

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 4, 2021 TIME: 6:00PM

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_6l1zCV1RT7uugTcl8z5ATA

6:00PM – ANTICIPATED NON-PUBLIC SESSION:

1. **CONSIDERATION OF LEGAL ADVICE – RSA: 91-A:3, II (I)**
2. **MCINTYRE – RSA: 91-A:3, I (d)**

AGENDA

- I. **WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- 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 – Reacceptance of AUGUST 2, 2021 (Sample motion – move to reaccept and approve the minutes of August 2, 2021 as presented) SEPTEMBER 7, 2021 & SEPTEMBER 20, 2021 (Sample motion – move to accept and approve the minutes of the September 7, 2021 and September 20, 2021 meetings as presented)**
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
- IX. **PUBLIC COMMENT SESSION – (participation may be in person or via Zoom)**
- X. **PUBLIC DIALOGUE SUMMARY [when applicable] – N/A**
- XI. **PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTIONS**

Public Hearing and Second Reading of Ordinances & Resolutions:

- A. **ORDINANCE AMENDING CHAPTER 7, ARTICLE XI, SECTION 7.1100 – SPEED LIMITS SUB-SECTION E – SPEED LIMIT: 25 MPH – CHEVROLET AVENUE**
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**

(Sample motion – move to pass second reading, and schedule a third and final reading at the October 18, 2021 City Council meeting)

B. ORDINANCE AMENDING CHAPTER 7, ARTICLE XII, SECTION 7.1200 – PARKING FOR THE WALKING DISABLED

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

(Sample motion – move to pass second reading, and schedule a third and final reading at the October 18, 2021 City Council meeting)

Public Input:

C. “SHALL WE ALLOW THE OPERATION OF KENO GAMES WITHIN THE CITY OF PORTSMOUTH” *THIS QUESTION WILL APPEAR ON THE NOVEMBER 2, 2021 MUNICIPAL ELECTION BALLOT*

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

(No action required. Question will appear on the Municipal Election Ballot)

XII. MAYOR BECKSTED

1. Appointment to be Considered:
 - Sarah Lachance reappointment to the Economic Development Commission
2. Letter from Ron Zolla regarding not seeking reappointment to the Economic Development Commission
3. *Announcement of Audit Committee Council Representatives

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR McEACHERN

1. *Railroad Grant Money Application *(Sample motion – move to authorize the City Manager to submit an application for the Consolidated Rail Infrastructure and Safety Improvements Program (FY 2021) no later than 5:00 p.m. EDT, November 29, 2021)*

B. COUNCILOR WHELAN

1. Action Items Needing Approval by City Council:
 - Request for Approval of Executed Valet Agreements of Portwalk Hampton and Portwalk Marriott *(Tabled from the September 20, 2021 City Council meeting)* *(Sample motion – move to approve agreements)*
2. Parking & Traffic Safety Committee Action Sheet and Minutes of the September 2, 2021 meeting *(Tabled from the September 20, 2021 City Council meeting)* *(Sample motion – move to accept and approve the Action Sheet and Minutes of the September 2, 2021 Parking & Traffic Safety Committee meeting)*

C. COUNCILOR LAZENBY

1. "Drawdown Portsmouth – Climate Solutions 101" Dialogue 10/6/21

D. COUNCILOR KENNEDY

1. *Cutts Avenue

E. COUNCILOR HUDA

1. August 2021 Monthly Report (***Sample motion – move for a report back from the City Manager to the residents at the October 18th City Council meeting on the following related to the August 2021 Monthly Report:***

At the month of August we are at 16.7% of the Fiscal Year

- ***On Page 7 – School Revenues – other sources is 1042% of budgeted amount-listed as School Dental Care Reimbursement, please define***
- ***On Page 13 – Parking & Transportation***
 - Parking Enforcement - \$130,279.00 – 30.4%***
 - Parking Meter Ops - \$149,718.00 – 46.6%***
 - Contingency - \$54,554 – 27.7%******Please described why the % expended is so high)***

F. COUNCILOR TRACE

1. *Request for Presentation regarding Conditional Use Permits (***Sample motion – move to have a presentation by City Staff on the use/approval of Conditional Use Permits and the effects on Character Based Zoning. The report to be given during the next City Council meeting)***
2. *Presentation regarding unsafe speeding on Woodbury Avenue (***Sample motion – move that City Staff report back with presentation on solutions to the unsafe speeding on Woodbury Avenue at the next City Council meeting)***

XIV. APPROVAL OF GRANTS/DONATIONS

- A. *Donation to the African Burying Ground Trust from JoAnn Monagle - \$50.00 (***Sample motion – move to approve and accept the donation from JoAnn M. Monagle in the amount of \$50.00 as presented)***
- B. *Approval for Moose License Plate Conservation Grant - \$9,150.00 (***Sample motion – move to approve and accept the grant from the New Hampshire State Library in the amount \$9,150.00 as presented)***
- C. NHDES Household Hazardous Waste Day FY22 Grant - \$4,587.00 (***Sample motion – move to approve and accept a grant from the DES in the amount of \$4,587.00 for the purpose of household hazardous waste collection events, and authorize the City Manager to execute any documents which may be necessary for this grant contract)***
- D. *Acceptance of Donation to Skateboard Park - \$100.00 (***Sample motion – move to approve and accept the donation from Linda Desjardins in the amount of \$100.00 as presented)***

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. *Request to Schedule Portsmouth Housing Authority Work Session
2. *Request to Establish Polling Hours for Municipal Election

XVI. CONSENT AGENDA

(Proper Motion for Adoption of Consent Agenda - move to adopt the Consent Agenda)

- A. Letter from Barbara Massar, Pro Portsmouth Inc., requesting permission to hold the following 2022 events:
 - First Night Portsmouth 2022, Friday, December 31, 2021
 - Children's Day, Sunday, May 1, 2022
 - 45th Annual Market Square Day Festival & 10k Road Race, Saturday, June 11, 2022
 - 19th Annual Summer in the Street – Saturday evenings – July 2nd, 9th, 16th, 23rd, 30th, 2022 **(Anticipated action – move to refer to the City Manager with Authority to Act)**
 - Request the City's Financial Support for First Night Sponsorship for Fireworks' Display - \$3,000.00
- B. Letter from Laurie Mantegari, Scarecrows of the Port Committee, requesting permission to put up scarecrows on Thursday, October 7th through Monday, November 1st **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- C. Letter from Chris Carragher, Seacoast Paddleboard Club, requesting permission to hold the Annual Halloween Costume Paddle Contest at Peirce Island on Sunday, October 24th from 11:00 a.m. to 12:30 p.m. **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- D. Request for License to Install Projecting Sign for owner Josh Bolduc of ATX Fitness Therapy for property located at 951 Islington Street **(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning 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 no cost 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**

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *Presentation – Stormwater Outreach Update
- B. Email Correspondence (*Sample motion – move to accept and place on file*)

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Response to Councilor Huda's Audit Questions
- 2. Sagamore Sewer Extension Project Update with Responses to Various Questions
- 3. Report Back regarding Combat Deployment Tax Credit
- 4. *NHDOT Noise Program Information

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XX. ADJOURNMENT [at 10:30 p.m. or earlier]

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

**Indicates verbal report*



CITY OF PORTSMOUTH

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

Karen S. Conard
City Manager

Date: September 30, 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 October 4, 2021

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

A. Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article XI, Section 7.1100 – Speed Limits Sub-Section E – Speed Limit: 25 MPH – Chevrolet Avenue:

At its October 8, 2020 meeting, the Parking and Traffic Safety Committee (PTSC) heard a report back on traffic calming on Chevrolet Avenue in response to residents' concerns about pedestrian and traffic safety. In addition to a discussion on beginning a neighborhood traffic pattern plan for the area, the PTSC voted unanimously to lower the speed limit on Chevrolet Avenue from 30 mph to 25 mph as a measure to improve pedestrian and traffic safety.

The speed limit became a temporary parking and traffic regulation through the Council's approval of the PTSC's meeting minutes on November 16, 2020. Temporary parking regulations expire one year after approval unless they are adopted by the Council as an amendment to Chapter 7 through the City's ordinance adoption process.

The Parking and Traffic Safety Committee recommends the adoption of **an amendment to Chapter 7, Section XI, Section 7.1100 Speed Limits, Sub-Section E** to reduce the speed limit on Chevrolet Avenue from 30 mph to 25 mph.

I recommend that the City Council move to pass second reading, and schedule a third and final reading at the October 18, 2021 City Council meeting.

B. Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled:

At its August 5, 2021 meeting, the Parking and Traffic Safety Committee (PTSC) voted unanimously to recommend to the City Council **an amendment to Chapter 7, Article XII, Section 7.1200** that would provide three hours of free parking in parking metered zones for ADA-credentialed vehicles. Over the course of several prior meetings, the PTSC acknowledged that before the enactment of the Stay and Pay system, the City had an uncodified policy of providing three hours of free parking for the walking disabled in time-limited parking spaces.

This policy conformed with NH RSA 265:74, which provides that a municipality must provide free parking for the walking disabled but has discretion to set reasonable time limits for free parking.

After the enactment of the Stay and Pay System, most time limits in City-managed parking spaces were abolished. The PTSC was uncertain as to what would qualify as reasonable time limits for free parking under our Stay and Pay parking system because we no longer have time limited parking and the guidance documents provided by the Governor's Commission on Disability did not address a Stay and Pay type parking system. The PTSC instructed staff to reach out to the Commission for clarification. Representatives at the Commission's Office confirmed that three hours of free parking for the walking disabled was reasonable under our Stay and Pay system and was consistent with the Commissions' policies and state law.

I recommend that the City Council move to pass second reading, and schedule a third and final reading at the October 18, 2021 City Council meeting.

C. Public Hearing Regarding Keno Games within the City of Portsmouth:

Pursuant to NH RSA 284:51, the City Council will be conducting a public hearing on the question of, "shall we allow the operation of keno games within the City of Portsmouth," during this evening's meeting.

This question will appear on the November 2, 2021 municipal election ballot.

XIV. Approval of Grants/Donations:

A. Donation to the African Burying Ground Trust - \$50:

The City received a donation to the African Burying Ground Trust in the amount of \$50 from JoAnn M. Monagle.

I recommend that the City Council move to approve and accept the donation from JoAnn M. Monagle in the amount of \$50 as presented.

B. NH State Library Moose Plate Conservation Grant - \$9,150:

The Finance Department is pleased to announce that the City of Portsmouth has been awarded one of the FY2021/2022 Moose License Plate Conservation Grants from the New Hampshire State Library in the amount of \$9,150 for the conservation project Preservation, Microfilming and Digitalization of two Portsmouth Inventory Document Collections Dated 1800-1899. These monies will help preserve legally required and historically significant documents held by the Finance Department that initially were intended to be financed through the City's Capital Improvement Program.

The New Hampshire State Library's (NHSL) FY2021/2022 Conservation License Plate Grant Program is designed to help municipalities as well as other public organizations preserve their historic documents. The NHSL Grant awards up to \$10,000 to applicants to conserve publicly owned documents.

The program aims to aid in the preservation of New Hampshire's historic manuscripts as well as increase their availability to the public. The grant requires that these documents not only be professionally preserved but also scanned to preservation microfilm as well as digitized.

This is the fifth Moose License Plate Conservation grant the City has been awarded, for a total of \$46,096. Last Fiscal Year, the City was awarded a grant for \$9,760 to preserve nine historic documents dated 1853-1895. The Finance Department is grateful to have been awarded this grant which will aid in both increasing resident access to historic city documents as well as helping to offset capital dollars needed to complete this required work.

I recommend that the City Council move to approve and accept the grant from the New Hampshire State Library in the amount of \$9,150 as presented.

C. NH DES Household Hazardous Waste Day FY22 Grant - \$4,587:

\$30,000 has been committed from the Water & Sewer Enterprise Fund for two household hazardous waste collection events in the FY22 budget.

Household hazardous waste collection events help protect our water supply and reduce the potential of hazardous waste being dumped or inappropriately disposed of. In the interest of protecting public health and ensuring household hazardous waste and unwanted household hazardous products are disposed of in an environmentally sound manner, the City has been hosting the collection event for more than twenty years. Over 200,000 gallons of hazardous waste have been properly disposed of during this time. An average of almost 600 families take advantage of the collection events every year.

In the spirit of being a good neighbor, the City also offers the services to residents of Newington and Greenland. The expenses are shared between the communities on a prorated basis - per vehicle per community.

A grant in the amount of \$4,587 from the Department of Environmental Services (DES) has been applied for and is available to the City to assist in managing the cost of these events. This grant would supplement the City funds proposed in the FY22 budget.

I recommend that the City Council move to approve and accept a grant from the DES in the amount of \$4,587 for the purpose of household hazardous waste collection events, and authorize the City Manager to execute any documents which may be necessary for this grant contract.

D. Donation to the Skateboard Park - \$100:

The City received a donation to the Skateboard Park in the amount of \$100 from Linda Desjardins in loving memory of Rob Desjardins.

I recommend that the City Council move to approve and accept the donation from Linda Desjardins in the amount of \$100 as presented.

XV. City Manager's Items which Require Action:

1. **Request to Schedule Portsmouth Housing Authority Work Session:**

Per Councilor McEachern's request at the August 2, 2021 City Council meeting, I would like to propose a joint work session with the City Council and the Portsmouth Housing Authority on November 8, 2021 at 6:30 p.m.

I recommend that the City Council move to schedule a joint work session with the Portsmouth Housing Authority on November 8, 2021 at 6:30 p.m.

2. **Request to Establish Polling Hours for Municipal Election:**

In accordance with RSA 659:4, the City Council shall determine the polling hours for a Municipal Election. I would request that the polling hours on November 2, 2021 be set from 8:00 a.m. to 7:00 p.m.

I recommend that the City Council move to approve the polling hours of 8:00 a.m. to 7:00 p.m. for the Municipal Election on November 2, 2021 as recommended by the City Clerk.

XVI. Consent Agenda:

D. **Projecting Sign License – 951 Islington Street:**

Permission is being sought to install a projecting sign at **951 Islington Street** that extends over the public right of way, as follows:

Sign dimensions: 36" x 18"

Sign area: 4.5 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.*

XVII. Presentations and Consideration of Written Communications and Petitions:

A. Presentation and Update Regarding Stormwater Outreach:

The City's Deputy Director of Public Works, Brian Goetz, will be providing an update on the City's stormwater outreach efforts.

XVIII. City Manager's Informational Items:

1. Response to Councilor Huda's Audit Questions:

City staff did not have time to respond to some of Councilor Huda's questions on the September 20, 2021 City Council agenda prior to the Council packet and materials being finalized for distribution to the Council and the public. On September 17, 2021, Acting Deputy City Manager Woodland sent the **attached memorandum** to the Council via email.

2. Sagamore Sewer Extension Project Update with Responses to Various Questions:

At the September 20, 2021 City Council meeting, various questions were posed and an update was requested regarding the Sagamore Sewer Extension Project. A **report back** has been prepared with that information.

3. Report Back Regarding Combat Deployment Tax Credit:

The Legal and Assessing Departments have prepared a **report back on a Combat Deployment Tax Credit**, which was proposed by Josh Denton via written correspondence at the August 2, 2021 City Council meeting.

4. NHDOT Noise Program Information:

As requested by Councilors Lazenby and McEachern, we provide information relative to the City's history in pursuit of sound barriers along with material that details NHDOT's noise program.

In response to residents' long standing concerns about highway noise in their neighborhoods along the I-95 corridor, the City began the process of applying for acceptance by NHDOT into the NH Type II Highway Noise Abatement Program in September 2016. The City's first application was rejected. The City was advised by NHDOT that the City needed to enact highway noise compatible planning and development regulations in order to be accepted into the program. City staff worked with NHDOT's Noise Program Manager to draft a Highway Noise Overlay District as part of the City's Zoning Ordinance. This ordinance was enacted by the Council on January 1, 2019 and on July 8, 2019, the City was advised by NHDOT that it was accepted into the Type II Highway Noise Abatement Program. The City was the first community in NH to meet the Type II criteria.

Acceptance into the program triggered NHDOT to perform a Type II Community Noise Assessment. The Type II Noise Abatement project for the City is currently identified in the Ten Year Transportation Plan but has yet to be funded.

Included is a link to the booklet shared by Rockingham Planning Commissioner Assistant Director David Walker at the Pannaway Manor site visit, along with the Type II statewide study that was completed a few years ago.

- NHDOT's Air and Noise Program website:
<https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/air-noise.htm>
- NHDOT's Noise Barrier Programs booklet:
<https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/documents/NHDOTNoiseBarrierPrograms.pdf>
- NHDOT's 2016 Noise Policy:
<https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/documents/2016NHDOTTypeIandIINoisePolicy.pdf>
- NHDOT's Type II Noise Barrier Program Information:
<https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/noise-barrier.htm>

A verbal update, which will have recent and relevant information from Mr. Walker and NHDOT, will be provided by myself and Assistant City Attorney, Jane Ferrini, at this evening's meeting.