

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, AUGUST 21, 2023 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 B kgQVYfTturd7PM-nBy6A](https://us06web.zoom.us/webinar/register/WN_B_kgQVYfTturd7PM-nBy6A)

## 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
- VII. ACCEPTANCE OF MINUTES – JULY 17, 2023 AND AUGUST 7, 2023
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
  1. Peirce Island Wastewater Facility Plant of the Year Award
- IX. PUBLIC COMMENT SESSION (*This session shall not exceed 45 minutes*) – (*participation may be in person or via Zoom*)
- X. PUBLIC HEARING AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

### First Reading of Ordinances:

- A. First reading of Ordinance amending Chapter 1, Article IV, addition of new section – Section 1.413 – ARTS AND CULTURAL COMMISSION (***Sample motion – move to pass first reading and schedule a public hearing and second reading at the September 5, 2023 City Council meeting***)
- B. First reading of Ordinance amending Chapter 1, Article IV, Section 1.402 – ECONOMIC DEVELOPMENT COMMISSION – Subsections A, B and C (***Sample motion – move to pass first reading and schedule a public hearing and second reading at the September 5, 2023 City Council meeting***)
- C. First reading of Ordinance amending Chapter 1, Article VIII – CODE OF ETHICS – Preliminary, Section 1.801 – Definitions, and Section 1.802 – Conflicts of Interest (***Sample motion – move to pass first reading and schedule a public hearing and second reading at the September 5, 2023 City Council meeting***)

## Public Hearing/Adoption of Resolution:

- D. PUBLIC HEARING/ADOPTION of Resolution Appropriating One Million Nine Hundred Thousand (\$1,900,000.00) Dollars from American Rescue Plan Act (ARPA) Grant to pay costs associated with Community Resource Network, Transportation Facilitation, Mobile Library Resources, Community Health Needs Assessment Recommendation, Community Campus Capital Improvements, and IT Infrastructure (Items listed in Exhibit A) and for the Payment of Costs Incidental and Related Thereto (**Sample motion – move to adopt the Resolution as presented**)
- 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. Request to Establish Public Hearing for Supplemental Appropriation regarding Collective Bargaining
2. Memorandum of Agreement Regarding McNabb Project at 1 Congress Street
3. \*Public Art Trust Fund Update and Request for Referral

## XII. CONSENT AGENDA

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

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

## XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Presentation Regarding Capital Improvement Plan Kickoff FY25 – Peter Britz, Director of Planning and Sustainability
- B. Letter from Valerie Rochon, Portsmouth NH 400<sup>th</sup>, Inc., requesting permission to hold a Community Picnic on Sunday, October 1, 2023 from 12:00 p.m. to 3:00 p.m. at Leary and Central Fields
- C. Email Correspondence (**Sample motion – move to accept and place on file**)

## XIV. MAYOR McEACHERN

1. \*Appointments to be Voted:
  - Paul Messier to the Building Code Board of Appeals
  - Meganne Fabrega to the Library Board of Trustees
  - Jennifer Mandelbaum to the Library Board of Trustees
  - William Bowen to the Planning Board as an Alternate
  - Ivy Robichaud to the Sustainable Practices Blue Ribbon Committee

2. Acceptance of Resignation:
  - Johanna Landis from the Historic District Commission

## **XV. CITY COUNCIL MEMBERS**

### **A. COUNCILOR BAGLEY**

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the August 3, 2023 meeting (***Sample motion – move to accept and approve the action sheet and minutes of the August 3, 2023 Parking & Traffic Safety Committee***)

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

- A. Acceptance of Donation to the Fire Department from Lloyd Woodruff for the department's discretion - \$200.00 (***Sample motion – move to approve and accept the donation for the Fire Department as presented***)
- B. Acceptance of Donation to the Recreation Department from BRGR Bar for Skatepark Fundraising - \$1,049.00 (***Sample motion – move to approve and accept the donation for the Recreation Department as presented***)

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

1. \*Pease Development Authority Update
2. \*Update on Coakley Executive Committee

## **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**



Karen S. Conard  
City Manager

## CITY OF PORTSMOUTH

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

**Date:** August 17, 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 August 21, 2023

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### *VIII. Recognitions and Volunteer Committee Reports:*

#### **1. Peirce Island Wastewater Treatment Facility – Plant of the Year Award:**

I am pleased to report that the NH Department of Environmental Services (NHDES) recently awarded its Wastewater Plant of the Year Award to the City of Portsmouth's Peirce Island Wastewater Treatment Facility (WWTF). This award recognizes outstanding excellence in wastewater treatment facility operations, compliance with both the US Environmental Protection Agency and NHDES treatment regulations, safety, employee education, public outreach, and professional participation.

The attached document provides additional detail with respect to the success of the City's Peirce Island Wastewater Treatment Facility since the completion of its \$92 million upgrade in 2021.

This award will be officially presented to the City, Peirce Island WWTF Chief Plant Operator Peter Conroy and his staff at this evening's City Council meeting. Rene Pelletier, NHDES Water Division Director and John Adie, NHDES Wastewater Engineering Bureau, Operations Technical Specialist will attend on behalf of the NHDES. Michael Theriault, Vice President of the New Hampshire Water Pollution Control Association will attend on behalf of his association.

City staff are planning a "Wastewater 101" presentation to the community on Wednesday, September 13<sup>th</sup> at 6:30 p.m. at the Levenson Room of the Public Library, which will include an overview of basic wastewater concepts and definitions, the City's current wastewater system, status of current regulations, system performance, current challenges and upcoming projects.

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

### **A. First Reading of Ordinance Amending Chapter 1, Article IV, Addition of New Section – Section 1.413 – Arts and Cultural Commission:**

Attached please find an ordinance amendment to Chapter 1, Article IV, Addition of New Section – Section 1.413 – Arts and Cultural Commission.

*I recommend that the City Council move to schedule a public hearing and second reading at the September 5<sup>th</sup> City Council meeting.*

### **B. First Reading of Ordinance Amending Chapter 1, Article IV, Section 1.402 – Economic Development Commission – Subsections A, B, and C:**

Attached please find an ordinance amendment to Chapter 1, Article IV, Section 1.402 – Economic Development Commission – Subsections A, B, and C.

*I recommend that the City Council move to schedule a public hearing and second reading at the September 5<sup>th</sup> City Council meeting.*

### **C. First Reading of Ordinance Amending Chapter 1, Article VIII – Code of Ethics – Preliminary Section 1.801 – Definitions and Section 1.802 – Conflicts of Interest:**

Attached please find an ordinance amendment to Chapter 1, Article VIII – Code of Ethics – Preliminary Section 1.801 – Definitions, and Section 1.802 – Conflicts of Interest.

*I recommend that the City Council move to schedule a public hearing and second reading at the September 5<sup>th</sup> City Council meeting.*

### **D. Public Hearing and Adoption of Resolution Appropriating One Million and Nine Hundred Thousand Dollars (\$1,900,000) from the American Rescue Plan Act (ARPA) Grant to Pay Costs Associated with Community Resource Network, Transportation Facilitation, Mobile Library Resources, Community Health Needs Assessment Recommendation, Community Campus Capital Improvements, and IT Infrastructure (Items Lists in Exhibit A) and for the Payment of Costs Incidental and Related Thereto:**

As initially brought forth in the July 10<sup>th</sup> City Council Agenda and discussed at the continuation meeting on July 24<sup>th</sup>, I recommend the use of ARPA monies to fund six (6) projects described below:

- **\$20,000** for Community Resource Network - to improve the existing website and to explore using technology tools to help the non-profits that already exist.
- **\$10,000** for Gas and Uber/Lyft gift cards (or similar) - to facilitate transportation to and from after school programs, medical appointments, jobs, childcare, other essential trips.

- **\$80,000** for Mobile Library Resources – to offer 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>. This amount would cover acquisition, operation & maintenance for two years.
- **\$250,000** for implementation of recommendations included in the Community Health Needs Assessment Recommendations (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).
- **\$1,500,000** for Community Campus Non-Profit Tenant Space Realignment and Improvements – to fund critical building needs for all tenants that include the provision of security and access solutions unique to each tenant and maximization of organizational flow, space planning and energy efficiency.
- **\$40,000** in IT infrastructure to Community Campus – to build capacity and provide individual, secure needs for all users/tenants.

As part of the presentation at this evening's meeting, I will provide an update on the status of our ARPA funding which will include both assigned and unassigned funds.

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

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

### **1. Request to Establish Public Hearing for Supplemental Appropriation Regarding Collective Bargaining:**

Attached please find a memorandum from Tom Closson, the City's Labor Negotiator, regarding Tentative Agreements (TA) with the Fire Department and Police Department Unions.

Finance Director Judie Belanger has calculated the total first year cost for all five (5) TAs at \$1,464,660. As you know, collective bargaining contingency funds were included in the FY24 adopted City budget. However, the amount was insufficient to cover the total cost and therefore I recommend that we use \$890,000 from Unassigned Fund Balance.

*I recommend that the City Council move to schedule a public hearing to appropriate \$890,000 from Unassigned Fund Balance to fund these agreements at the September 5<sup>th</sup> City Council.*

2. **Memorandum of Agreement Regarding McNabb Project at One Congress Street:**

Please find attached a memorandum from Deputy City Attorney McCourt regarding public realm improvements for property located at One Congress Street, along with a proposed Memorandum of Agreement.

Proposed Motions:

- *Authorize the City Manager to execute and deliver a Memorandum of Agreement in substantially similar form to the document contained in the agenda packet.*
- *Request a report back from the Parking Traffic and Safety Committee with a recommendation regarding the elimination of parking and the loading zone from High Street.*

3. **Public Art Trust Fund Update and Request for Referral:**

This will advise that the City of Portsmouth will transfer \$150,000 to the Public Art Trust Fund to fulfill the City's percent for art obligation related to the Peirce Island Wastewater Treatment Facility upgrade. These funds have been deposited and I would recommend the City Council make a referral to the Public Arts Review Committee for next steps.

*I recommend that the City Council move to refer this to the Public Art Review Committee for consideration of the development of art for Peirce Island.*

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

A. **Presentation Regarding Capital Improvement Plan Kickoff FY25:**

Attached please find a memorandum from the City's Director of Planning and Sustainability, Peter Britz, regarding the Capital Improvement Plan (CIP) for FY2025 through FY2030.

Director Britz will be prepared to share a presentation with the Council and the public at this evening's meeting.

***XVI. Approval of Grants/Donations:***

A. **Acceptance of Donation to the Fire Department from Lloyd Woodruff - \$200:**

Attached please find a donation form from the Fire Department regarding Lloyd Woodruff's donation of \$200.

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

**B. Acceptance of Donation for the Recreation Department - \$1,049:**

Attached please find a donation form from the Recreation Department regarding a Skateboard Park Fundraising event which raised \$1,049 for the Skateboard Park.

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

***XVII. City Manager's Informational Items:***

**1. Pease Development Authority Update:**

I will plan to provide a verbal update regarding the Pease Development Authority following their most recent Board meeting on August 17<sup>th</sup>.

**2. Update on Coakley Executive Committee:**

Following Eric Spear's resignation as the Chairman of the Executive Committee of the Coakley Landfill Group, I have appointed Glenn Normandeau as the new Chairman. Mr. Normandeau is the former Executive Director of New Hampshire Fish and Game and will begin his role immediately. The City appreciates and thanks former Mayor Spear for his five years of important service on this Committee.