

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 18, 2024 TIME: 5:00PM

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_L-G1YTpJT5utt-2ng8RWsg

5:00PM – ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A

1. COLLECTIVE BARGAINING AGREEMENT IN ACCORDANCE WITH RSA 91-A:3 II (a)
2. CONSIDERATION OF LEGAL ADVICE IN ACCORDANCE WITH RSA 91-A:3, II (I)

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
- VII. ACCEPTANCE OF MINUTES – FEBRUARY 5, 2024
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
 - A. Public Art Review Committee (PARC) Recommendation of Public Art for Bohenko Gateway Park (**Sample motion – moved to accept the proposed plan for artwork, including support from the Department of Public Works for the painting and preparation of the site**)
- 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 Ordinance:

- A. First reading of Ordinance amending Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map, be amended to change the zoning designation of the following parcels pursuant to Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 of the Zoning Ordinance. That the Zoning Map be amended so that the described parcels within the ordinance are rezoned from Office Research (OR) to Gateway Neighborhood Business (G1) (**Sample motion – move to pass first reading and schedule public hearing and second reading for April 15, 2024 City Council meeting of the proposed Zoning Map Amendments**)

Public Hearing/Second Reading of Ordinance:

- B. Public Hearing/Second Reading of Ordinance amending Chapter 7, Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.102 – Parking Meter Zones and Parking Meter Rates
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

(Sample motion – move to pass second reading and schedule a third and final reading at the April 1, 2024 City Council meeting to amend Chapter 7, Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.102 – Parking Meter Zones and Parking Meter Rates, to remove the standard Occupancy Zone (Zone B) and increase the parking rate discount for residents using the ParkMobile App)

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. *Request for Work Session Regarding South Meeting House
2. License Agreement for Seacoast Eat Local Farmers’ Market 2024
3. Authorization for Disbursement of \$2,350.00 from Trust for Administrative Costs for First Time Homebuyer Program

XII. CONSENT AGENDA

- A. Request from Emily-Anne Boone, LIIV Medical Aesthetics, to install a Projecting Sign at 24 Ladd 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***

- B. Letter from Julia Johnson, Alliance for Greater Good, requesting permission to hold the Lantern Festival on Saturday, September 28, 2024 at the South Mill Pond from 5:00 p.m. to 7:30 p.m. (*Rain date of Sunday, September 29th*) (**Anticipated action – move to refer to the City Manager with Authority to Act**)
- C. Letter from Evan Dolecki, Loco Sports, LLC & Ventures Endurance, requesting permission to conduct the 8th Annual Margarita Half Marathon & 5K on Sunday, May 12, 2024 at 8:15 a.m. (**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**)
- B. Letter from Chris Maden, Portsmouth Maritime Folk Festival, requesting the following:
 - Use of spaces in Prescott Park on Saturday, September 28th, 11:00 a.m. to 3:00 p.m., and Sunday, September 29th, 1:00 p.m. to 5:00 p.m.
 - Use of space in front of North Church
 - Motorcycle Parking Ban in Market Square on Sunday, September 29th and some parking passes for their performers and volunteers (**Sample motion – move to refer to the City Manager with Authority to Act**)
- C. Letter from Russ Grazier, PMAC, requesting permission to hold a one-time small parade for Jazz Appreciation Month on Friday, April 12, 2024 at 12:00 p.m. (**Sample motion – move to refer to the City Manager with Authority to Act**)
- D. Letter from Craig Welch, Executive Director, Portsmouth Housing Authority, requesting a letter of support to accompany their request for congressionally directed spending funds from our congressional delegation for potential workforce housing at the Sherburne School property (**Sample motion – move to recommend and authorize the Mayor to send a letter on behalf of the City Council**)

XIV. MAYOR McEACHERN

- 1. Appointments to be Considered:
 - 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. *Historic Preservation Grants and Sustainability (***Sample motion – move to request a report back to the Council by May 6th on federal and state grant programs in historic districts and the impact of not following Certified Local Government National Park Service guidelines and state guidelines in historic districts on grant eligibility, including eligibility for sustainability grants addressing sea-level rise and preservation of historic structures and neighborhoods***)
2. *Police Facility Process (***Sample motion – move to request a report back on the needs assessment process for the proposed Police Facility in advance of the work session of the Council with the committee***)

B. COUNCILOR BAGLEY

1. **Action Item Needing Approval by City Council:**
 - Market Square bus bay parking, voted to change the two 15-minute spaces in the bus bay to Zone A spaces (***Sample motion – move to change the two 15-minute spaces in the bus bay to Zone A spaces***)
2. Parking & Traffic Safety Committee Action Sheet and Minutes of March 7, 2024 (***Sample motion – move to approve and accept the action sheet and minutes of the March 7, 2024 Parking & Traffic Safety Committee meeting***)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Victims of Crime Act Grant Award to the Police Department to fund the Legal Department Victim Witness Advocate - \$24,739.00 (***Sample motion – move to approve and accept the Grant as presented***)
- B. Approval of Source Water Protection Grant Extension (***Sample motion – move to authorize the City Manager to enter into Amendment No. 1 of the Grant Agreement to extend the completion date of the \$25,000.00 grant from the State of New Hampshire Department of Environmental Services Local Source Water Protection Program by one year, to a completion date of May 31, 2025***)
- C. Approval of Grant Contract in the amount of \$1,000,000.00 for Community Campus Upgrades Project (***Sample motion – move to approve and accept the Grant as presented***)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *Report Back on Salter Street Rezoning
2. *Hanover Renovation Update – Hanover Street Entry/Exit Wait Times
3. Green Building Policy
4. *Update on “Skip the Stuff” Ordinance
5. *Pease Development Authority Update
6. *Community Policing Facility Update
7. *FlashVote Survey Status 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 14, 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 March 18, 2024

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

A. **First Reading of Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map, to be amended to change the zoning designation of the following parcels pursuant to Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421.10 of the Zoning Ordinance:**

At the January 16, 2024 meeting, the City Council referred proposed zoning map amendments to the Planning Board for a report back and recommendation. Prior to the Planning Board's February 15th and February 29, 2024 public hearing on the zoning map amendments, Staff reviewed the parcel list referred by Council and made the corrections listed below. The ordinance presented tonight for first reading reflects those edits.

The Planning Board considered the map amendments at their February 29, 2024 meeting and voted to recommend to City Council the approval of the map amendments as presented with the following:

- Remove Map 233 Lot 145 because it is municipally owned.
- Include the following lots that were considered by the Land Use Committee but not included in the referral from City Council: Map 175 Lot 5, Map 236 Lot 36, Map 174 Lot 13 and Map 217-2A.
- Correct the following map and lot numbers for three parcels: Map 273 Lot 5, Map 252 Lot 1-7 and Map 268 Lot 97.

The motion passed 6-3. [Attached is the staff memo](#) that was in the Planning Board packet with maps of the subject parcels.

The reason we have not requested second reading for April 1st is because we have 10 clean day notice requirements to publish this notice and as such we would not make the April 1st hearing.

I would recommend the City Council move to pass first reading and schedule public hearing and second reading for April 15, 2024 City Council meeting for the proposed Zoning Map amendments.

B. Public Hearing and Second Reading of Ordinance Amending Chapter 7, Vehicles, Traffic, and Parking, Article I – Parking Meters, Section 7.102 – Parking Meter Zones and Parking Meter Rates:

For second reading is an ordinance [amending Chapter 7, Vehicles, Traffic and Parking, Article I - Parking Meters, Section 7.102 - Parking Meter Zones and Parking Meter Rates](#). The current ordinance established two different parking zones with two different rates. The first is Zone A, the Downtown High Occupancy Zone, which is defined in the ordinance by a list of streets in the downtown area. The second is Zone B, the Standard Occupancy Zone, which includes all on street parking on streets outside the Downtown High Occupancy Zone and metered off-street parking areas (Worth Lot, Bridge Street Lot and the Memorial Bridge Lot). Both of these zones provide for a resident discount hourly rate for residents using the ParkMobile App.

It is the intent of this ordinance amendment to create one parking rate for all metered parking in the City, including all off-street parking areas with metered parking (Worth Lot, Bridge Street Lot and Memorial Bridge Lots).

The amendment to Section 7.102 removes Zone B, the Standard Occupancy Zone, which currently charges nonresidents \$1.50 per hour for the first three hours and \$3.00 per hour for hours 4-11 and residents using the ParkMobile App \$1.00 per hour for the first three hours and \$2.00 per hour for hours 4-11. The parking rate proposed in this amendment is what is currently charged for Zone A, which for nonresidents is \$2.00 per hour for the first three hours and \$5.00 per hour for hours 4 - 11. The amendment also proposes an additional discount of \$.25 for residents using the ParkMobile App, reducing the parking rate for the first three hours from \$1.50 per hour to \$1.25 and reducing the rate for hours 4 -11 from \$2.50 per hour to \$2.25.

I recommend that the City Council vote to pass second reading and schedule a third and final reading at the April 1, 2024 City Council meeting to amend Chapter 7, Vehicles, Traffic and Parking, Article I - Parking Meters, Section 7.102 - Parking Meter Zones and Parking Meter Rates, to remove the standard Occupancy Zone (Zone B) and increase the parking rate discount for residents using the ParkMobile App.

XI. City Manager’s Items Which Require Action:

1. Request for Work Session Regarding South Meeting House:

I would like to request a work session on April 15th at 6:00 p.m. to discuss the South Meeting House property.

I recommend that the City Council move to schedule a work session on April 15th at 6:00 p.m. regarding the South Meeting House property.

2. **License Agreement for Seacoast Eat Local Farmers’ Market 2024:**

Attached please find a License Agreement between the City of Portsmouth and Seacoast Eat Local (SEL), manager of the Farmers’ Market in Portsmouth. 2024 will mark the 28th season of the Farmers’ Market’s operation in the City, and during that time the Market has become a highly anticipated and well-attended annual event for City residents.

I recommend that the City Council move to authorize the City Manager to execute the License Agreement as presented, which is in substantially similar form as the License Agreement from 2023, allowing SEL to operate a Farmers’ Market at the Municipal Complex on Saturday mornings from May 4, 2024, through October 26, 2024, and that the City Manager is further authorized to negotiate and execute any amendment to the Agreement that she deems consistent with its purpose.

3. **Authorization for Disbursement of \$2,350 from Trust for Administrative Costs for First Time Homebuyer Program:**

Please find attached a memorandum from Community Development Director Annunziata requesting the authorization for disbursement of \$2,350 from trust monies for administrative costs for the First Time Homebuyer Program.

I recommend that the City Council move to authorize the City Manager to disburse \$2,350 from the Portsmouth Housing Endowment Fund to be expended in FY24 on Community Development staff salaries and benefits associated with administering the City’s first time homebuyer loan program.

XII. Consent Agenda:

A. **Projecting Sign License – 24 Ladd Street:**

Permission is being sought to install a projecting sign at 24 Ladd Street that extends over the public right of way, as follows:

Sign dimensions: 36” x 36”

Sign area: 9 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.

XVI. Approval of Grants/Donations:

A. Approval of Victims of Crime Act Grant Award for the Police Department - \$24,739:

Attached please find the Grant Agreement between the New Hampshire Department of Justice and the City of Portsmouth Police Department for the administration of the Victims of Crime Act Award (VOCA) funding the Legal Department's Victim Witness Advocate position in the amount of \$24,739.00.

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

B. Approval of Source Water Protection Grant Extension:

On June 1, 2023, the City Council authorized the City into a Grant Agreement with the State of New Hampshire to accept a \$25,000 grant from the NH Department of Environmental Services Local Source Water Protection program (Resolution 20-2023). This grant is for performing due diligence activities such as boundary survey, environmental site assessment, and title research that is required for the purchase of a 45-acre conservation easement on a parcel of land that abuts the Bellamy Reservoir (Fernald Parcel).

Due to unanticipated delays in the easement purchasing process, the project is taking longer than anticipated. Thus, an extension to the grant completion date is being requested through Amendment No.1 (attached). The request is for the completion date to be extended by one year to May 31, 2025.

I recommend that the City Council move to authorize the City Manager to enter into Amendment No. 1 of the Grant Agreement to extend the completion date of the \$25,000 grant from the State of New Hampshire Department of Environmental Services Local Source Water Protection Program by one year, to a completion date of May 31, 2025.

XVII. City Manager's Informational Items:

1. Report Back on Salter Street Rezoning:

At the February 5, 2024 meeting, the City Council referred the request from Marcia MacCormack to eliminate the Waterfront Business zoning along Salter Street to the Planning Board for a recommendation to consider changing to General Residence B (GRB).

The Planning Board considered this request at their February 29, 2024 meeting and voted unanimously to leave the existing zoning for Salter Street as Waterfront Business and to evaluate this and other waterfront designations through the Master Plan process.

2. Hanover Renovation Update – Hanover Street Entry/Exit Wait Times:

The High-Hanover Parking Facility is currently in year two of a major three-year renovation project. The project enhances the overall safety and longevity of the structure, and will improve traffic flow efficiencies and replace the traffic control equipment that governs entry and exit for the facility.

For safety purposes, any area being repaired requires that all areas directly beneath are structurally reinforced down to ground level, with corresponding parking spaces and travel lanes removed from use. Necessarily, this changes the traffic flow and available parking inventory daily.

The project's current phase includes work above the Hanover Street Entrance/Exit, which requires the temporary closure of the facility's primary entrance/exit. This phase of the project began on January 2nd and is presently on schedule to be completed by April 19th. Because of this, the facility is reduced to two vehicular entrance points and one exit, (High Street entrance only and Fleet Street entrance/exit) until this phase the project is completed. Additionally, pedestrian entrances/exits have been maintained during construction.

In an effort to mitigate parking demand, prior to the start of the project, the Parking Division offered incentives for Monthly Parking passholders to move to the Foundry Garage at dramatically reduced monthly rates. This reduced the number of monthly contracts at Hanover from 750 to roughly 400, helping to alleviate demand issues.

Further, the Division and the City continue to actively engage the public with press releases, static signage, and updates to the project's web page. As part of this messaging effort, we worked to ensure the public was aware that the Hanover entrance would be closed between January 2, 2024 and April 19, 2024 so that users might be encouraged to use the Foundry for their longer-term parking needs.

Presently, the main concern is the exit time being experienced by patrons, particularly when high-volume events let out. To mitigate wait times the Parking Division has done the following:

- Partnered with large performance venues to offer \$3 flat rate parking at the Foundry Garage;
- Capped the number of overall vehicles allowed into the Hanover facility to reduce the number that might seek to exit at one time (such as the end of a Music Hall event);
- Enhanced static signage at each entrance, encouraging the use of the Foundry facility as an alternative to long-term (and event) parking at Hanover; and
- Encouraged performance venue marketing departments to advertise the Foundry and its \$3 rate, as well as encourage event goers to spend time after the show on other activities, such as dining or shopping in Downtown Portsmouth rather than attempt to exit the facility en masse with the outbound event traffic.

Each of these measures has helped with mitigating exit demand while the Hanover Street exit/entrances is closed. Once the Hanover exit/entrance is reopened, customers will experience redesigned exit lanes, signage, and new, far-more advanced and effective revenue control equipment similar to what is employed at Foundry.

During construction, staff strive to manage traffic volume on Fleet Street to minimize impacts to a primary emergency vehicle route for the Portsmouth Fire Department.

Of additional note, the repair work on the Hanover entry/exit area will extend to the elevator area in the coming weeks. The anticipated schedule is as follows:

- March 25, 2024 – March 31, 2024: The elevator will not be accessible from level one.
- April 1, 2024 – April 15, 2024: The elevator will not be accessible from level two.

During these times, the elevator will be operational from each of the other levels. Temporary on-site signage will direct patrons to levels with elevator access. To accommodate patrons during this time we will ensure access and provide assistance as needed.

We understand that construction of this nature is very disruptive. The improvements presently underway will extend the useful life of the facility and enhance the overall experience for garage users.

3. **Green Building Policy:**

[Attached please find the approved Municipal Green Building and Infrastructure Policy.](#) This policy went into effect October 1, 2023.

After discussion and interest in supporting a green building policy a green building working group with members from the Sustainability Committee and others got together to discuss a policy that would support green building elements to all new municipal projects. The working group brought the policy back to the Sustainability Committee at their August 24th meeting and received their support. The draft policy went to the City Manager for her approval.

The policy requires all new building construction or renovations over \$2,000,000 to be LEED Silver or equivalent. In addition, the policy has several categories of green building systems to be considered when performing building upgrades such as: mechanical systems, envelope and glazing upgrades, appliance and fixture replacement as well as roofing systems. For infrastructure projects such as concrete and paving, specific recommendations are made to enhance the sustainability components of those projects.

4. **Update on “Skip the Stuff” Ordinance:**

City Attorney Susan Morrell will provide a verbal update on the “Skip the Stuff” Ordinance that was proposed by Councilor Cook at the February 5th City Council meeting.

5. **Pease Development Authority Update:**

Following the most recent PDA Board Meeting on March 14th, I will provide a verbal update on the topics discussed.

6. **Community Policing Facility Update:**

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

7. **FlashVote Survey Status Update:**

City staff will provide a verbal update regarding recent FlashVote survey efforts.