

CITY COUNCIL MEETING

Remote Meeting via Zoom Conference Call

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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 2020-25, 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, FEBRUARY 22, 2021

TIME: 7:00PM

6:00PM – ANTICIPATED NON-PUBLIC SESSION:

1. 150 Greenleaf Avenue – Consideration of Litigation – RSA 91-A:3, II (e)

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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 – FEBRUARY 8, 2021 & DECEMBER 21, 2020
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
 - A. *Farewell and Thanks to Deputy City Manager Nancy Colbert Puff
 - B. *Report from the Blue Ribbon Committee on Prescott Park Master Plan Implementation
 - C. *Presentation from the Blue Ribbon Committee to Reopen Portsmouth 2021 – Mark Stebbins and James Petersen
- IX. PUBLIC COMMENT SESSION – (*Via Zoom*)
- X. PUBLIC DIALOGUE SUMMARY [when applicable] - **POSTPONED**
- XI. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

Public Hearing on Ordinance

- A. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article III, Section 1.310 – Zoning Board of Adjustment and Article IV, Section 1.404 – Historic District Commission

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

XII. MAYOR BECKSTED

1. *Appointments to be Voted:
 - Richard Duddy to the Recreation Board
 - Rebecca O'Brien to the Sustainable Practices Blue Ribbon Committee

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. *City Manager Check-In (*Sample motion – move to schedule a Work Session on Monday, March 15, 2021 at 6:30 p.m.*)

B. COUNCILOR McEACHERN

1. *Update from the Recreation Board

C. COUNCILOR WHELAN

1. Action Items Needing Approval by City Council:
 - Report Back on recommendations for traffic calming measures for Banfield Road (*Sample motion – move to accept and approve the report with additional signage for pedestrian and bicycle crossings on Banfield Road*)
 - Report back on recommendations for traffic calming measures for Middle Road (*Sample motion – move to accept and approve the pilot program*)
2. Parking and Traffic Safety Action Sheet and Minutes of the February 4, 2021 meeting (*Sample motion – move to accept and approve the Parking and Traffic Safety Action Sheet and Minutes of the February 4, 2021 meeting*)

D. COUNCILOR LAZENBY

1. *Request for Report Back on Bike/Pedestrian CIP Budget related to request for Electronic Crosswalk Signs
2. Request for Report Back on effort and costs to implement Safety Recommendations for Middle Street Bike Lanes

E. COUNCILOR KENNEDY

1. *Demolition Committee

F. COUNCILOR HUDA

1. CAFR Projects (*Sample motion – move that the City Manager provide a report or list of unidentified projects per the CAFR FY18, FY19, FY20 Reports as noted on the attached summary schedule*)
 - Various Streets & Sidewalk, Infrastructure, (Unidentified)
 - Also please provide a list of the name of the projects, under General Fund, Water Fund & Sewer Fund where the total given does not add to the detail listing

G. COUNCILOR TRACE

1. *Islington Street Corridor Phase Two (2) Project (*Sample motion – move to have presentation of Islington Street Corridor Phase Two (2) Project by City of Portsmouth Planning Department before City Council Vote on CIP. The second phase to continue along Islington Street to Congress Street. The presentation to include also a separation of any Sewer Upgrade/Sewer Separation Figures by Department of Public Works from the figure for Islington Street Corridor Phase Two figure for all other work*)
2. *Peirce Island Master Plan (*Sample motion – move to have presentation on Peirce Island Master Plan by City Staff in Cooperation with Peirce Island Committee with input from that Committee and also Recreation Committee as appropriate*)

XIV. APPROVAL OF GRANTS/DONATIONS

- A. *HealthTrust Wellness Program Reward (*Sample motion – move to approve and accept the reward as presented*)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Amendment to Water Tank License Agreement Property Located on International Drive
2. 135 Congress Street Temporary Construction License

XVI. CONSENT AGENDA

- A. Letter from Richard Mason, Veterans Count, requesting permission to hold the Pack & Boots 5K Road Race on Sunday, July 4, 2021 (alternate date October 2, 2021)
(*Anticipated action – move to refer to the City Manager with Authority to Act*)

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *COVID-19 Vaccinations Status Update by Fire Chief Germain
- B. Email Correspondence (*Sample motion – move to accept and place on file*)

- C. Letter from CJ Fleck, Seacoast Area Bicycle Riders (SABR), requesting Implementing Toole Design recommendations for the Middle Street bike safety project
- D. Letter from Josh Denton, President, PopUp NH Board of Directors, regarding PopUp NH 2020 and 2021 Seasons

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

(There are no items under this section of the agenda this evening)

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
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(603) 610-7201

Date: February 18, 2021

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 February 22, 2021

VIII. Recognitions and Volunteer Committee Reports

A. **Farewell and Thanks to Deputy City Manager Nancy Colbert Puff:**

Mayor Becksted and I will offer our appreciation for Deputy City Manager Nancy Colbert Puff's years of service to the City as she resigns her position effective March 5, 2021. The Council is welcome and encouraged to join us.

B. **Report from the Blue Ribbon Committee on Prescott Park Master Plan Implementation:**

Committee Chairperson Tom Watson will present recommendations of the Blue Ribbon Committee on Prescott Park Master Plan Implementation, on which Councilor Huda also served. He will be accompanied by Cheri Ruane of Weston and Sampson. The Committee voted to recommend several updates to the 2017 Master Plan which are before the Council for endorsement. A Council vote to endorse these changes to the Master Plan is required prior to development of detailed design documents. The "Phase 1" work described in the presentation will be back before the Council for consideration during the CIP process, and since it will require bond financing, it will also be subject to an additional public hearing and vote.

I recommend that the City Council move to accept the proposed changes to the Prescott Park Master Plan as recommended by the Blue Ribbon Committee on Prescott Park Master Plan Implementation.

C. **Presentation from the Blue Ribbon Committee to Reopen Portsmouth 2021:**

Co-Chairs of the Blue Ribbon Committee to Reopen Portsmouth 2021, James Petersen and Mark Stebbins, will present an update at this evening's meeting.

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

A. Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article III, Section 1.310 – Zoning Board of Adjustment and Article IV, Section 1.404 – Historic District Commission:

By vote of the City Council on February 8, 2021, an ordinance affecting the land use regulatory board appointment process has been placed on this evening's agenda for a public hearing and second reading. Its intended purpose is to standardize the process so that appointments to the Board of Adjustment and Historic District Commission are made in the same way as the current process for appointments to the Planning Board. If the ordinance passes, all three Boards shall have vacancies filled by appointment of the Mayor as approved by the Council. The specific language changes to accomplish this result are shown on the attached [draft proposed ordinance](#).

XIV. Approval of Grants/Donations:

A. HealthTrust Wellness Program Reward:

In the month of January, department members from Human Resources, Department of Public Works, Fire and Police attended training through HealthTrust as returning Wellness Coordinators. As a reward for being returning Wellness Coordinators, they each received \$500 for their departments to use towards wellness initiatives in 2021. The total amount received was \$2,000.

This money will be used differently in each department, but some ideas of how the money will be spent is raffles, blood pressure monitors, fitness devices, water bottles, fitness equipment and other initiatives to promote wellness for City employees.

The goal of the HealthTrust Wellness program, Slice of Life, is to reduce health risk factors and promote a healthier lifestyle of City employees.

To realize this goal, the City, through its Wellness program, will provide health and safety initiatives, as well as education to its employees in an effort to improve the quality of their lives.

I recommend the City Council move to accept the Wellness Reward as presented.

XV. City Manager's Items which Require Action:

1. Amendment to Water Tank License Agreement for Property Located on International Drive:

In 2011, the City entered into a License Agreement (the "License") with the State of New Hampshire's Department of Transportation (DOT), which permitted DOT to install and maintain equipment on the Hobbs Hill Water Tower (the "Tower").

That equipment is primarily used by DOT to monitor traffic on Route I-95. That agreement expires by its terms on September 28, 2021, and DOT now requests that the City renew and modify the existing agreement to be permitted to add additional equipment to the tower. The additional equipment will provide a better signal to DOT, and includes a generator to provide backup power to DOT's equipment. DOT will continue to pay a license fee of \$350 per month, which will increase in 2% increments annually.

The [attached Amendment 1](#) would permit DOT to add the additional equipment to the Tower for renewable five-year terms. The Agreement will automatically renew for five-year terms, with each party holding the right to terminate with written notice delivered 60-days prior to renewal. DOT provided an independent review by a qualified engineer, who determined the proposed additional equipment will not interfere with the City's existing infrastructure. Review by City staff confirmed these findings.

DOT now requests that the City Council authorize the extension of this License Agreement according to the attached terms.

I recommend that the City Council authorize the City Manager to execute Amendment 1 to the Water Tank License Agreement with DOT in a form substantially similar to the attached document.

2. 135 Congress Street Temporary Construction License:

On January 18, 2018, the Planning Board granted site plan approval for a 2,943 square foot rear addition to this building for construction of a restaurant expansion and function space.

Previously, the City Council approved a 6-month temporary construction license for Bluestone Properties of Rye, LLC to encumber four parking spaces in the Worth Lot located at the rear of the 135 Congress Street. The approved license terms were November 1, 2019 to January 31, 2020 and April 1, 2020 to June 30, 2020. They subsequently revised their request and received approval from the Council to extend their license to February 1, 2021.

In late January 2021, the applicant reached out to the City to advise that there have been ongoing delays in construction and that [they would like to extend their license again to October 1, 2021](#) for a total of an additional 221 days. As the previous license term has already expired, the applicant is paying a daily fee to the City until this request can be considered by Council.

The License Area is shown on the [attached plan](#). The total license area is 567 square feet and includes four parking spaces. Per the City's policy for "License Fee for Encumbrance of City Property", the total fee for the temporary license is calculated at \$35 per metered parking space or \$30,940 for 221 days.

The [attached proposed license agreement](#) provides that, if the license area is returned to the City prior to the end of the License Term, the City will refund to the applicant the portion of the license fee already paid to the City.

The Planning and Legal Departments have reviewed and approved the proposed temporary construction license.

I recommend that the City Council move that the City Manager be authorized to execute and accept the temporary construction license regarding 135 Congress Street as submitted.

XVII. Presentations and Consideration of Written Communications and Petitions:

A. COVID-19 Vaccination Status Update by Fire Chief Germain:

Fire Chief Germain will be present at this evening's meeting to provide a brief update on Portsmouth's COVID-19 vaccination status.