

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH

DATE: MONDAY, APRIL 1, 2024

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_s5mLw65UT7u9LY_N2peWgQ

6:15PM – ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A

1. COLLECTIVE BARGAINING AGREEMENT IN ACCORDANCE WITH RSA 91-A:3 II (a)

6:30PM – Reception Celebrating 23 Years of Service by Carl Diemer to the Recreation Board

AGENDA

- I. **WORK SESSION**
- 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**

Portsmouth High School Student Government Day Participants

Heather Wheeler & Michelle Wheeler – Portsmouth High School Teacher's



Sofia Mohedano, Mayor
Evy Douglas, Assistant Mayor
Ryen Harrison, Councilor
Gabe Weinrieb, Councilor

Owen Coffey, Councilor
Nathan Delaney, Councilor
Caden Tapscott, Councilor
Maria Akalonu, Councilor

Lauren Ramirez, Councilor
Abby Paull, City Manager
Norah Blakey, City Clerk

Tatum Hebert, City Attorney

“Without volunteers, we’d be a nation without a soul.”
Rosalynn Carter

PROCLAMATIONS

1. *Sexual Assault Awareness Month
2. *National Library Week
3. *National Community Development Month

MAYOR'S AWARD

1. Carl Diemer – Celebrating 23 Years of Service to the Recreation Board

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 HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTION

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Request for First Reading Regarding Electric Vehicle Charging Station Ordinance Amendments
2. FY24 Bond Rescinding Resolution
3. Disposition of Real Estate: Tax Deeded Properties

XII. CONSENT AGENDA

- A. Letter from JerriAnne Boggis, Black Heritage Trail, requesting permission to use the African Burying Ground Memorial for the Juneteenth celebration on Wednesday, June 19, 2024 from 10:30 a.m. – 1:00 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Latrice Smith, National Multiple Sclerosis Society, requesting permission to hold the 2024 MS Walk on Saturday, June 1, 2024 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Ken La Valley, Out of the Darkness Portsmouth Chapter, requesting permission to hold Out of the Darkness Walk on Saturday, September 28, 2024 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

- D. Letter from Crystal Cronin, Portsmouth Babe Ruth, requesting approval for temporary signage at Leary Field for the 2024 baseball season May 1st through the end of October (***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***)

XIV. MAYOR McEACHERN

1. Acceptance of Resignations:
 - *Jayne Begala from the Planning Board
 - Herb Lloyd from the Sustainability Committee
 - Steve DeTrolio from the Sustainability Committee
2. *Appointments to be Voted:
 - Reappointment of Samantha Collins to the Conservation Commission
 - Reappointment of Kathleen Bergeron to the Portsmouth Housing Authority
 - Reappointment of Kathryn Lynch to the Recreation Board

XV. CITY COUNCIL MEMBERS

A. COUNCILOR COOK

1. Single-Use Service-ware Policy (***Sample motion – move to send the draft Single-Use Food Service-ware or “Skip the Stuff” Policy to the Sustainability Committee for report back to the City Council in May 2024, and to the student participants at Student Government Day for their consideration on April 12, 2024***)

B. COUNCILOR BAGLEY

1. *Establish a Renters’ Resource Page on the City Website (***Sample motion – move to create a dedicated webpage on the Portsmouth City website, designed specifically for renters. This page will feature a comprehensive collection of helpful links and resources, including but not limited to state and city housing ordinances, guidelines, and regulations. Additionally, the page will offer valuable information for first-time homebuyers and other relevant topics deemed beneficial by the city, catering to the needs and interests of our renting community***)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. *Approval of Wellness Reward for Wellness Coordinators Initiatives - \$2,000.00 (***Sample motion – move to approve and accept the Wellness Award in the amount of \$2,000.00 as presented***)
- B. Acceptance of Donation to the Fire Department for EMS Improvements in Memory of Edward Markiewicz - \$500.00 (***Sample motion – move to approve and accept the donation for the Fire Department as presented***)

- C. ARPA Funded Grant Amendment No. 1 for Mechanic Street Pump Station Improvements ***(Sample motion – move to authorize the City Manager to enter into Amendment No. 1 of the ARPA Grant Agreement with the New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion date to the Mechanic Street Pump Station Improvements Project by six months to a completion date of January 21, 2025)***

- D. ARPA Funded Grant Amendment No. 1 for Sewer Rehabilitation Project ***(Sample motion – move to authorize the City Manager to enter into Amendment No. 1 of the ARPA Grant Agreement with the State of New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion date to the Sewer Rehabilitation Project by six months, to a completion date of March 31, 2025)***

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

- 1. *Update on Community Policing Facility
- 2. Report of Donations
- 3. Upcoming April Environmental Events
- 4. *DPW Fuel Station Replacement Update

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

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

Date: March 28, 2024

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 April 1, 2024

XI. City Manager's Items Which Require Action:

1. Request for First Reading Regarding Electric Vehicle Charging Station Ordinance Amendments:

At its May 2, 2022 meeting, the City Council referred draft zoning ordinance amendments submitted by Councilor Denton relative to electric vehicle charging stations to the Planning Board for review and recommendation.

Currently, an electric vehicle charging station, as a principal use, is allowed by special exception in the GB, G1, B, CD4-W and I zones under the motor vehicle service station classification. An EV charging station is currently allowed as an accessory use to any permitted principal use on any Citywide lot.

The Planning Board began discussion of these amendments in November 2023 and has been working on revisions since then. The original referral included adding specific charging levels (1, 2 & 3) to the use tables in the Ordinance. With the speed of change in the industry, having broad definitions that will not become obsolete is the best approach. For example, when the Board began discussion of this topic there were Level 1, 2 and 3 chargers and now there are level 4 chargers, fully automated battery exchange stations and soon there may be wireless charging for EVs. The Planning Board took a broad approach during the course of its work on these amendments so the Ordinance would not be quickly outdated once adopted. The proposed amendments capture EV charging and infrastructure that should remain relevant with the future technology anticipated.

At its February 29, 2024 meeting, the Planning Board voted to schedule a public hearing on the amendments after legal review. Legal reviewed the draft with staff and the Chair and made edits to simplify and condense [the attached amendments](#).

The Planning Board held a public hearing at their March 21, 2024 meeting and considered the revised amendments. The Board voted to recommend the City Council hold first reading on the zoning amendments dated 3/14/24 with the following edits:

- To change EV fueling space 1 and 2 to EV fueling space A and B; and
- To change Use 19.70 EV fueling space B as an accessory use from Permitted to Conditional Use Permit in the G1, G2, B, and CD4-W districts.

The motion passed unanimously.

I recommend that the City Council move to hold first reading of the proposed Zoning Ordinance amendments related to electric vehicle charging stations at the April 15, 2024 City Council meeting.

2. **FY24 Bond Rescinding Resolution:**

I seek approval to rescind the unissued borrowing authority from the Bond Authorization approved on April 6, 2020 related to the acquisition of a Fire Apparatus, as the project has been completed with an unused balance in the amount of \$58,635. This resolution requires a majority vote of the City Council.

An unissued loan authorization remains on the City books indefinitely and is used in the State's debt limit calculation according to RSA 33, until such time that they are borrowed or rescinded. As part of financial housekeeping, the unissued General Fund Authorization should be rescinded.

I recommend that the City Council move to approve rescinding the remaining borrowing authority with regards to the following Resolution: Resolution #5-2020 for \$1,400,000 – Rescind amount \$58,635.

3. **Disposition of Real Estate; Tax Deeded Properties:**

Attached please find a memorandum from Deputy City Attorney McCourt regarding three deeded properties: 508 Richards Avenue, 150 Bartlett Street and 323 Islington Street.

I recommend that the City Council refer the matter of appropriate disposal options for 508 Richards Avenue, 150 Bartlett Street and 323 Islington Street to the Planning Board for a recommendation at its April 18, 2024 regular meeting.

XVI. Approval of Grants/Donations:

A. Approval of Wellness Reward for Wellness Coordinator Initiatives - \$2,000:

The City of Portsmouth has received a total of \$2,000 from HealthTrust to be used by the City's Wellness Coordinators for various wellness initiatives.

The goal of the HealthTrust Wellness program, Slice of Life, is to reduce health risk factors and promote a healthier lifestyle for our employees. To realize this goal, the City, through its Wellness program, will provide health and safety initiatives, as well as education to its employees to improve the quality of their lives.

I recommend that the City Council move to approve and accept the Wellness Award in the amount of \$2,000 as presented.

B. Acceptance of Donation to the Fire Department for EMS Improvements in Memory of Edward Merkiewicz - \$500:

Attached please find [a donation form from the Fire Department in the amount of \\$500](#).

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

C. ARPA Funded Grant Amendment No. 1 for Mechanic Street Pump Station Improvements:

On March 21, 2022 the City Council authorized the City to enter into a Grant Agreement with the State of New Hampshire to accept a \$600,000 ARPA grant from the State of New Hampshire Department of Environmental Services. These funds are authorized for Mechanic Street Pump Station Improvements.

The City is requesting a modification of the anticipated project substantial completion date for the project. The proposed modification extends the completion date by six months from June 30, 2024 to January 21, 2025. This extension is requested as a result of a change in scope upon the discovery of additional needs at the pump station.

The [attached authorization](#) is requested from the City Council to authorize the City Manager to amend the current ARPA Grant Agreement for the Mechanic Street Pump Station Improvements Contract (CW-334106-05).

I reccommend that the City Council authorize the City Manager to enter into Amendment No.1 of the ARPA Grant Agreement with the New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion date to the Mechanic Street Pump Station Improvements Project by six months to a completion date of January 21, 2025.

D. ARPA Funded Grant Amendment No. 1 for Sewer Rehabilitation Project:

On March 21, 2022 the City Council authorized the City to enter into a Grant Agreement with the State of New Hampshire to accept a \$220,500 ARPA grant from the New Hampshire Department of Environmental Services. These funds are authorized for the Sewer Rehabilitation Project in the areas of Middle Road, Greenleaf Avenue, Portsmouth Boulevard, and various sewer lines that are not under paved roads/surfaces.

The City is requesting a modification to the anticipated project substantial completion date. The proposed modification extends the completion date by six months from September 30, 2024 to March 31, 2025. This extension is requested to accommodate unanticipated schedule delays, wetland permit delays and access agreement delays.

The [attached authorization](#) is requested from the City Council to authorize the City Manager to amend the current ARPA Grant Agreement for the Sewer Rehabilitation Contract (CW-334106-05).

I reccommend that the City Council authorize the City Manager to enter into Amendment No.1 of the ARPA Grant Agreement with the State of New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion date to the Sewer Rehabilitation Project by six months, to a completion date of March 31, 2025.

XVII. City Manager's Informational Items:

1. Update on Community Policing Facility:

City staff will provide a verbal update regarding progress updates for the proposed Community Policing Facility.

2. Report of Donations:

Please find [attached a memorandum from Deputy City Manager/Regulatory Counsel Woodland regarding donations.](#)

3. Upcoming April Environmental Events:

In recognition of Earth Day celebrations, the City has planned various sustainability events in April which are [outlined for the City Council and the public as an attachment.](#)

4. DPW Fuel Station Replacement Update:

The City is replacing the fuel station located at the Department of Public Works and therefore during construction, City vehicles will not be able to use the station to fuel. Temporary fueling measures needed to be taken in order to continue operations. The City is using WEX, a fleet fueling system that allows for the use of various commercial fueling stations.

Construction is anticipated to take three to four months. During that time City staff will be seen fueling their vehicles at commercial gas stations throughout Portsmouth.