

- Set Aside to Implement the Community Health Needs Assessment Recommendations – These funds would be set aside to implement any recommendations from the Community Health Needs Assessment (due for completion by end of 2023) that are time-sensitive, have a defined scope/project within the budget; and are supported by the partner agency (ies).

**\$250,000**

Recommendation from the City Manager for Community Campus:

- Community Campus Non-Profit Tenant Space Realignment and Improvements -

The City purchased the 72,000-square foot Community Campus facility to better serve both its long-term recreational needs and to continue to house the non-profit organizations that fill important needs in our community. These regional non-profits serve low- and moderate-income persons, including those recovering from brain injuries and children. As part of the acquisition, the City committed to the continued support of these organizations through rent and utility subsidization and building maintenance.

It has become clear through over a year of ownership and study, that there are critical building needs for these tenants that include building IT infrastructure to support their individual, secure needs and providing security and access solutions unique to each tenant (i.e. Seacoast Community School and the Child Advocacy Center). In addition, the tenants' footprint grew over 20 years without much thought to organizational flow, space planning or energy efficiency. With funding, the City would improve and increase the availability of tenant spaces through relocation within the building, improve accessibility and security, and deploy more reliable and secure IT solutions (among the current needs: an updated design and configuration of the network, new switches, new access points, some new and realigned cabling and potentially a new firewall). These IT needs could be better deployed, coordinated, maintained and managed if the City undertakes this work for all of the tenants versus pushing this responsibility back onto the individual, under-resourced tenants.

Regarding the tenant spaces, the current lease for Aids Response Seacoast (ARS), currently located in the Seybolt section of City Hall, ends September 30, 2023. A short-term/month-to-month extension will be coming forward for Council action next month. The City has been in discussions with ARS for over six months to try to find suitable office space and to date, no location has been identified. Reconfiguration of the space at Community Campus would facilitate the organization's relocation and house it with the other regional programs serving important segments of our community.

The City recommends an investment of **\$1.5 million** in capital improvements and **\$40,000** in IT infrastructure to Community Campus, for which it currently does not

have an identified funding source. The use of ARPA funding would be an appropriate and eligible use in this case.

*I recommend that the City Council schedule a public hearing for the August 21, 2023 City Council Meeting to obligate ARPA funds for the projects identified.*

## ***XII. Consent Agenda:***

### **B. Projecting Sign License – 77 Hanover Street:**

Permission is being sought to reface the existing projecting sign at [77 Hanover Street](#) that extends over the public right of way, as follows:

Sign dimensions: 40” x 48.25”

Sign area: 13.4 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.*

\*Projecting signs have a 12 square feet maximum, however nonconforming signs may be refaced using the existing nonconforming sign.

## ***XIII. Presentations and Written Communications:***

### **A. Presentation Regarding Community Policing Facility – Brief Announcement and Invitation to Attend July 11<sup>th</sup> Public Meeting:**

Peter Rice, the City’s Public Works Director, will provide a brief verbal presentation on the status of this project and invite the public to attend an informational meeting on July 11th at 6:00 p.m. in the Community Campus Movie Room.

### **D. Letter from Mark McNabb, McNabb Properties Ltd., Regarding Improvement Plans for High Street, Ladd Street and Haven Court as part of the 1 Congress Street Project:**

[Deputy City Manager Woodland](#) has prepared a memorandum in response to Mr. McNabb’s correspondence.



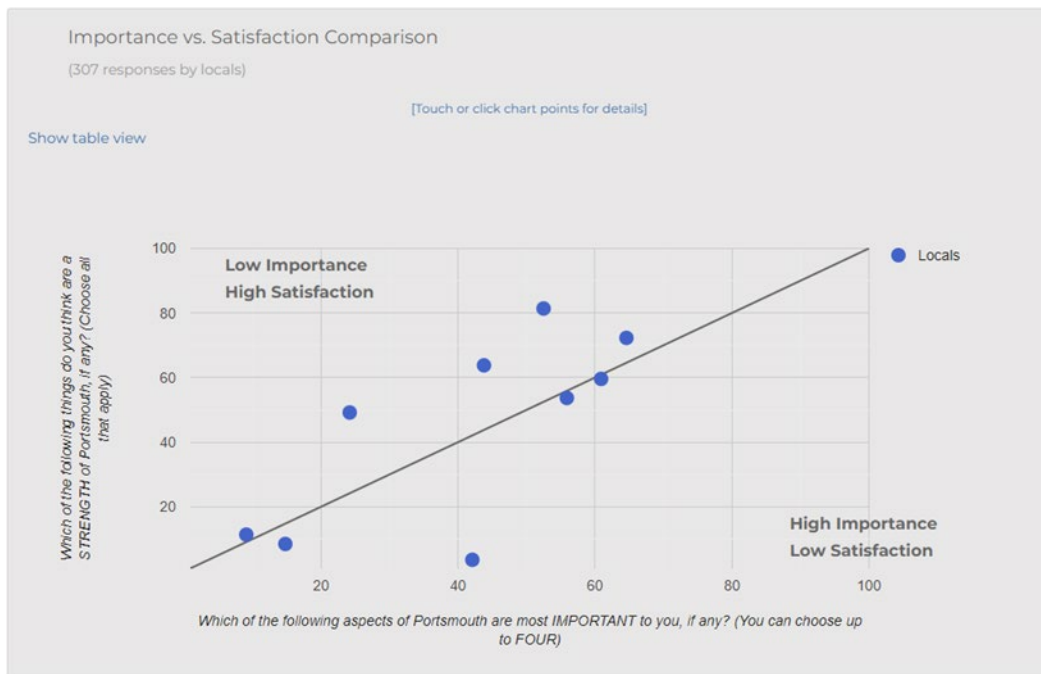
## XVII. City Manager’s Informational Items:

### 1. Update on First FlashVote Survey Results:

On June 21, 2023, the City of Portsmouth sent its first FlashVote Survey on the topic of “Community Priorities.” The survey was active for the required two days during which time 360 residents took part. This represents 56% of the total 606 initially invited. A further 18 residents signed up during the run of the survey. According to FlashVote, participation at or above 50% is a meaningful result.

This statistically relevant survey is the first of six that the City will send throughout the year. The survey results are published online in an interactive dashboard, for all to view, here: <https://www.flashvote.com/portsmouth-nh/surveys/community-priorities-06-23>.

For questions one and two, respondents were asked to name areas of strength for the City across eight categories and then rank four of those categories that have personal importance to them. This allows for a comparison of what respondents think the City is doing well versus what they feel is important. In the results dashboard, this is displayed graphically:



Items above the line represent areas where the survey responses show the City having a strength. Items increase in importance the further to the right they appear on the graph. Items below the line are areas where respondents report that the City has an opportunity to make improvements. The only area surveyed that fell significantly below the line was “range and availability of housing.”

Respondents were also polled about how they would make additional investments across a range of initiatives, including resiliency and sustainability projects, access to mental health services through School and Police, and more integrated bike and pedestrian access. Finally, the survey included two open-ended questions about what one thing residents would change if they could, and any other feedback. The 370 long form responses are currently in review by staff.

Information and data taken from these surveys will aid staff and elected officials in gauging public sentiment and interest in these initiatives and projects. The second FlashVote survey will be constructed over the next several weeks on a topic to be decided. Residents are encouraged to sign up at <https://portsnh.co/flashvote> to take part in the remaining five surveys.

**2. AAA Bond Rating Announcement:**

The City of Portsmouth has received its eleventh consecutive affirmation from Standard and Poor's (S&P) Global Rating of the City's AAA bond rating which measures the City's ability to manage its credit. S&P cited its "very strong management with strong financial policies and practices."

Due to its outstanding bond ratings, the City continues to experience the lowest possible interest rates when financing City capital projects. Finance Director Judie Belanger announced that the City received sixteen competitive bids from bond underwriters on Wednesday, June 7, 2023, for a \$22.77 million general obligation bond. Proceeds from the bond issuance will be used to finance Citywide street and sidewalk improvements, School facility upgrades and improvements, fuel station upgrade, Police facility feasibility and design, current Police Station upgrades, the Greenland Road Recreation Facility, Hanover Parking Facility upgrades, sewer line replacements, and sewer service and main for Sagamore Avenue Area sewer extension. Janney Montgomery Scott, LLC was the winning bidder on the bonds with a true interest cost rate of 3.44 percent. "We are very pleased with this rate in today's market. In addition to the excellent bond rate, the City received a bond premium of \$2.1 million which reduces the principle the City will pay," Belanger said.

At the same time, the City issued an \$8.28 million bond anticipation note to fund a portion of the purchase price for Community Campus. The winning bidder was Jefferies, LLC with a net interest cost of 3.55 percent and a note premium of \$77,454. "This short-term note funds a portion of the purchase price of Community Campus," Belanger announced.

**3. Update on Community Power Rates:**

On June 30, 2023, Portsmouth Community Power shared the news that The Community Power Coalition of New Hampshire (CPCNH) Board of Directors announced a new Community Power base electric rate of 10.9 cents per kilowatt hour (kwh), starting on August 1, 2023.

Through the Coalition, Portsmouth Community Power is offering Portsmouth customers the choice of 100%, 50%, and 33% renewable power at rates comparable to the Eversouce base rates.

The August 1, 2023 – January 31, 2024 rate from Eversource will be 12.582 cents per kilowatt hour. The Granite Basic rate (generated with 23.4% renewables) for Portsmouth Community Power customers is set at 10.9 cents per kilowatt hour. Those who have “opted up” to receive “greener” electricity generated with more renewables will be billed as follows:

- Granite Plus (33% renewables) = 11.3 cents/kwh
- Clean 50 (50 % renewables) = 12.3 cents/kwh
- Clean 100 (100% renewables) = 15.2 cents/kwh

Portsmouth Energy Advisory Committee member and CPCNH Board Vice Chair Kevin Charette stated, “One year ago, customers were about to start paying over 22 cents/kwh. Prior to the launch of Portsmouth Community Power, Portsmouth customers were paying Eversource 20.2 cents/kwh. As of right now, with Portsmouth Community Power in place, they’re paying 15.8 cents/kwh through July and then will pay just 10.9 cents/kwh starting August 1.”

Portsmouth residents and businesses enrolled in Portsmouth Community Power do not have to take any action to receive the rate savings starting August 1. Customers may elect to change their rate product option or opt out or opt in (from a third-party supplier) to Portsmouth Community Power at any time, and their selection will become effective on the date of their next meter read. For more go to: <https://www.communitypowernh.gov/portsmouth>.