

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JULY 24, 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_DPlueS66TnKNnZ4WP5dnyQ

AGENDA

(Postponed from the July 10, 2020 City Council meeting)

Items stricken have been acted upon

**City Council meeting to begin at 6:00 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~~

~~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 11th 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**