

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, OCTOBER 16, 2023 TIME: 6:45 PM\*

*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\\_3UUjTI2bTpaBuogJBDHzBQ](https://us06web.zoom.us/webinar/register/WN_3UUjTI2bTpaBuogJBDHzBQ)

**6:45PM - ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A**

**1. COLLECTIVE BARGAINING AGREEMENT – RSA 91-A:3, II (a)**

## 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**

### PROCLAMATION

1. **DOMESTIC VIOLENCE AWARENESS MONTH**
  2. **\*ITALIAN HERITAGE MONTH**
- VII. **ACCEPTANCE OF MINUTES – (There are no minutes on for acceptance this evening)**
  - 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**

### Public Hearing of Ordinances:

- A. **Public Hearing/Second Reading of Ordinance amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure (*Sample motion – move to pass second reading and hold third and final reading at the November 13, 2023 City Council meeting*)**
  - **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

- B. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article IV, Section 1.413 – Sustainability Committee ***(Sample motion – move to pass second reading and hold third and final reading at the November 13, 2023 City Council meeting)***
  - PRESENTATION
  - CITY COUNCIL QUESTIONS
  - PUBLIC HEARING SPEAKERS
  - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS
- C. Public Hearing regarding KENO within the City of Portsmouth ***(No vote required)***
  - PRESENTATION
  - CITY COUNCIL QUESTIONS
  - PUBLIC HEARING SPEAKERS
  - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

**Third and Final Reading of Ordinance:**

- D. Third and Final Reading of Ordinance amending Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban and Chapter 7, Article X, Towing, Section 7.1002 – Snow Removal Operations  
***(Sample motion – move to pass third and final reading of the ordinance)***
- E. Third and Final Reading of Ordinance amending Chapter 1, Article VIII – Code of Ethics, Section 1.802 – Conflicts of Interest, amending Subsection F – Gifts and Favors: No officer or employee shall accept any gift, over \$100.00 per calendar year  
***(Sample motion – move to pass third and final reading of the ordinance)***

**XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION**

**A. CITY MANAGER CONARD**

**City Manager’s Items Which Require Action:**

1. Request to Sell Surplus Water Meters
2. Temporary Construction License for Peirce Block
3. Approval of PILOT agreement for Betty’s Dream
4. Approval of PILOT agreement for Friends of Lafayette House

**XII. CONSENT AGENDA**

***(There are no items on the Consent Agenda)***

**XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

- A. \*Financial Update as Requested by Councilor Tabor
- B. Email Correspondence ***(Sample motion – move to accept and place on file)***

#### **XIV. MAYOR McEACHERN**

1. Resignations:
  - Alison Hamilton from the Citizens Advisory Committee
  - Judith Bunnell from the Citizens Advisory Committee
2. Appointments to be Considered:
  - Annelise Hartley to the Citizens Advisory Committee
  - Kirsten Barton to the Citizens Advisory Committee
  - Sachiko Akiyama to the Cultural Planning Subcommittee
3. \*Reappointment to be Voted – Kelly Delekta to the Board of Library Trustees

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

##### **A. COUNCILOR BLALOCK**

1. \*Report back from Legal and Planning on the current Demolition Ordinance and any alternatives to consider

##### **B. COUNCILOR COOK**

1. Draft Changes to the Sidewalk Policy (***Move to schedule discussion of the draft changes from the Governance Committee to the City Council Sidewalk Policy at the November 13, 2023 City Council meeting***)
2. Ethics and Transparency Policy (***Move to schedule discussion of the draft Ethics and Transparency Policy from the Governance Committee at the November 13, 2023 City Council meeting***)
3. Municipal Officials Disclosures (***Move to schedule first reading of the ordinance amendments proposed by the Governance Committee to the Municipal Officials Disclosure ordinance, Chapter 1, Article IX, Section 1.901, at the November 13, 2023 City Council meeting***)

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

- A. Acceptance of Donation to the Fire Department of 1920 American LaFrance Fire Truck (Estimated Value \$40,000.00 - \$60,000.00 subject to final appraisal) to the Portsmouth Fire Department (***Sample motion – move to accept and approve the donation of a 1920 American LaFrance Fire Truck to the Portsmouth Fire Department***)

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

1. Report Back on Non-Profit Filing Requirements for Property Tax Exemption

#### **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:** October 12, 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 October 16, 2023

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

A. **Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure:**

Attached please find proposed amendments to Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure.

*I recommend that the City Council move to pass second reading and schedule a third and final reading at the November 13, 2023 City Council meeting.*

B. **Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article IV, Section 1.413 – Sustainability Committee:**

Attached please find proposed amendments to Chapter 1, Article IV, Section 1.413 – Sustainability Committee.

*I recommend that the City Council move to pass second reading and schedule a third and final reading at the November 13, 2023 City Council meeting.*

C. **Public Hearing Regarding KENO within the City of Portsmouth:**

A representative from the NH Lottery will be here to present this initiative.

**D. Third and Final Reading of Ordinance Amending Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban and Chapter 7, Article X – Towing, Section 7.1002 – Snow Removal Operations:**

The Parking Division has reviewed and recommended updates to the City’s Snow Emergency Messaging Program as more fully explained in [Parking Division Director Ben Fletcher’s memorandum](#). In order to implement these changes to the Messaging Program, two sections of Chapter 7 should be consolidated and amended as set forth in the attached amendments to [Chapter 7, Article III, Section 7.321 \(Snow Emergency Parking Ban\)](#) and [Article X, Section 7.1002 \(Snow Removal Operations\)](#).

These amendments have been reviewed and approved by the Parking Division, Public Works and Legal Departments and have been referred to the Parking and Traffic Safety Committee for consideration at their September 7, 2023 meeting.

*I recommend that the City Council move to pass third and final reading of the ordinance.*

**E. Third and Final Reading of Ordinance Amending Chapter 1, Article VIII – Code of Ethics, Section 1.802 – Conflicts of Interest, Amending Subsection F – Gifts and Favors: No officer or employee shall accept any gift, over \$100 per calendar year:**

[Attached please find proposed amendments to Chapter 1, Article VIII – Code of Ethics, Section 1.802 – Conflicts of Interest, Amending Subsection F – Gifts and Favors: No officer or employee shall accept any gift, over \\$100 per calendar year.](#)

*I recommend that the City Council move to pass third and final reading of the ordinance.*

***XI. City Manager’s Items Which Require Action:***

**1. Request to Sell Surplus Water Meters:**

The City currently has [old water meters with a total weight of 14,450 pounds](#) of which to dispose. The meters are outdated, and it is the opinion of the Water Department that its greatest value is as scrap metal. The bundled value is believed to far exceed \$500.

According to City Ordinance Section 1.505, any sale of property valued at or above \$500 must be authorized by the City Council and may be conducted by competitive bidding, public auction, or any other means authorized by a two-thirds vote of the City Council.

As in the past, we have disposed of the surplus equipment/cars through a sealed bid process or through GovDeals, an online auction site in which the surplus equipment/cars are sold to the highest bidder.

After researching the GovDeals website, it appears that old water meters are sold as scrap metal. Therefore, I would like to use GovDeals to dispose of the meters. We have used GovDeals in the past and it has shown that the City receives more money for our surplus property than through a sealed bid process.

*I recommend that the City Council move to authorize the sale of the surplus equipment as presented.*

2. **Temporary Construction License for Peirce Block:**

Careno Construction Company, LLC, (“Careno”) under ENCM 23-69, is performing work on the exterior of the Peirce Block which abuts Congress, High and Ladd Street to replace mortar joints and to waterproof the exterior of the building shown on the City of Portsmouth Assessor’s Map as Tax Map 117, Lot 17 (“Property”).

The encumbrance permit expires on November 15, 2023 and the Peirce Block Condominium Association has authorized Careno to request permission to maintain the existing staging that encumbers the sidewalks and a small portion of the roadway along High and Ladd Street and 6 parking spaces along High Street through January 30, 2024. In order to encumber the sidewalk, roadway and parking spaces beyond 30 days, a license approved by the City Council is required. Careno anticipates this work will be completed by January 30, 2024 so it is requesting a license for 76 days (November 16, 2023 through January 30, 2024.)

Careno has requested to encumber two License Areas. License Area 1 is 1,368 square feet of sidewalk and a small portion of roadway along High and Ladd Street that abut the Property. The staging over License Area 1 is not pass through staging. License Area 2 is the 6 parking spaces along High Street. Licenses are subject to the “License Fee for Encumbrance of City Property” policy. Under this policy, a daily fee is calculated per square foot of encumbered sidewalk and roadway (1,368 square feet x .05 = \$68.40 day x 76 days = \$ 5,198.40). The License Fee for each parking space is \$50 a day x 76 days = \$22,800. The total License Fee for both License Area 1 and 2 is \$ 27,998.40.

The Legal, Planning and Public Works Department have reviewed and approved the form of [the attached License](#).

If the Council agrees to grant the temporary construction license to encumber the sidewalk and roadway along High and Ladd Street and the 6 parking spaces along High Street that abut the Peirce Block, an appropriate motion would be:

*Move that the City Manager be authorized to execute and accept the temporary construction license to encumber the sidewalk and roadway along High and Ladd Street and 6 parking spaces on High Street that abut the Peirce Block as requested.*

3. **Approval of PILOT Agreement for Betty’s Dream:**

[Attached please find a Memorandum from Assessor Rosann Maurice-Lentz](#) recommending the City Manager be authorized to enter a Payment in Lieu of Taxes (PILOT) agreement with Betty’s Dream in the amount of \$3,000. The form of the agreement would be approved by the City Attorney.

*I recommend that the City Manager be authorized to enter into a PILOT agreement with Betty’s Dream in the amount of \$3,000.*

4. **Approval of PILOT Agreement for Friends of the Lafayette House:**

Attached please find a Memorandum from Assessor Rosann Maurice-Lentz recommending the City Manager be authorized to enter a Payment in Lieu of Taxes (PILOT) agreement with the Friends of Lafayette House in the amount of \$0. The form of the agreement would be approved by the City Attorney.

*I recommend that the City Manager be authorized to enter into a PILOT agreement with the Friends of Lafayette House in the amount of \$0.*

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

A. **Financial Update as Requested by Councilor Tabor:**

The City's Director of Finance and Administration, Judie Belanger, will present FY23 Year End financial information and provide a Parking Revenue update at this evening's meeting.

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

A. **Acceptance of Donation to the Fire Department – 1920 American LaFrance Fire Truck:**

Jim Dunaway of Bayberry Vintage Auto of Hampton reached out to the Portsmouth Fire Department after seeing their open houses and historical displays around the Portsmouth 400<sup>th</sup> celebration about donating an antique fire truck.

The donation form is attached and was approved by the Board of Fire Commissioners at its October 10<sup>th</sup> monthly meeting. The plan is to use the truck for parades and public events including fire prevention programs and public activities. Additionally, it is anticipated that the Department would utilize the antique truck as a display of firefighting history while being housed at Fire Station 1, like the Kearsarge Steam Fire Engine 3.

The vehicle was fully restored at the expense of the donor and has been immaculately maintained, costing under \$1,000 annually to change fluids and gasoline. It is anticipated that annual maintenance on this vehicle will be at or below this level for the foreseeable future, based on the amount of use expected.

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

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

1. **Report Back on Non-Profit Filing Requirements for Property Tax Exemption:**

At the August 7, 2023 City Council meeting, the Council requested a report back on the requirements a non-profit has for providing proof of non-profit status in the City, which is attached for your information.