

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, SEPTEMBER 18, 2023 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_oqVPpAFftQaoqN5LX4j8bA

6:00PM - ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A

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

AGENDA

**Regular portion of City Council meeting to begin at 7:00 p.m.*

- 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**

PROCLAMATION

1. **CONSTITUTION WEEK**

VII. ACCEPTANCE OF MINUTES – SEPTEMBER 5, 2023

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

- A. ***Dedication of POW/MIA Chair – Robert McGuigan, Rolling Thunder**
- B. **Economic Development Commission Outdoor Dining Report – Phil Cohen, Chair**

IX. PUBLIC COMMENT SESSION (This session shall not exceed 45 minutes) – (participation may be in person or via Zoom)

X. PUBLIC HEARING AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

First Reading of Ordinance:

- A. **First Reading of Ordinance amending Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban and Chapter 7, Article X – TOWING, Section 7.1002 – Snow Removal Operations (Sample motion – move to pass first reading and schedule public hearing and second reading at the October 2, 2023 City Council meeting)**

Public Hearing/Second reading of Ordinance:

- B. PUBLIC HEARING/SECOND READING of Ordinance amending Chapter 1, Article VIII – Code of Ethics, Section 1.802 – Conflicts of Interest, amending Subsection F – Gifts and Favors: No officer or employee shall accept any gift, over \$100.00 per calendar year ***(Sample motion – move to pass second reading and hold third and final reading at the October 2, 2023 City Council meeting)***
- PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Request for Street Naming – Grapevine Run
2. Authorization to Facilitate Installation of Dock
3. Request for Extension of Temporary Construction License for 147 Congress Street
4. Request to Establish Polling Hours for the Municipal Election

XII. CONSENT AGENDA

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

- A. Letter from Marcia Leach, North Church of Portsmouth, requesting permission to hold the annual Crop Walk for Hunger on Sunday, October 15, 2023 beginning at 12:30 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the 15th Annual Seacoast Rotary Turkey Trot 5k on Thanksgiving, November 23, 2023 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events:
- First Night Portsmouth 2024 – Sunday, December 31, 2023
 - Children’s Day – Sunday, May 5, 2024
 - 47th Annual Market Square Day Festival & 10K Road Race – Saturday, June 8, 2024
 - 21st Annual Summer in the Street – Saturday evenings – June 29, July 6, 13, 20, 27, 2024
- (Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Letter from Effie Malley, Portsmouth Climate Action, requesting use of the Bridge Street Lot on Sunday, October 22, 2023, for the 4th Annual Electric Vehicle Show ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. Letter from Tina Sawtelle, The Music Hall, requesting permission to close a portion of Portwalk Place, but to allow alcoholic beverages (wine, beer, and spirits) to be served inside the event’s enclosure for the New Hampshire Film Festival Hospitality Party on October 14, 2023 from 9:00 a.m. – 3:30 p.m. (***Sample motion – move to refer to the City Manager with Authority to Act***)
- C. Letter from Riah & Chris Zaremba & Petition from 9 homes requesting that a small portion of Islington Street have the sidewalk repaired and maintained, with the safety of pedestrians on a busy street taken into consideration or to rip up the old sidewalk to the curb, re-grade and loam, and lay seed down to redirect pedestrians to the side of the street with the appropriate sidewalk

XIV. MAYOR McEACHERN

1. *Appointments to be Voted:
 - Jen Scumaci to the Economic Development Commission
 - Erica Wygonik as a Regular Member to the Parking & Traffic Safety Committee
 - David Allen as an Alternate to the Parking & Traffic Safety Committee
 - Larry Booz to the Historic District Commission
2. *McIntyre Update

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

1. 10-year Spending History

B. COUNCILOR DENTON

1. *Amend Rule 43 A (***Sample motion – move to amend Rule 43 A, by adding between the fourth and fifth sentence, a new sentence that reads, “The playing of music, videos, or the recordings of others is prohibited”***)

C. COUNCILOR MOREAU

1. *Soundwall Construction

D. COUNCILOR MOREAU, COUNCILOR BAGLEY, COUNCILOR COOK

1. **”Spirit of Portsmouth” KC-46A Pegasus

E. COUNCILOR COOK

1. Request for First Reading of Election Candidate Financial Disclosure Ordinance ***(Sample motion – move to schedule first reading at the October 2, 2023 City Council meeting of the amendments proposed by the Governance Committee to Section 1.902 Election Candidate Financial Disclosure of the Administrative Ordinance, Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure***

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant in Support of Household Hazardous Waste Collection Events - \$4,265.00 ***(Sample motion – move to accept and expend a \$4,265.00 DES grant 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)***
- B. Acceptance of Office of Highway Safety Grant for the Police Department - \$31,300.00 ***(Sample motion – move to approve and accept the grant for the Police Department as presented)***

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

1. *Community Policing Facility Public Meeting
2. *FlashVote Survey #2 Results

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

**Indicates verbal report*

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



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 14, 2023

To: Honorable Mayor McEachern and City Council Members

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

Re: City Manager's Comments on City Council Agenda of September 18, 2023

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

A. **First Reading of Ordinance Amending Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban and Chapter 7, Article X – Towing, Section 7.1002 – Snow Removal Operations:**

The Parking Division has reviewed and recommended updates to the City's Snow Emergency Messaging Program as more fully explained in [Parking Division Director Ben Fletcher's memorandum](#). In order to implement these changes to the Messaging Program, two sections of Chapter 7 should be consolidated and amended as set forth in the attached amendments to [Chapter 7, Article III, Section 7.321 \(Snow Emergency Parking Ban\)](#) and [Article X, Section 7.1002 \(Snow Removal Operations\)](#). These amendments have been reviewed and approved by the Parking Division, Public Works and Legal Departments and have been referred to the Parking and Traffic Safety Committee for consideration at their September 7, 2023 meeting.

I recommend that the City Council move pass first reading, and schedule a public hearing and second reading at the October 2, 2023 City Council meeting.

B. **Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article VIII – Code of Ethics, Section 1.802 – Conflicts of Interest, Amending Subsection F – Gifts and Favors: No officer or employee shall accept any gift, over \$100 per calendar year:**

Attached please find proposed amendments to [Chapter 1, Article VIII – Code of Ethics, Section 1.802 – Conflict of Interest, Amending Subsection F – Gifts and Favors](#).

I recommend that the City Council move to pass second reading and schedule a third and final reading at the October 2, 2023 City Council meeting.

XI. City Manager’s Items Which Require Action:

1. **Request for Street Naming – Grapevine Run:**

The property owners of 212, 214, 216 Woodbury Avenue have a recently approved development with 8 residences, comprised of two duplex structures and four single family homes with access from Boyd Road to a new private street. The owners are requesting approval to name the private street Grapevine Run.

The Department of Public Works has reviewed the request of Grapevine Run with the State e911 and they have no objection to the name. Additionally, there are no duplicate names in this zip code.

I recommend that the City Council move to authorize the use of Grapevine Run as the private street name for the development at 212, 214, 216 Woodbury Avenue.

2. **Authorization to Facilitate Installation of Dock:**

Attached please find a memorandum from Of Counsel Attorney, Robert Sullivan, regarding a request from Roger and Elizabeth Trudeau of 10 Crescent Way relative to a dock. Owners, who are required to get an approval for their proposed dock from the Department of Environmental Services, require additional approvals from the City due to a City easement across their parcel and the proposed location of the dock.

I recommend that the City Council authorize the City Manager to negotiate and execute any agreements or approvals which are necessary for Roger and Elizabeth Trudeau, 10 Crescent Way, to construct a proposed 10’ x 10’ deck, 40’ seasonal gangway, and 10’ x 20’ seasonal float as presented.

3. **Request for Extension of Temporary Construction License for 147 Congress Street:**

Lucky Thirteen Properties, LLC, (“Owner”) is making improvements to property it owns at 147 Congress Street, shown on the City of Portsmouth’s Assessor’s Map as Tax Map 126, Lot 4 (“Property”). Owner is constructing a 700 square foot addition to the building and front and rear canopies and was granted a license by the City Council on June 5, 2023 to encumber the sidewalks that abut the Property along Congress Street and Maplewood Avenue. The sidewalk along Congress Street is no longer encumbered. The sidewalk encumbrance along Maplewood Avenue is set to expire on October 12, 2023. Due to the unprecedented amount of rainfall this summer, the project will not be completed on schedule so the Owner is asking the Council to grant a 41 day extension (through November 22, 2023) to encumber the sidewalk along Maplewood Avenue in order to complete the project.

Encumbrances for longer than 30 days are subject to the City Council’s policy entitled “License Fee for Encumbrance of City Property”. Under this policy, a daily fee is calculated per square foot of encumbered sidewalk. Owner seeks to encumber 1,419 square feet of the sidewalk along Maplewood for 41 days. The License Fee is $1,419 \times .05 = \$70.95$ per day $\times 41$ days = \$2,908.95.

Note that the original license and this extension includes encumbering three parking spaces at the rear of the building in the Worth Lot. These spaces are currently reserved exclusively for the Owner's use per separate agreement with the City and do not require a license. In addition, Owner will continue to work with the Department of Public Works to ensure appropriate signage is posted to redirect pedestrians when the sidewalk is closed.

The Legal and Planning Departments have reviewed and approved the form of [the attached License extension](#).

If the Council agrees to grant an extension of the temporary construction license to encumber the sidewalk along Maplewood Avenue for property located at 147 Congress Street, an appropriate motion would be:

Move that the City Manager be authorized to execute and accept an extension of the temporary construction license to encumber the sidewalks along Maplewood Avenue that abut 147 Congress Street as requested.

4. **Request to Establish Polling Hours for the Municipal Election:**

[Attached please find a presentation from City Clerk Barnaby](#) regarding polling hours for the 2023 Municipal Election.

I recommend that the City Council move to establish polling hours from 8:00 a.m. to 7:00 p.m. for the November 7, 2023 Municipal Election.

XVI. Approval of Grants/Donations:

A. **Acceptance of Grant in Support of Household Hazardous Waste Collection Events - \$4,265:**

Household hazardous waste collection events help protect our water supply and reduce the potential of hazardous waste being dumped or inappropriately disposed. 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 hosted collection events for more than a decade. Hundreds of thousands of gallons of hazardous waste have been properly disposed of during this time, and an average of 675 families take advantage of the collection events every year.

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

A grant in the amount of \$4,265.00 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 FY24 budget.

I would recommend the City Council move to accept and expend a \$4,265 DES grant 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.

B. Acceptance of Office of Highway Safety Grant for the Police Department - \$31,300:

At the September 12, 2023 Special Police Commission meeting, the Board of Police Commissioners approved and accepted an Office of Highway Safety grant in the amount of \$31,300 from the NH Department of Safety for multiple highway safety initiatives, including but not limited to the U Drive, U Text, U Pay campaign.

I recommend that the City Council move to approve and accept the grant for the Police Department as presented.

XVII. City Manager's Informational Items:

1. Community Policing Facility Public Meeting:

The public is invited to the second Community Policing Facility Public Meeting to be held in Council Chambers on Thursday, September 21st at 5:30 pm. We will hear updates on the project from City staff and our consultants, including site selection, site options, and program test fit. This will be followed by a Q&A about the project and the process.

2. FlashVote Survey #2 Results:

I will provide a verbal update on Survey #2 from FlashVote at this evening's meeting.