

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_9OyU61tIQ9edsRbisOJXPw

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 2020-10, 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, AUGUST 3, 2020

TIME: 6:00PM

6:00PM – ANTICIPATED NON-PUBLIC SESSION:

1. COLLECTIVE BARGAINING NEGOTIATIONS – RSA 91-A:3 II (a)

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AGENDA

- I. 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 – APRIL 20, 2020, MAY 4, 2020 & MAY 6, 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 Second Reading of Ordinance**

ORDINANCE AMENDING CHAPTER 7, ARTICLE I, SECTION 7.102 – PARKING METER ZONES; CHAPTER 7, ARTICLE I, SECTION 7.105 – PARKING; CHAPTER 7, ARTICLE III, SECTION 7.324 – LIMITED PARKING – ONE HOUR; SECTION 7.325 – LIMITED PARKING – THIRTY MINUTES; SECTION 7.326 – LIMITED PARKING – FIFTEEN MINUTES; SECTION 7.327 – LIMITED PARKING – TWO HOURS; SECTION 7.328 – LIMITED PARKING – THREE HOURS; SECTION 7.328-1 – UTILIZATION OF MULTIPLE PARKING SPACES; AND SECTION 7.329 – LIMITED PARKING – FOUR HOURS (STAY AND PAY)

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS

(Sample motion – move to pass second reading and hold third and final reading at the August 31, 2020 City Council meeting)

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Appointment of Thaddeus Jankowski to the Conservation Commission
 - Appointment of Adam Webster to the Conservation Commission
 - Appointment of Jane Wright as an Alternate to the Conservation Commission
2. *Appointment to be Voted:
 - Reappointment of Erica Wygonik to the Parking & Traffic Safety Committee as an Alternate

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. That Mill Pond Way be named for former Portsmouth Assistant Mayor Paul McEachern *(Sample motion – move that the Portsmouth City Manager meet with Jon Wyckoff, who acting on behalf of the Advocates for the North Mill Pond, and the Creek Neighborhood Committee will formalize the naming of the “Paul McEachern Park”)*
2. Request First Reading of an Ordinance Requiring That Face Coverings Be Worn At Specific Times In The City of Portsmouth *(See Ordinance Attached)*
3. Report Back on Request of Restoration of Involuntary Merged Lot – 246 Thornton Street *(Request for Reconsideration of Vote by the City Council at the July 13, 2020 meeting)*
4. Report Back on Request of Restoration of Involuntary Merged Lot – 1240 Islington Street *(Request for Reconsideration of Vote by the City Council at the July 13, 2020 meeting)*

B. COUNCILOR McEACHERN

1. *Resolution that the City Council Supports our Educators as they take the Necessary Steps to Keep Both Children and Themselves Safe

C. COUNCILOR WHELAN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the July 9, 2020 meeting *(With Summary Sheet: Stay and Pay Recommended for Approval to City Council)*

D. COUNCILOR LAZENBY

1. *Permitting Fee Relief for Businesses and Outdoor Use
2. *Request for explanation of Ethics Complaint process and update on current status

E. COUNCILOR KENNEDY & COUNCILOR HUDA

1. *Middle Street Bike Lanes Current Implementation for Safety in Lieu of the Recent Accident

F. COUNCILOR HUDA

1. Update on CARES Act Fund Allotment (***Sample motion – move to request the City Manager provide to the Residents & City Council an update on CARES Act Fund Allotment to Include: Total Allotment - \$523,000.00, Total Amounts Submitted/Received for Reimbursement and Remaining Balance at August 1st***)

G. COUNCILOR TRACE

1. Paul McEachern Park (***Sample motion – move to name a certain City owned parcel of land (143-8) located on Mill Pond Way on the North Mill Pond, the Paul McEachern Park***)

XIV. APPROVAL OF GRANTS/DONATIONS

(There are no Grants or Donations on this Agenda)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Fire Department Memorandum of Understanding regarding Health and Wellness
2. Establish Polling Hours for the State Primary Election
3. Request to Waive Prescott Park Arts Festival Annual Consideration Fee
4. Request to Waive Gundalow Company Annual Consideration Fee
5. Sale of Surplus E-One Fire Truck
6. Temporary Construction License for 145 Maplewood Avenue
7. Parking and Traffic Safety Committee Ordinance Schedule

XVI. CONSENT AGENDA

- A. 444 Pleasant Street/Portsmouth Housing Authority Sidewalk Easement

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *Presentation by Health Officer Kim McNamara regarding COVID-19 Update
- B. Update on the Portsmouth Citizens Response Task Force

- C. *Presentation regarding Census Reporting – Richard Perrin, US Census Bureau
- D. Email Correspondence (***Sample motion – move to accept and place on file***)

XVIII. CITY MANAGER’S INFORMATIONAL ITEMS

- 1. Report Back from Sewer and Water on Large Rain Events and Combined Sewer Overflows as Requested at the July 13, 2020 City Council meeting
- 2. Report Back on Services Provided by former City Manager John Bohenko Over the 6-Month Period Ending June 30, 2020 as Requested at the July 13, 2020 City Council meeting
- 3. Prescott Park Implementation Committee Public Process
- 4. Proposed Ordinance regarding Face Coverings During the COVID-19 Pandemic

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*



CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
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Karen S. Conard
City Manager

Date: July 30, 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 August 3, 2020

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

A. Public Hearing and Second Reading of Ordinance Amending Various Sections of Chapter 7 Regarding "Stay and Pay", Chapter 7, Article I, Section 7.102- Parking Meter Zones; Chapter 7, Article I, Section 7.105- Parking; Chapter 7, Article III, Section 7.324- Limited Parking- One Hour; Section 7.325- Limited Parking- Thirty Minutes; Section 7.326- Limited Parking –Fifteen Minutes; Section 7.327- Limited Parking- Two Hours; Section 7.328- Limited Parking – Three Hours; Section 7.328-1- Utilization of Multiple Parking Spaces; and Section 7.329- Limited Parking – Four Hours:

On May 4, 2020, the City Council referred a "Stay and Pay" parking rate proposal to the Parking and Traffic Safety Committee (PTSC). "Stay and Pay" is a pricing program that restructures parking fees by creating a graduated price structure increasing parking rates at the fourth hour to encourage turnover of the parking space. The idea is to use price to turn over the space instead of enforcement. The proposed program provides a reduced resident rate through the use of the ParkMobile app.

The PTSC unanimously approved the "Stay and Pay" pricing structure at its June 4, 2020 meeting but did not review and approve the amendments to Chapter 7 that are necessary to effectuate the new "Stay and Pay" ordinance. At the June 15, 2020 City Council meeting, the Council voted by consent agenda to schedule the first reading of "Stay and Pay" for the July 13, 2020 City Council meeting. However, at the June 22, 2020 Council meeting, several City Councilors raised questions and concerns about the amendments to Chapter 7 for the "Stay and Pay" ordinance as presented, and referred the ordinance to the PTSC for its review and comments at its July 9, 2020 meeting.

PTSC reviewed the “Stay and Pay” ordinance at its July 9, 2020 meeting and recommended various amendments to the “Stay and Pay” ordinance. Those amendments were forwarded to the City Council in an addendum to the Council packet on July 10, 2020. At the July 13, 2020 Council meeting, Ben Fletcher, Director of Parking, provided a brief presentation on the “Stay and Pay” ordinance with the Council then voting to pass first reading of the [attached amendments](#) to Chapter 7 for the “Stay and Pay” ordinance, and to have the ordinance return for a second reading and public hearing at this evening’s meeting.

I recommend that the City Council move to pass second reading of the necessary revisions to Chapter 7 to implement the “Stay and Pay” parking rate, and to schedule third and final reading at the August 31, 2020 City Council meeting.

XV. City Manager’s Items which Require Action:

1. Fire Department Memorandum of Understanding Regarding Health and Wellness:

The Fire Commission has approved [Health and Wellness Memorandum of Understanding \(MOUs\) with the two Fire Unions](#). If approved by the City Council, these MOUs would implement a Health and Wellness Program in the Fire Department for a one-year trial period. At any time during this trial period, either party may discontinue the Program. The material components of the Program include the following:

- An annual physical examination requirement;
- An on-duty physical fitness program;
- Periodic fitness/wellness education;
- Quarterly physical skills training; and
- A 24-hour shift schedule.

If Council agrees with the one-year trial changes encompassed by the MOU, it may move to approve the MOU as presented.

2. Establish Polling Hours for the State Primary Election:

Please find [attached a memorandum](#) provided by City Clerk, Kelli Barnaby, regarding the establishment of polling hours for the State Primary Election on September 8, 2020.

I recommend that the City Council move to approve the polling hours of 8:00 a.m. to 7:00 p.m. for the State Primary Election on September 8, 2020 as recommended by the City Clerk.

3. Request to Waive Prescott Park Arts Festival Annual Consideration Fee:

Due to the unprecedented nature of the pandemic caused by COVID-19, the Prescott Park Arts Festival (PPAF) has cancelled its 2020 season. As a result, [PPAF is requesting](#) that the City waive its annual consideration fee for FY20.

Schedule D of the [Prescott Park License Agreement between PPAF and the City](#) indicates that in the event of unforeseen circumstances, the City Manager is authorized to negotiate a lower figure for the affected year.

I recommend that the City Council move to waive PPAF's annual consideration fee of \$20,000 for fiscal year 2020 (PPAF's 2020 Season).

4. **Request to Waive Gundalow Company Annual Consideration Fee:**

The Gundalow Company is requesting a reduction in its annual consideration fee for FY21 due to the effects of COVID-19 on its regularly scheduled programming. This fee is required by the [Prescott Park License Agreement between the Gundalow Company and the City](#) for use of the Sheafe Dock and Sheafe Warehouse. As outlined in Schedule D of this agreement, in the event of unforeseen circumstances the City Manager is authorized to negotiate a lower figure for the affected year.

I recommend that the City Council move to waive the remaining balance of the Gundalow Company's annual consideration fee in the amount of \$3,318 for fiscal year 2021.

5. **Sale of Surplus E-One Fire Truck:**

The Fire Department has a surplus E-One Fire truck ready for disposal. The model year of the truck is 1999 with 98,283.2 miles and 9,173.4 hours of use.

The City has disposed surplus equipment through a sealed bid process or through [GovDeals](#), an online auction site in which the equipment is sold to the highest bidder. The City has typically received more money for surplus property through GovDeals than through a sealed bid process, so therefore the City would like to use GovDeals to dispose of this truck.

According to City Ordinance Section 1.505, property valued at \$500 or more must receive approval from the City Council prior to disposal.

I recommend that the City Council approve the disposal of the surplus E-One Fire truck through the GovDeals online auction website.

6. **Temporary Construction License for 145 Maplewood Avenue:**

On May 16, 2019 the Planning Board granted site plan review approval for an application for property located at 145 Maplewood Avenue (aka 111 Maplewood Avenue) to construct a 4-story office building.

The Construction Mitigation and Management Plan (CMMP), signed in October 2019, identified temporary encumbrances of the public sidewalks on Vaughan Street, Raynes Avenue, and Maplewood Avenue for construction-related work during the project's construction. Encumbrances for a duration longer than 30 consecutive working days require a license approved by the City Council. In addition, the licenses are subject to the "License Fee for Encumbrance of City Property" policy.

The [License Areas](#) are shown on the plans labeled "Raynes Avenue Sidewalk Encumbrance Plan" and "Vaughan St & Maplewood Ave Sidewalk Encumbrance Plan". License Area 1 is for 1,740 square feet of the sidewalk area along Raynes Avenue. The proposed duration for the encumbrance of License Area 1 is 115 days, starting on August 15, 2020. License Area 2 is for 946 square feet of the sidewalk along Vaughan Street and 1,600 square feet of sidewalk

along Maplewood Avenue. The proposed duration for the encumbrance of License Area 2 is 101 days, starting on August 29, 2020.

The total fee for License Area 1 is \$10,005 and the total fee for License Area 2 is \$12,857.30. The [proposed license agreement](#) provides that, if any of the license areas returned to the City prior to the end of the License Term, the City will refund the applicant the portion of the license fee already paid to the City.

All of the foregoing has been reviewed by the Planning and Legal Departments and is recommended for approval.

I recommend that the City Manager be authorized to execute and accept the temporary construction license regarding 145 Maplewood Avenue as presented.

7. Parking and Traffic Safety Committee Ordinance Schedule:

As provided in Section 7.103 of the City Code of Ordinances, the Parking and Traffic Safety Committee (PTSC) has the authority to recommend temporary parking and traffic regulations to the City Council by means of the presentation of written minutes. The acceptance of such minutes by the City Council constitutes the authorization to implement such temporary regulations for a period not to exceed one year. After any such change has been implemented for up to one year, the City Council may consider making the temporary regulation permanent by means of a duly adopted ordinance. Failure to adopt such an ordinance causes the temporary regulation to expire at the end of one year at which time the prior ordinance in effect becomes operable.

In the past, the temporary regulations were brought forward to the Council once a year as part of a “Parking and Traffic Omnibus” package. At that time, all of the temporary actions approved by the PTSC and authorized by the Council in the prior year were presented as one package to the Council for adoption as an ordinance. At the July 13, 2020 Council meeting, the following items (outlined in the table below) were presented as part of the 2020 Annual Omnibus package. This table also includes the original Council temporary authorization date and the date of expiration of that temporary approval. Staff is recommending that the following items be scheduled for first reading, either individually or as a group. The proposed first reading date is also provided in the table below:

PTS Action Taken	Council Acceptance Date	1-Year Expiration Date	Proposed 1 st Reading Date
Change two 3-hour spaces to 15-minute spaces on Hanover Street: Effective 9/1/2019	7/15/2019	9/01/2020	8/31/20
Prohibit parking in one space on Middle Street at Aldrich Road	7/15/2019	7/15/2020	8/31/20
Change 15-minute space to 3-hour space on Deer Street	9/16/2019	9/16/2020	8/31/20
Establish loading zone on Vaughan Street at <u>Raynes</u> Avenue	9/16/2019	9/16/2020	8/31/20
Prohibit parking at the end of Little Harbor Road	10/28/2019	10/28/2020	9/14/20
Change two 15-minute spaces to 3-hour spaces on Hanover Street	10/28/2019	10/28/2020	9/14/20
Change four 15-minute spaces to 3-hour spaces on Daniel Street	10/28/2019	10/28/2020	9/14/20
Approve loading zone in front of alleyway at 3 Pleasant Street	10/28/2019	10/28/2020	9/14/20
Change one-way section of Parker Street to two-way traffic	10/28/2019	10/28/2020	9/14/20
Eliminate four parking spaces on Hanover Street to expand bus stop area	12/02/2019	12/02/2020	10/5/20
Prohibit parking at end of Dearborn Street	12/02/2019	12/02/2020	10/5/20
Lower speed limit on section of South Street to 25 mph	12/02/2019	12/02/2020	10/5/20
Prohibit parking along north side of Chase Drive	1/21/2020	1/21/2021	11/16/20

This schedule is provided for informational and planning purposes, as the process to adopt any of the ordinance changes will require the standard three readings at City Council. If the City Council agrees with the proposed schedule then the appropriate motion is set forth below.

I recommend that the City Council move to approve the proposed first reading schedule as presented.

XVI. Consent Agenda:

A. 444 Pleasant Street/Portsmouth Housing Authority Sidewalk Easement:

The Department of Public Works has been improving the sidewalks on Pleasant Street, including the sidewalk in front of the Portsmouth Housing Authority (PHA) building at 444 Pleasant Street. Over the course of completing these improvements, City surveyors discovered 566 square feet of the sidewalk was not within the public right of way. PHA has agreed to convey this small parcel of land in order to clear the City’s chain of title.

The Legal Department has reviewed the form of the easement, and [the final version, executed by PHA’s Executive Director, Craig Welch, is attached along with the Easement Plan.](#) The Planning Board moved to recommend the City Council accept this easement deed by a unanimous vote at its meeting on July 16, 2020.

I recommend that the City Council authorize the City Manager to execute and accept a sidewalk easement over land at 444 Pleasant Street from Portsmouth Housing Authority (Tax Map 102 Lot 54).

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.

B. Update on the Portsmouth Citizen Response Task Force:

I will be providing an update on the Portsmouth Citizen Response Task Force at this evening's meeting, along with Co-Chairs James Petersen and Mark Stebbins.

C. Presentation Regarding Census Reporting:

Richard Perrin of the United States Census Bureau will be sharing information on the US Census with City Councilors and the public.

XVIII. City Manager's Informational Items:

1. Report Back from Sewer and Water on Large Rain Events and Combined Sewer Overflows (CSOs) as Requested at the July 13, 2020 City Council Meeting:

Please find [attached for a report back](#) on the large rainfall event that occurred on June 30, 2020 and combined sewer overflows.

2. Report Back on Services Provided by Former City Manager John Bohenko Over the 6-Month Period Ending June 30, 2020 as Requested at the July 13, 2020 City Council Meeting:

Former City Manager John Bohenko's employment agreement allowed for consulting of 750 hours for calendar year 2020. The average number of hours per week was estimated to be 15 hours.

For the period of January 2020 through June 2020, the former manager averaged 10 hours a week or approximately 30% less than allowed under his agreement.

The primary reason for this reduction was due to the COVID-19 restrictions. Much of his time was spent reviewing City Council and other Board and Commission meeting minutes and videos to establish a context in which he was able to provide consultation on various issues. In addition, Mr. Bohenko was able to track issues related to COVID-19 and passed that information along to myself and various departments to ensure that they were aware of certain requirements and/or grants that may be available to the City.

3. **Prescott Park Implementation Committee - Public Process:**

The Mayor's Blue Ribbon Committee on Prescott Park Master Plan Implementation has met twice and is discussing ways to involve the public in its work. They will meet again on August 14, 2020 at 9:00 a.m. to continue this topic, but have targeted August 27, 2020 to begin the public process. Since Council is not scheduled to meet again before this date, I wanted to share this information with City Councilors and the public.

The Committee has established a [web page](#) to share its work with all those interested, which is located on the City's homepage by navigating to Departments, Prescott Park, and then through the drop down menu under "The Park." Meeting minutes, presentations, and You Tube recordings are available at this web page. Notably, at its last meeting, the Committee reviewed options for building relocations in keeping with a "resilient preservation" approach to future park improvements, as well as the conceptual cost estimates for stage options. Project phasing has also been considered.

4. **Proposed Ordinance Regarding Face Coverings During the COVID-19 Pandemic:**

Per the request of the City Council, [attached](#) please find a proposed ordinance regarding face coverings during the COVID-19 pandemic suitable for consideration by the City Council. This ordinance is based upon the resolution adopted by the City Council on July 13, 2020 with some modifications.