

# CITY COUNCIL MEETING

Remote Meeting Via Zoom Conference Call

To register in advance for this meeting, click on the link below or copy and paste it into your web browser:

[https://zoom.us/webinar/register/WN\\_9fbBM585SoiYar9j3-i0-w](https://zoom.us/webinar/register/WN_9fbBM585SoiYar9j3-i0-w) You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site: <https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-9, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

**DATE: MONDAY, JUNE 1, 2020**

**TIME: 6:00PM**

## AGENDA

- **6:00PM – ANTICIPATED NON-PUBLIC SESSION REGARDING MCINTYRE RSA 91-A:3 II I**  
[https://zoom.us/webinar/register/WN\\_WBHn1tLwQjuQoy61rJd1fQ](https://zoom.us/webinar/register/WN_WBHn1tLwQjuQoy61rJd1fQ)
- I. **6:00PM WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – *POSTPONED***
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**
- VII. **ACCEPTANCE OF MINUTES – MARCH 2, 2020**
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
- IX. **PUBLIC COMMENT SESSION – (Via Zoom)**
- X. **PUBLIC DIALOGUE SUMMARY [when applicable] – *POSTPONED***
- XI. **PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**
  - A. Public Hearing and Adoption of Resolution Authorizing a Supplemental Appropriation from the Water Fund Unrestricted Net Position and from the NH Drinking Water and Groundwater Trust Fund for the Purchase of the Bellamy Reservoir Source Water Protection Land Conservation Easement in the amount of Five Hundred Seventy-Four Thousand, Three Hundred Dollars (\$574,300.00) is to be appropriated from the Water Fund using \$287,300.00 from unrestricted net position and a grant of up to \$287,000.00 from the NH Drinking Water and Groundwater Trust Fund
    - **PRESENTATION**
    - **CITY COUNCIL QUESTIONS**
    - **PUBLIC HEARING SPEAKERS**
    - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

- B. Third and Final Reading of Ordinance amending Chapter 7, Article I, Section 7.105 C – Designated Motorcycle Parking Area

## **XII. MAYOR BECKSTED**

1. \*Citizen Response Task Force Appointments
2. \*Osprey Landing JCM Management Company
3. \*Cooling Stations

## **XIII. CITY COUNCIL MEMBERS**

### **A. ASSISTANT MAYOR SPLAINE**

1. Face Coverings or Masks (***Sample motion – move that the City Council respectfully advises residents and visitors to wear face coverings or masks when the social-distancing guideline of six feet or more recommended by the Centers for Disease Control is not possible. To protect their employees and customers, the City Council also respectfully urges all businesses to advise people entering their buildings to wear face coverings or masks as much as is practical when social-distancing guidelines are not possible***)

### **B. COUNCILOR WHELAN**

1. \*Update on Islington Street Construction Project

### **C. COUNCILOR McEACHERN**

1. \*Report Back on Recreation Board
2. \*Outdoor Sidewalk Café License Efficiency (***Sample motion – move to grant City Manager temporary authority to approve sidewalk licenses until October***)

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

1. \*Acceptance of Community Development Block Grant - \$533,053.00

## **XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER CONARD**

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

1. Sidewalk Café License Approvals
  - La Carreta – 172 Hanover Street
  - Tuscan Kitchen – 14 Market Square
2. \*Establish June 8<sup>th</sup> Budget Work Session
3. Summary and Analysis of Bids for the Multi-Purpose Recreation Fields and Stormwater Treatment Project

## **XVI. CONSENT AGENDA**

- A. Letter from Jay Diener, Seacoast Half Marathon, requesting to hold the 15<sup>th</sup> annual Seacoast Half Marathon on Sunday, November 8, 2020 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- B. Letter from Thomas Haslam, St. John's Lodge #1 requesting permission to hold the annual St. John's Sunday Parade on Sunday, June 21, 2020 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

## **XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. \*Presentation by Health Officer Kim McNamara regarding COVID-19 Update
- B. Email Correspondence (***Sample motion – move to accept and place on file***)
- C. Letter from Tom Morgan regarding Floodplain Overlay Zone adopted on December 16, 2019
- D. Letter from Marc Stettner regarding Designated Motorcycle Moped Parking Area

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

- 1. Update from the Public Realm Venues Work Group
- 2. Report Back from Planning Board on Impact Fees
- 3. \*Report Back on Little League and Summer Recreation
- 4. Household Hazardous Waste Day

## **XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

## **XX. ADJOURNMENT [at 10:00 p.m. or earlier]**

**KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK**

*\* Indicates verbal report*



Karen S. Conard  
City Manager

## CITY OF PORTSMOUTH

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

**Date:** May 28, 2020

**To:** Honorable Mayor Rick Becksted and City Council Members

**From:** Karen S. Conard, City Manager *KSC*

**Re:** City Manager's Comments on City Council Agenda of June 1, 2020

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

#### **A. Public Hearing – Funding Conservation Easement Purchase:**

On May 4, 2020 the City Council voted to "...establish a public hearing for June 1, 2020 for the supplemental appropriation to utilize \$574,300 from the Water Enterprise Fund net position with the understanding that up to \$287,000 will be reimbursed by the New Hampshire Drinking Water and Groundwater Trust Fund." And to "... refer the acquisition of the 107-acre conservation easement on the subject parcel to the Portsmouth Planning Board for a recommendation back to City Council."

On May 21, 2020, the Planning Board voted to "recommend that the City Council proceed with the acquisition of a conservation easement for the 107-acre property in Madbury owned by Mary Ellen Duffy."

Al Pratt, Water Resource Manager, is prepared to give a presentation at this evening's Council meeting. [Attached is the Resolution for the Supplemental Appropriation](#), as well as the [original memo](#) and [attachments](#) to the City Manager as shared at the May 4<sup>th</sup> Council meeting. In February 2018, the Public Hearing for a similar easement project included a presentation, council questions, public hearing, and additional questions and deliberations.

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

#### **B. Third and Final Reading of Ordinance Amending Chapter 7, Article I, Section 7.105 C – Designated Motorcycle Parking Area:**

In June 2019, the Parking and Traffic Safety Committee approved an amendment to the Designated Motorcycle Parking Area Ordinance (Chapter 7, Article I, Section 7.105 C). A citizen raised concerns regarding the amendment, and in August 2019 the Committee rescinded its approval and requested a report back from City staff. Upon review, the Committee voted to request a revised amendment in September 2019.

On February 6, 2020, the Parking and Traffic Safety Committee voted to approve the [attached](#) amendment to Chapter 7, Article I, Section 7.105 C and to refer it to the City Council to request first reading.

At the March 16<sup>th</sup> Council meeting, Ben Fletcher, Director of Parking, provided a brief presentation on the amended ordinance. Subsequent votes of approval took place at the May 4<sup>th</sup> Council meeting to pass the first reading, and at the May 18<sup>th</sup> Council meeting to pass the second reading and have it return for a third and final reading at this evening's meeting.

The ordinance in question is [attached](#).

*I recommend that the City Council move to adopt the third and final reading of an amendment to Chapter 7, Article I, Section 7.105 C, the Designated Motorcycle Parking Area Ordinance.*

#### ***XIV. Approval of Grants/Donations:***

##### **1. Acceptance of Community Development Block Grant:**

The U.S. Department of Housing and Urban Development (HUD) has informed the City that a Community Development Block Grant (CDBG) in the amount of \$533,053 will be made available to Portsmouth for FY2021. This amount represents an increase of \$6,119 from last fiscal year. These grant funds are awarded annually and are used to carry out a variety of public facility/infrastructure improvements and accessibility projects that primarily benefit low-income individuals and families, as well as for other CDBG-eligible community development projects and assistance to social service agencies who serve low-income populations in the City.

These funds are **NOT** related to the COVID-19 pandemic.

*I recommend that the City Council move to accept and expend a Community Development Block Grant in the amount of \$533,053 from the U.S. Department of Housing and Urban Development.*

#### ***XV. City Manager's Items which Require Action:***

##### **1. Sidewalk Café License Approvals:**

The City has received two additional applications for sidewalk cafés providing alcohol service from La Carreta at 172 Hanover Street and Tuscan Market at 14 Market Square.

**La Carreta:** City staff representatives from Police, Fire, Public Works, Building Inspection, Health, and Code Enforcement have reviewed those applications, found the applications complete, and recommend issuance of the Area Service Agreements in accordance with [City Council Policy 2012-02](#), and with the Governor's orders relating to the COVID-19 pandemic. As you will see in the [attached application](#), La Carreta proposes to place its seating on Vaughan Mall.

**Tuscan Market:** Tuscan Market submitted an original proposal that has been revised to comply with the sidewalk café requirements. At the time of agenda preparation, most members of City staff had reviewed and found [the applications](#) complete and recommended issuance of Area Service Agreements in accordance with [City Council Policy 2012-02](#), and with the Governor’s orders relating to the COVID-19 pandemic. Fire Department staff have reviewed the submitted plan for egress compliance, and are expected to recommend approval (as of Thursday, May 28<sup>th</sup>). I anticipate I will have that review and am prepared to make a verbal report upon it at this evening’s meeting.

Tuscan Market’s liquor license agreement with the City prohibits alcohol service outside. As a result, if the City Council approves of the sidewalk café, their liquor license would require amendment to conform with the Council’s desire. The Legal Department could accomplish this task.

Record #	Establishment	Location	Area	Tables	# of Chairs
20-10	La Carreta	172 Hanover St.	336	8	32
20-7	Tuscan Market	14 Market Square	495	11	40

*I recommend the City Council move to authorize the City Manager to enter into Area Service Agreements with La Carreta and Tuscan Market for outdoor alcohol service on City land for the 2020 season subject to City Council Policy No. 2012-02, and further subject to all Governor’s orders relating to the COVID-19 pandemic.*

**2. Establish June 8th Budget Work Session:**

I would like to request that the City Council establish a Budget Work Session on June 8, 2020 at 6:30 p.m. to have an additional opportunity to review the proposed FY2021 budget.

*I recommend that the City Council move to schedule a Budget Work Session on June 8, 2020.*

**3. Summary and Analysis of Bids for the Multi-Purpose Recreation Fields and Stormwater Treatment Project:**

Following a presentation on the status of the City’s Multi-Purpose Recreation Fields and Regional Stormwater Treatment Project at the City Council meeting of March 2, 2020, the City Council voted to “direct the City Manager to proceed with bidding the current design for synthetic turf field, with bid alternatives related to the type of infill.”

On May 19, 2020, the City received bids for the Multi-Purpose Athletic Fields and Regional Stormwater Treatment System Project. The project base bid included the construction of one multi-purpose artificial field with crumb rubber infill, drainage, site improvements, utilities and amenities for the field as well as the regional stormwater treatment facilities. Bid alternates were included for two different infills, Envirofil and Safeshell. Other alternates in the bid included a second synthetic turf field, field lighting, snow storage area, a sewer force main and a scoreboard.

The City received five bids ranging from a low of \$3,961,246.50 to a high of \$5,092,560. The low bid was reviewed for completeness and accuracy and recommended for award by the City's consultant. The total cost of the project with engineering and contingency is approximately \$4,600,000. The alternates for infills came in at \$248,000 for the Envirofill, and \$158,000 for the Safeshell. A copy of the bid tabulation as well as the engineer's recommendation for award is [attached](#).

The total funding available for construction is approximately \$4,770,000 which allows the City to proceed with the base bid and, if desired, award the Safeshell alternative infill. City staff and consultants will be available this evening to review the project.

**If an infill alternative is not desired, no further action is required by the City Council and the City Manager will proceed with the award of the contract in the usual course.**

*If the Safeshell alternative is desired, I recommend that the City Council move to authorize the City Manager to proceed with awarding the base bid plus the Safeshell alternative for the Multi-Purpose Athletic Fields and Regional Stormwater Treatment System Project.*

## ***XVII. Presentations and Consideration of Written Communications and Petitions:***

### **A. Presentation by Health Officer Kim McNamara Regarding COVID-19 Update:**

City Health Officer, Kim McNamara, will provide a verbal update to City Councilors and the public on COVID-19.

## ***XVIII. City Manager's Informational Items:***

### **1. Update from the Public Realm Venues Work Group:**

Please find [attached a report back](#) from the Public Realm Venues Work Group which outlines recommendations for consideration by the City Council and the Citizen Response Task Force to aid in the guidance of City policies related to COVID-19.

### **2. Report Back from Planning Board on Impact Fees:**

[Attached is a memorandum](#) which details the Planning Board's review and report back regarding suggested development impact fees, as proposed by Councilor Kennedy.

### **3. Report Back on Little League and Summer Recreation:**

City Health Officer, Kim McNamara, and Recreation Director, Rus Wilson, gave a brief presentation to the Recreation Board on May 27, 2020 on the topic of summer recreation.

In summary, the City of Portsmouth agrees with Governor Sununu's guidelines for allowing youth and amateur sports teams to have limited practices according to the four-page guidelines the State has provided.

These guidelines would be effective immediately in the City of Portsmouth and allow groups of ten or less to start instructional training as of May 28, 2020 and would be in effect for a minimum of three weeks. If the Governor chooses to extend his recommendations to allow games at a future date, the City will consider his recommendations after the three week period has ended and further COVID-19 data has been reviewed. Any future allowances will be made by the City's Health Officer, Kim McNamara.

This decision was well received by the Recreation Board and youth sports team supporters at their meeting. While the leagues and teams will be responsible for monitoring themselves, the City will also have Recreation Department staff observing these actions to ensure everyone is in compliance.

4. **Household Hazardous Waste Day:**

Please find [attached a press release](#) announcing Household Hazardous Waste Day on Saturday, June 6<sup>th</sup>.