

CITY COUNCIL MEETING

Remote Meeting Via Zoom Conference Call

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https://zoom.us/webinar/register/WN_HKOWY18tTnG3zYh4PqikPA

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 2020-18, 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, OCTOBER 19, 2020

TIME: 6:00PM

- **6:00PM – ANTICIPATED NON-PUBLIC SESSION RE: INTERIM CHIEF OF POLICE EMPLOYMENT AGREEMENT – RSA 91-A:3, II (a) AND MCINTYRE PROJECT – RSA 91-A:3 II e** https://zoom.us/webinar/register/WN_pnP00Te3QHCFr_ccpT-hWg

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** (*There are no minutes on for acceptance this evening*)
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
 - A. *Presentation by Sustainability Committee – Drawdown Portsmouth – Bert Cohen, Chair
 - B. Report Back from Board of Ethics
- IX. **PUBLIC COMMENT SESSION – (Via Zoom)**
- X. **PUBLIC DIALOGUE SUMMARY [when applicable] - POSTPONED**
- XI. **PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

First Reading of Ordinances:

 - A. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking by the addition of Dearborn Street: easterly side, from the North Mill Pond running northerly for a distance of 25 feet

- B. First reading of Ordinance amending Chapter 7, Article IVA, Section 7-A.402 – Bus Stops Designated – Hanover Street: southerly side of Hanover Street ~~90 feet east of~~ from Fleet Street to a point 285 feet east of Fleet Street
- C. First reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits E: Speed Limit: 25 MPH by the addition of South Street, from Middle Road to Lafayette Road
- D. First reading of Ordinance amending Chapter 11, Article II - Sewers, Section 11.203 and Section 11.204 – Waiver from Connection to Public Sewer

Public Hearing/Second Reading of Ordinances:

- E. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION THE SUM OF UP TO ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FROM THE UNASSIGNED FUND BALANCE FOR THE DESIGN AND ENGINEERING OF ALTERNATE PLANS FOR THE REDEVELOPMENT OF MCINTYRE FEDERAL BUILDING AND SURROUNDING PROPERTY
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**
- F. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.326 – LIMITED PARKING – DANIEL STREET: SOUTHERLY SIDE, ~~FIRST FIVE-THREE METERED SPACES EAST FROM MARKET SQUARE~~ RUNNING BETWEEN 102 AND 160 FEET WEST OF PENHALLOW STREET, AND HANOVER STREET DELETE ~~NORTHERLY SIDE, FIRST TWO SPACES EAST FROM BRIDGE STREET~~
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**
- G. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING BY THE ADDITION OF LITTLE HARBOR ROAD: BOTH SIDES OF THE ROADWAY BEGINNING AT THE EAST SIDE OF THE WENTWORTH COOLIDGE MANSION DRIVEWAY, RUNNING EASTERLY FOR A DISTANCE OF 155 FEET TO THE GATE AT THE END OF THE PAVEMENT
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**
- H. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.336 – ONE WAY STREETS BY THE DELETION OF ~~PARKER STREET NORTHERLY FROM TANNER COURT TO HANOVER STREET~~

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

- I. ORDINANCE AMENDING CHAPTER 7, ARTICLE VI, SECTION 7.601 – LIMITED HOURS LOADING ZONES BY THE ADDITION OF PLEASANT STREET: EASTERLY SIDE, BEGINNING 94 FEET SOUTH OF THE SOUTHERLY CURB LINE OF DANIEL STREET AND RUNNING SOUTHERLY FOR A DISTANCE OF 45 FEET

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

Third and Final Reading of Ordinances:

- J. Ordinance amending Chapter 7, Article III, Section 7.326 – Limited Parking – 15 Minutes by the Deletion of ~~Deer Street: One Space on the Northerly Side of the Street, Beginning 13 Feet West of the Extension of the Westerly Curb Line of High Street, and Running 20 Feet in an Easterly Direction.~~ the Addition of **Hanover Street: Southerly Side, First Two Spaces East from Maplewood Avenue**
- K. Ordinance amending Chapter 7, Article VI, Section 7.601 – Limited Hours Loading Zones by the Addition of **Vaughan Street: Westerly Side, Beginning at the Intersection with Raynes Avenue and Running Southerly for a Distance of 60 Feet, from 6:00 a.m. to 9:00 a.m.**

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Appointment of Karen Bouffard to the Historic District Commission as an Alternate
 - Reappointment of Robert Marchewka to the Economic Development Commission
2. *Appointments to be Voted:
 - Appointment of David Adams to the Historic District Commission as a Regular Member
 - Reappointment of Richard Katz to the Library Board of Trustees
 - Appointment of Maria Peppas to the Library Board of Trustees
 - Appointment of Kelly Delekta to the Library Board of Trustees
 - Appointment of Latonya Wallace to the Library Board of Trustees
 - Appointment of Daniel Main to the Portsmouth Housing Authority
3. *Special City Council Meeting for Monday, October 26, 2020 at 6:30 p.m. regarding Ethics Board Matter
4. *Joint NH Mayors' Letter to the NH Legislature relative to Homelessness Issues
5. *Request for First Reading for Postponement of the Activation of Single-Use Bag Ban

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Letter from Tom Morgan Re: Planning Board Zoning Amendments

B. COUNCILOR WHELAN

1. **Action Items Needing City Council Approval:**
 - Approval to renew Valet Parking License Agreements for a term of one (1) year for Marriott Residence Inn and Portsmouth Harbor Events & Conference Center
 - Approval to renew Valet Parking License Agreements for a Term of one (1) year for the Hampton Inn & Suites

(Sample motion – move to remove the two Valet Parking License Agreements as presented)

(Sample motion – move to approve the two Valet Parking License Agreements for a one year term as presented)
2. Parking Traffic & Safety Action Sheet and Minutes of the September 3, 2020 meeting
(Sample motion – move to accept and approve the Parking Traffic & Safety Action Sheet and Minutes of the September 3, 2020)

C. COUNCILOR LAZENBY

1. Sustainability Committee – Drawdown Portsmouth an Eco-Municipality Update

XIV. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donation to the Coalition Fund
 - Town of Rye - \$5,000.00

(Sample motion – move to approve and accept the donation, as listed, to be placed in the Coalition Fund)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Parking Agreement for Deer Street Associates
2. Public Art Sculpture for McEachern Park
3. Approval of Interim Chief of Police Employment Agreement

XVI. CONSENT AGENDA

(There are no items under Consent Agenda this evening)

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 by City Engineer Terry Desmarais regarding Update on the Peirce Island Wastewater Treatment Facility
- D. Email Correspondence (***Sample motion – move to accept and place on file***)
- E. Letter from Cynthia and Lew Harriman regarding Set up of new Voting Center and making voting safe and reliable in this most unusual year (***Sample motion – move to accept and place on file***)
- F. Letter from Kirsten Hunter, Director of Lifespan Ministries requesting to hold a Community-wide Candle Lighting ritual in downtown on December 24th
- G. Letter from Jack McTigue, TFMoran, Inc. requesting road name for the Village at Banfield Woods to Walford Lane (***Sample motion – move to refer to the Planning Board for Report Back***)

XVIII. CITY MANAGER’S INFORMATIONAL ITEMS

- 1. Report Back on the Status and Solutions Being Discussed Per the Emergency Police Commission Meeting on the Re-Occurrence of Mold in the Police Department
- 2. Report Back on the Final FY20 Budget Surplus Amounts by Budget Unit
- 3. Report Back on Public Art Acquisition

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: October 15, 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 October 19, 2020

VIII. Recognitions and Volunteer Committee Reports

A. Sustainability Committee:

The Mayor's Blue Ribbon Committee on Sustainable Practices will be presenting on the topic of "Drawdown" in advance of a [October 22nd virtual community meeting on "Drawdown Portsmouth."](#) The Chair of the Committee, Bert Cohen, will present with Community Committee member Tracey Cameron and PHS Eco-Club Committee member Gabrielle Bouvier.

Other Committee members include: Councilor Cliff Lazenby, City Council representative; John Kennedy, Community Member; Larry Lariviere, Community Member; Carrie Mayo, Maine Community Member; Emma Murphy, Eco-Club Member PHS, Junior; Matthew Glynn, Community Member; and Peter Britz, City Staff representative.

B. Report Back from Board of Ethics:

Please find attached a [report of the Board of Ethics](#) in the matter of the complaint filed by Ms. Nancy Pearson against City Councilor Esther Kennedy.

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

First Reading of Three Ordinances Amending Various Sections of Chapter 7:

In the past, the temporary actions approved by the Parking and Traffic Safety Committee (PTSC) and authorized by the City Council, 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.

This year, pursuant to City Council vote of August 18, 2020, the Council voted to have the temporary actions come forward for first readings in groups based on their expiration date and

the following ordinances are coming forward for first readings at this evening’s meeting: Chapter 7, Article III, Section 7.330: No Parking regarding Dearborn Street; Chapter 7, Article IVA, Section 7-A.402: Bus Stops Designated regarding Hanover Street; Chapter 7, Article XI, Section 7. 1100: Speed Limits regarding South Street.

Eric Eby, Parking and Transportation Engineer, will be presenting the proposed amendments to each ordinance at this evening’s meeting.

- A. **First Reading of Ordinance Amending Chapter 7, Article III, Section 7.330 – No Parking by the addition of Dearborn Street: easterly side, from the North Mill Pond running northerly for a distance of 25 feet:**

[Attached is the diagram](#) and [the proposed amendment](#) to this ordinance.

I recommend that the City Council move to pass first reading and to schedule a public hearing and second reading at the November 16, 2020 City Council meeting.

- B. **First Reading of Ordinance amending Chapter 7, Article IVA, Section 7-A.402 – Bus Stops Designated - Hanover Street: southerly side of Hanover Street 90 feet east of from Fleet Street to a point 285 feet east of Fleet Street:**

[Attached is the diagram](#) and [the proposed amendment](#) to this ordinance.

I recommend that the City Council move to pass first reading and to schedule a public hearing and second reading at the November 16, 2020 City Council meeting.

- C. **First reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits, E: Speed Limit: 25 MPH by the addition of South Street, from Middle Road to Lafayette Road:**

[Attached is the diagram](#) and [the proposed amendment](#) to this ordinance.

I recommend that the City Council move to pass first reading and to schedule a public hearing and second reading at the November 16, 2020 City Council meeting.

As a reminder, the schedule for the first reading of the remaining PTSC temporary action is as follows:

| PTS Action Taken | Origin of Action | Date of PTS Action | PTS Vote | Council Acceptance Date | Council Vote | 1-Year Expiration Date | 1 st Reading Date |
|--|-----------------------|--------------------|----------|-------------------------|---------------------------------------|------------------------|------------------------------|
| Prohibit parking along north side of Chase Drive | Requested by abutters | 12/5/19 | 9-0 | 1/21/2020 | 7-1-1 Kennedy opposed Tabor abstained | 1/21/2021 | 11/16/2020 |

D. First Reading of Ordinance Amending Chapter 11, Article II – Sewers, Sections 11.203 and Section 11.204 – Waiver from Connection to Public Sewer:

At its meeting of October 5, 2020, the City Council agreed to bring forward for first reading an [amendment to the Sewer Ordinance](#) to codify the City’s practice of allowing property owners to defer tying-in to a new sewer line when their existing septic system is functional. State law, which requires residents to tie into a public sewer main if within 100 feet of that line, allows municipalities to waive the requirement of tie-in to the new sewer main or to set the distance beyond 100 feet. Portsmouth has historically, as a matter of practice, allowed such deferral to tie-in as part of sewer extension projects. Residents tie in when they are ready to do so as long as their existing septic system is functioning. Portsmouth has never codified this waiver practice in its sewer ordinance.

The Deputy City Attorney Suzanne Woodland and the City Engineer Terry Desmarais are prepared to make a presentation tonight on this amendment.

I recommend that the City Council move to pass first reading on this amendment to Chapter 11, Article II-Sewers, Sections 11.203 and Section 11.204 to codify the waiver of sewer connection and to schedule a public hearing at the City Council’s November 16, 2020 meeting.

E. Public Hearing and Resolution Authorizing A Supplemental Appropriation in the Sum of Up to \$150,000 from the Unassigned Fund Balance for the Design and Engineering of Alternate Plans for the Redevelopment of the McIntyre Federal Building and Surrounding Property:

The McIntyre Subcommittee chaired by Councilor Peter Whelan has indicated that it has progressed in negotiations with the City’s McIntyre Building development partner Redgate/Kane to the point where it will now be necessary to engage architectural and engineering assistance to work with the Subcommittee and the public in developing alternate plans for the redevelopment of the McIntyre building and surrounding property.

Final selection of an alternate plan by the City Council would be a key element in proceeding with the acquisition and redevelopment of the McIntyre Building by the City and Redgate/Kane. The architectural and engineering services are expected to include assistance by the architect and engineers who have already done work on the project for Redgate/Kane and are estimated to cost up to \$150,000. The Subcommittee has requested that such sum be made available by way of supplemental appropriation. The City Charter requires that the supplemental appropriation be accompanied by a public hearing, which is on the agenda for this evening, along with a two-thirds vote of the City Council.

I recommend that the City Council move to adopt the resolution authorizing supplemental appropriation from the Unassigned Fund Balance in the sum of up to \$150,000 for the funding of alternate plans for the redevelopment of the McIntyre Federal Building and surrounding property.

Public Hearing and Second Reading of Four Ordinances Amending Various Sections of Chapter 7:

At the October 5, 2020 City Council meeting, the Council voted to schedule public hearings and second reading of amendments to the following ordinances, which were the second group of temporary actions approved by the PTSC that the Council voted to come forward separately based on their expiration date.

- F. **Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article III, Section 7.326 – Limited Parking – Daniel Street: southerly side, first five three metered spaces east from Market Square running between 102 and 160 feet west of Penhallow Street; and Hanover Street delete northerly side, first two spaces east from Bridge Street:**

Attached are the diagrams and the proposed amendment to this ordinance.

I recommend that the City Council move to pass second reading and to schedule a third and final reading at the November 16, 2020 City Council meeting.

- G. **Public Hearing and Second Reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking by the addition of Little Harbor Road: Both sides of the roadway beginning at the east side of the Wentworth Coolidge Mansion driveway, running easterly for a distance of 155 feet to the gate at the end of the pavement:**

Attached is the diagram and the proposed amendment to this ordinance.

I recommend that the City Council move to pass second reading and to schedule a third and final reading at the November 16, 2020 City Council meeting.

- H. **Public Hearing and Second Reading of Ordinance amending Chapter 7, Article III, Section 7.336 – One-Way Streets by the deletion of Parker Street northerly from Tanner Court to Hanover Street:**

Attached is the diagram and the proposed amendment to this ordinance.

I recommend that the City Council move to pass second reading and to schedule a third and final reading at the November 16, 2020 City Council meeting.

- I. **Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article VI, Section 7.601 – Limited Hours Loading Zones (Mondays through Saturdays between the hours of 6:00 a.m. and 7:00 p.m.) by the addition of Pleasant Street: easterly side, beginning 94 feet south of the southerly curb line of Daniel Street and running southerly for a distance of 45 feet:**

Attached is the diagram and the proposed amendment to this ordinance.

I recommend that the City Council move to pass second reading and to schedule a third and final reading at the November 16, 2020 City Council meeting.

Third and Final Reading of Two Ordinances Amending Various Sections of Chapter 7:

At the October 5, 2020 City Council meeting, the Council voted to schedule third and final readings of amendments to the following ordinances, which were the first group of temporary actions approved by the PTSC that the Council voted to come forward separately based on their expiration date.

- J. **Third Reading of Ordinance Amending Chapter 7, Article III, Section 7.326 – Limited Parking – 15 Minutes by the Deletion of Deer Street: One Space on the Northerly Side of the Street Beginning 13 Feet West of the Extension of the Westerly Curb Line of High Street, And Running 20 Feet in an Easterly Direction. The Addition of Hanover Street: Southerly Side, First Two Spaces East from Maplewood Avenue:**

Attached are the diagrams and the proposed amendment to this ordinance.

I recommend that the City Council move to adopt the third and final reading.

- K. **Third Reading of Ordinance Amending Chapter 7, Article VI, Section 7.601 – Limited Hours Loading Zones by the Addition of Vaughan Street: Westerly Side, Beginning at the Intersection With Raynes Avenue and Running Southerly For a Distance of 60 Feet, From 6:00 AM to 9:00 AM:**

Attached is the diagram and the proposed amendment to this ordinance.

I recommend that the City Council move to adopt the third and final reading.

XIV. Approval of Grants/Donations:

- A. **Acceptance of Donation to the Coalition Fund:**

The City of Portsmouth has received the following donation to the Coalition Fund, which will be utilized to continue to monitor the education funding formula and any changes to the statewide property tax:

- Town of Rye \$5,000.00

I recommend that the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Fund.

XV. City Manager’s Items which Require Action:

1. Parking Agreement for Deer Street Associates:

Over the past four years City staff and Deer Street Associates (DSA) have been working under the direction of the City Council to complete a series of contracts and deeds arising out of the City’s acquisition of the Foundry Garage. When the land on which the Foundry Garage was constructed was acquired in 2016, the City and DSA executed a Post Closing Obligations Agreement (PCOA), which, among other things, required the parties to enter into a parking agreement.

The PCOA requires that DSA is guaranteed 68 paid parking passes in the Foundry Garage for the life of the garage. The PCOA also entitles DSA to a credit for those parking passes in lieu of required off-street parking, as permitted by Ordinance Section 10.1113.10. [The presented parking agreement](#) was drafted in close cooperation with Benjamin Fletcher, the City’s Parking Director, and in addition to the above-listed considerations, it meets the terms of the PCOA and accomplishes the following:

- DSA will receive 68 parking passes in the Foundry Garage, which are assignable to any of the four parcels which are a part of the DSA development on Foundry Way;
- DSA may assign some parking passes to certain properties to meet zoning ordinance requirements;
- DSA must pay the generally applicable rate subject to the generally applicable policies and procedures for parking passes in the Foundry Garage;
- DSA must begin payment on parking passes either when spaces are assigned to a lot and a development on that lot receives a certificate of occupancy, or when DSA requests parking passes, whichever comes first, and;
- This Agreement lasts for as long as the City owns the Foundry Garage and uses it for parking.

I recommend that the City Council move to authorize the City Manager to execute a parking agreement with Deer Street Associates in a form substantially similar to the document presented.

2. Public Art Sculpture for McEachern Park:

As a memorial to the late Paul McEachern, the City has received a proposed public art donation from Jon Wyckoff to be placed in the new McEachern Park on North Mill Pond. The granite fish sculpture is intended to be a functional art piece that can be used by children visiting the park in much the same way that the popular granite whale sculpture in Prescott Park is admired and used. [Attached for reference is an image and specifications of the fish sculpture.](#)

The criteria used for public art acquisitions is set forth in the Public Art Acquisition Policy 2009- 06, which was readopted by this Council at the beginning of this year. For convenience, the evaluation criteria are as follows:

- The quality of the artwork.
- Appropriateness of the size, scale and materials for the site(s).
- Availability of an appropriate site.
- Costs of installation and maintenance of artwork.
- Condition and durability of the artwork. Aesthetic merit.
- Inclusion of a mandatory maintenance plan (including materials used and proper care for such materials.)

Although the policy itself needs to be updated due to the winding down of Art-Speak, staff believes in this instance, the spirit and process of the policy can be carried out in accordance with the public art guidelines established by Art-Speak with minor procedural changes. (Note that it is the goal of staff in the near term to update the City's public art policies that reference Art-Speak for City Council approval.)

In the past, prior donations were referred to Art-Speak's Public Art Subcommittee and reviewed in accordance with the above criteria for a recommendation back to the City Council. In this instance, the recommended action would be to refer the request to an interim ad hoc advisory group for evaluation and a recommendation back to the City Council. The proposed ad hoc committee would consist of the Public Works Director, the City Parks Foreman, a representative of the McEachern Park neighborhood, and an artist or arts professional.

I recommend that the City Council move to refer the proposed public art fish sculpture donation for McEachern Park to the City Manager with power for establishment of an ad hoc advisory group for the purpose of evaluating the fish sculpture for compliance with the public art acquisition guidelines and make a recommendation back to the City Council for approval.

3. Approval of Interim Chief of Police Agreement:

The City Council reviewed an employment agreement for Interim Chief of Police, Mark Newport, in a Non-Public Session earlier this evening. [Attached is the proposed agreement.](#)

I recommend that the City Council move to ratify the agreement as presented with Interim Chief of Police, Mark Newport.

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 by City Engineer, Terry Desmarais, Regarding Update on the Peirce Island Wastewater Treatment Facility:

City Engineer, Terry Desmarais, will be providing a comprehensive status update on the Peirce Island Wastewater Treatment Facility upgrade and sewer force mains to include a construction and operations briefing and details of current costs, estimates and budget to complete work.

XVIII. City Manager's Informational Items:

1. Report Back on the Status and Solutions Being Discussed Per the Emergency Police Commission Meeting on the Re-Occurrence of Mold in the Police Department:

As follow-up to the Emergency Police Commission meeting held on September 9th, Councilor Huda has requested a report back on the status and solutions of efforts to address the reoccurrence of mold at the Police Station. Since the September 9th meeting with the Police Commission, air samples have been taken and tested for mold in the Police Station. These test results indicate no evidence of elevated mold levels.

In the long term, moisture control is the key to addressing mold in the Police Station. The building's antiquated HVAC system lacks humidity control. Upgrades to reduce humidity in the basement areas of the Police Station will be part of long term recommended upgrades. Work continues on replacement of heating ventilation and air conditioning (HVAC) piping, new HVAC controls and, installation of humidity sensors.

[Attached please find a presentation that was given to the Police Commission](#) on September 9th addressing what efforts have been made to address the on-going concerns related to mold. The presentation is a follow-up to a presentation given to the City Council on February 18, 2020 which addressed the future needs of the Municipal Complex.

The following is a brief review of the previous studies to develop a comprehensive solution for the future needs of the Police and other Municipal Departments at the Municipal Complex.

The Municipal Complex was originally a hospital made up of three connected buildings built in 1929, 1950 and 1962. The City Departments moved to the City Hall Complex in 1988 followed by the Police in 1991. Little has been done to the buildings since City Departments moved to its current location.

Due to its evolving needs, the Police Department completed a 2011 Organizational Review and a 2014 Facilities Study. The 2014 Study recommended a new 66,000 square foot stand-alone building but did not review use of the existing Municipal Complex. Concurrently, the Department of Public Works completed a Facilities Condition Assessment on the Municipal Complex identifying over \$14M in upgrades required at the Complex.

Due to the significant investments needed at the Municipal Complex, the City Council requested a Programmatic Needs Study be completed reviewing the future needs of all departments at the Municipal Complex. The goal of the study was to ensure monies spent at the Municipal Complex were not wasted if the Complex was not sufficient to accommodate the City Government's future needs. In addition, the Study reviewed the alternatives of building a new, relocated Police Department and City Hall versus renovating the existing Complex.

The 2016 Programmatic Needs Study concluded the existing Municipal Complex could accommodate the future needs of the Municipal Government including the Police Department and was the least expensive alternative. The conclusion of this Study was presented to the City Council at its March 2016 retreat. At that time, the former City Manager recommended deferring action to a future date and no additional Council action has been taken.

Since no decision had been made about future upgrades to accommodate or relocate the Police and Municipal Departments, deferred maintenance became the focus of investments at the Municipal Complex. Efforts have been on-going since 2016. Public Works staff have been meeting regularly with the Police and together they have developed a list of priority projects many of which have been completed.

These completed projects include:

- New police entrance and records area;
- Replacement of roofs over the Police Department areas of the building;
- Mold abatement and renovation of 16,000 square feet of office space;
- Installation of a new kitchen, and;
- Replacement of leaking heating ventilation and air conditioning (HVAC) piping in the Police Department.

It is understood that a safe comfortable work environment is critical to the effective operation of the City's Police Force. We believe that the efforts to date have improved the work environment and that the additional efforts underway will continue these improvements.

2. **Report Back on the Final FY20 Budget Surplus Amounts by Budget Unit:**

[Attached please find a report back](#) on the final FY20 budget surplus amounts as requested by Councilor Huda at the October 5th Council meeting.

3. **Report Back on Public Art Acquisition:**

[Please find attached a report back](#) on the City's policy for public art acquisition as requested at the October 5th Council meeting.