

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 21, 2022

PORTSMOUTH, NH
TIME: 6:15PM

Councilor Tabor moved to suspend the remainder of the Non-Public Session until the end of the City Council meeting. Seconded by Councilor Lombardi and voted.

On a unanimous roll call vote 9-0, motion passed.

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:00 p.m.

IV. ROLL CALL

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley, Lombardi, Blalock and Cook

V. INVOCATION

Mayor McEachern asked that we remember the issues facing Ukraine during our moment of silence.

VI. PLEDGE OF ALLEGINANCE

The children of Saint Nicholas Greek Orthodox Church led in the Pledge of Allegiance to the Flag.

PROCLAMATION

1. Greek Independence Day

There was a vocal performance by the Children of Saint Nicholas Greek Orthodox Church.

Mayor McEachern read the Proclamation and proclaimed March 25th as Greek Independence Day.

VII. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)*

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Recognition for Fire Event on February 25, 2022 to Jayceon and Tristan

This is being postponed until the April 4, 2022 City Council meeting.

2. Recognition of John Cavanaugh for his efforts in raising awareness of the humanitarian crisis in Ukraine

Councilor Denton moved to suspend the rules in order to allow Mr. Cavanaugh to come forward to speak to the City Council on this matter. Seconded by Councilor Bagley and voted.

Mr. Cavanaugh spoke on how the City could play a role in the humanitarian efforts relating to the crisis in Ukraine and specific ideas he would like to share with the City Council.

Mayor McEachern thanked Mr. Cavanaugh for his efforts in raising awareness of this humanitarian crisis and presented John with a City of Portsmouth coin.

XI. PUBLIC COMMENT SESSION

Marianne Janik spoke to the Brick Market project downtown and the need for Mr. McNabb to have a third party to communicate with the downtown businesses on the day to day operations and expected disruptions. She said that there should be a weekly review provided to the downtown businesses.

Rick Becksted spoke to two buildings that will be demolished as recommended by the Demolition Committee. He said he would like to see an ordinance prepared for the Demolition Committee to address in detail the process for demolishing a structure.

Arthur Clough said that the City Council has made the downtown an outside dining extravaganza. He stated that prior to the February 22nd vote of the Council, on outside dining, Councilor Tabor had said Assistant Mayor Kelley should be recusing herself from the vote on this matter. He spoke to the need for the City Council to reverse their decision on outside dining due to the concerns expressed by some downtown businesses.

Mark Brighton said Mayor McEachern and City Attorney Sullivan reviewed the ethic complaint filed against Assistant Mayor Kelley and that the complaint needs to be referred to the Ethics Board. He stated it is a clear violation.

Josh Denton, VFW Commander #168, announced on May 1st a parade will be held for the End of the Afghanistan War and invited all veterans to attend. He also spoke to Loreley Godfrey being nominated as Eagle Scout of the Year.

Esther Kennedy spoke to the Audit Committee and the time and energy she spent in trying to get a new auditing firm for the City. She stated that the City has had the same firm in place for the last 28 years. She stated that 28 years is too long for the same firm to audit the finances of the City. She also spoke to small businesses feeling they were not heard when the decision was made regarding outside dining. She asked that the City Council create a group for small businesses to be able to work with the City on matters of interests.

Petra Huda asked why the Non-Public Session last week was not notified with a subject matter. She spoke to the RFP process followed regarding the hiring of an audit firm.

Paige Trace said that the City Council works for the residents and the City Manager and City Attorney work for the City Council. She said retail businesses did not get the same ability to ARPA and PPE funds as the restaurants. She also addressed conflicts of interest.

Shelley Saunders (via zoom), spoke in support of comments made by Esther Kennedy and Petra Huda regarding hiring an audit firm for the City.

Councilor Denton moved to suspend the rules in order to bring forward Item XIII. B. – Presentation from City Assessor on 2022 Statistical Revaluation. Seconded by Assistant Mayor Kelley and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

B. Presentation from City Assessor on 2022 Statistical Revaluation

City Assessor Lentz spoke to the difference between a statistical revaluation and a partial update. She reviewed revaluation standards adopted by NH Assessing Standards Board and the establishment and monitoring of the standards. She defined how market value is determined which is the price a buyer of property, willing but not obligated to buy, and a seller of property, willing but not obligated to sell, would agree on after taking into consideration all uses to which the property is adapted and might in reason be applied. She stated there are three approaches used to estimate market value:

- Sale Approach (Comparable Sales)
- Cost Approach (Replacement Cost)
- Income Approach (Capitalized Income Potential)

Assessor Lentz went on to further discuss the inventory and sales for the area and New England. In closing, Assessor Lentz reviewed the tentative timeline for the statistical revaluation.

Mayor McEachern thanked Assessor Lentz for the presentation and her work relative to the statistical revaluation.

Assistant Mayor Kelley asked what the percentage of residential versus commercial is currently. Assessor Lentz said that residential is at 56% with commercial at 45% and that there will be a shift in the percentages with the statistical revaluation.

Councilor Cook asked why we are doing a statistical revaluation versus a partial revaluation. Assessor Lentz stated that she estimates that we are currently at 70% of market value and the longer we wait the less proportional we are. She stated the importance of doing this now is because the last revaluation was in 2019.

Discussion followed regarding the increase in values for certain neighborhoods.

X. PUBLIC HEARINGS AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

- A. RESOLUTION PURSUANT TO RSA 72:39-b, AMENDING THE ELDERLY EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) ASSETS DO NOT EXCEED \$500,000.00 WHETHER SINGLE OR MARRIED**
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers.

Assessor Lentz reported that the current asset levels are \$175,000.00 and the level will be \$500,000.00 which will impact \$.8 on the tax rate.

Petra Huda asked how many taxpayers would qualify based on the new level. She stated that the new level makes the City the highest in the State. She said she would like to know the impact this will have on revenues. Ms. Huda spoke to this change being passed onto the other taxpayers.

Julia Robb said she was turned down last year for the exemption because her asset level exceeded the \$175,000.00 limit. She spoke in support of the resolution, which will allow her to remain in the home that has been in her family for 100+ years.

Councilor Bagley asked what is the estimated impact with this change. Assessor Lentz said she would need to know how many would qualify and there is no way to know that. Councilor Bagley said it is important to keep people in their homes.

Mayor McEachern spoke to the importance of this exemption in allowing people to remain in their homes.

Councilor Blalock said it is important to support the elderly in our community. He stated home values have increase and we need to provide this exemption.

Petra Huda said in our PAFR there are demographic statistics in categories of age. She said it is important that we know what we are looking at.

Councilor Cook said the income limits are really low for the City. She said \$500,000.00 is not a lot of money to earn up to age 88 years old. She said we don't want to lose residents as it is important to the character of the City.

With no further speakers, Mayor McEachern declared the public hearing closed.

Councilor Bagley moved to adopt the resolution as presented. Seconded by Councilor Tabor. On a unanimous roll call vote 9-0, motion passed.

- B. RESOLUTION PURSUANT TO RSA 72:37-b, AMENDING THE DISABLED EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) ASSETS DO NOT EXCEED \$500,000.00 WHETHER SINGLE OR MARRIED
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers.

Assessor Lentz stated that we have 7 individuals receiving this exemption currently. She informed the Council that this would have a \$.3 impact on the tax rate.

With no speakers, Mayor McEachern declared the public hearing closed.

Councilor Tabor moved to adopt the resolution as presented. Seconded by Councilor Lombardi and voted.

- C. RESOLUTION PURSUANT TO RSA 72:35, MODIFYING THE OPTIONAL TAX CREDIT FOR SERVICE-CONNECTED TOTAL DISABILITY IN THE AMOUNT OF \$4,000.00 AS OF APRIL 1, 2022 ON THE TAXES DUE ON THE RESIDENTIAL PROPERTY OF ANY VETERAN WHO HAS BEEN HONORABLY DISCHARGED OR AN OFFICER HONORABLY SEPARATED FROM THE MILITARY SERVICE OF THE UNITED STATES AND WHO HAS TOTAL AND PERMANENT SERVICE-CONNECTED DISABILITY, OR WHO IS A DOUBLE AMPUTEE OR PARAPLEGIC BECAUSE OF SERVICE-CONNECTED INJURY, OR THE SURVIVING SPOUSE OF SUCH A PERSON WHO HAS NOT REMARRIED
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers.

Assessor Lentz reported to the Council that there are 45 people currently that would qualify for this exemption. She stated that the impact to the tax rate is half of a cent.

Councilor Denton encouraged those that qualify to apply.

With no speakers, Mayor McEachern closed the public hearing.

Councilor Blalock moved to adopt the resolution as presented. Seconded by Councilor Denton and voted.

Councilor Denton moved to suspend the rules to bring forward Item XV. C.1. – Fee Committee’s recommendation regarding FY23 Prescott Park License Fees. Seconded by Councilor Blalock and voted.

Councilor Tabor said he would need to recuse from this vote because he serves on the Prescott Park Arts Festival.

XV. CITY COUNCIL MEMBERS

C. COUNCILOR DENTON

1. Fee Committee’s recommendation regarding FY23 Prescott Park License Fees

Councilor Denton moved to adopt the Fee Committee’s recommendation to reduce the FY23 Prescott Park License Fees by 1/3. Seconded by Councilor Bagley.

Councilor Denton reviewed the fees being recommended by the Fee Committee. He said it is difficult to run a non-profit in COVID.

Discounted Prescott Park License Fees:

- *New Hampshire Art Association - \$1,080.00*
- *Gundalow Company - \$4,679.00*
- *Prescott Park Arts Festival - \$14,396.00*

Motion passed.

At 8:25 p.m., Councilor Denton was an excused from the remainder of the meeting.

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Watson’s Landing Subdivision Easements for Property Located at 1 Clark Drive

City Manager Conard spoke to the three easements the Planning Board required, an Access Easement for Water Service, a Sidewalk and Utility Easement, and an Access Easement for Water Service. She reported that the easements have been approved by the Planning Department, Legal Department and Public Works.

Councilor Moreau moved to accept an Access Easement for Water Service, a Sidewalk and Utility Easement, and an Access Easement for Water Service from Chinburg Development, LLC over property located at Watson's Landing. Seconded by Councilor Bagley.

Councilor Moreau stated she reviewed the easements at the Planning Board level and advised the Council that they are straight forward.

Motion passed.

2. Request for Public Hearing on Resolution Related to the Feasibility and Design of a New Policy Facility and/or Rehabilitation of the Existing Facility

City Manager Conard said we are requesting the Council formally authorize a bond issue of up to \$1.4 million for costs related to the feasibility and design of a new Police Facility and/or the rehabilitation of the existing facility as approved in the FY22 CIP.

Councilor Bagley moved to authorize the City Manager to bring back for public hearing and adoption, the property Bonding Authorization for the feasibility and design of a new Police Facility and/or rehabilitation of the existing facility, as presented, for the April 4, 2022 City Council meeting. Seconded by Assistant Mayor Kelley and voted.

XII. CONSENT AGENDA

- A. Request from Seth Bordonaro, of Vieux Port to install a Projecting Sign at 108 Penhallow 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 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***
- B. Letter from Mark MacKenzie, Granite State Wheelmen Bicycle Club, requesting permission to hold the 28th annual Seacoast Century Bike Ride on Saturday, September 24, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

- C. Letter from Paul Rodriguez, Margarita Half Marathon, requesting permission to hold the Margarita Half Marathon & 5K on Sunday, May 1, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Eversource Petition and Pole License Requests:
 - Installation of 1 pole on Rockingham Avenue #63-0736
 - Installation of 1 pole at Intersection of Banfield Road and Walford Lane #63-0729***(Anticipated action – move to refer to the City Manager with Authority to Act)***

Councilor Lombardi moved to adopt the Consent Agenda. Seconded by Councilor Moreau and voted.

XIII. PRESENTATION AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

Councilor Tabor moved to accept and place on file. Seconded by Assistant Mayor Kelley and voted.

- C. Letter from Josh Denton, Commander VFW Post #168, inviting Mayor McEachern, Assistant Mayor Kelley and City Councilors to observe the Welcome Home: End of the Afghanistan War Parade on Sunday, May 1, 2022 at 10:00 a.m.

Councilor Cook moved to accept and place on file. Seconded by Councilor Blalock and voted.

- D. Letter from Karen Conard, City Manager, requesting the Council to conduct her evaluation as per the terms of her Employment Agreement with the City

Mayor McEachern said per the terms of the agreement only Councilors that have served more than one year can serve on the committee. He said based on that Councilor Tabor, Councilor Denton and he would serve on the committee.

Councilor Blalock moved to form the City Manager Evaluation Committee composing of Mayor McEachern, Councilor Tabor and Councilor Denton. Seconded by Assistant Mayor Kelley and voted.

XIV. MAYOR McEACHERN

- 1. Appointments to be Considered:
 - Reappointment of Rob Capone to the Cable Television & Communications Commission
 - Appointment of Loreley Godfrey to the Sustainable Practices Blue Ribbon Committee
 - Appointment of Alana Rooke to the Arts & Non-Profits Blue Ribbon Committee

Mayor McEachern spoke to the great amount of work being done by the Arts & Non-Profits Blue Ribbon Committee. He said Loreley has been sitting in on the Sustainable Practices Blue Ribbon Committee meetings and he is excited to put her name forward as a new member.

The City Council considered the appointment applications which will be acted upon at the April 4, 2022 City Council meeting.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

1. Request for Vote to Appoint Members to Community Power Coalition of NH

Councilor Tabor moved that the City Council authorize Kevin Charette, a member of the City's Energy Advisory Committee, to fill Portsmouth's seat on the board of directors of the Community Power Coalition of New Hampshire, and to approve Peter Rice, Director of Public Works, as an alternate to that seat. Seconded by Assistant Mayor Kelley and voted.

B. COUNCILOR TABOR & COUNCILOR COOK

1. Selection of an Audit Firm for FY2022

Councilor Tabor said the Audit Committee was formed through an ordinance by the last City Council.

Councilor Tabor moved to maintain Melanson as our Audit Firm for one year and that another RFP process take place in August. Seconded by Councilor Cook.

Councilor Tabor thanked the members of the Audit Committee for reviewing the two firms that applied, Melanson and CLA. He spoke to the former Council wanting to separate the audit from non-attest services. He stated the RFP last year was only for the audit so we went back to the bidders and asked what price they could provide for non-attest services. He informed the Council in the process of going back, one of the Committee members began communicating with one of the bidders, which created a flaw in the process. Councilor Tabor stated that this is like a restart to the process and we may get more bidders to submit proposals and we will have a clean process.

Councilor Cook echoed the comments of Councilor Tabor. She said the finances are critical and we need to follow the best process possible. She said it is a wise decision to move forward with a one year contract with Melanson.

Councilor Moreau asked if it is possible to request a new team for the process in the future.

Deputy City Manager/Deputy City Attorney Woodland said there has been a change in the team since last year.

Councilor Bagley said his job deals with contractors and there are rules to make sure things happen in a clear transparent way.

Mayor McEachern said he appreciates the work of the Audit Committee, Council and staff. He said this was a way to provide greater transparency of the process.

Motion passed.

D. COUNCILOR BAGLEY

1. Action Items Needing Approval by City Council:

- Discussion on Use of Loading Zone as Parking Inventory
- Conversion of 3 Unmetered Parking Spaces Adjacent to the Park at Market Street and Russell Street to Zone B

Councilor Bagley moved acceptance of November 16, 2021 minutes authorizing implementation of temporary parking and traffic regulation for creation of loading zones as metered parking inventory for designated times. Seconded by Councilor Lombardi.

Councilor Bagley informed the City Council that this would create 39 parking spaces downtown through loading zones after 3:00 p.m. He also advised the Council that signage would be installed to note this change.

Councilor Blalock asked if an evaluation was done of the parking spaces. Councilor Bagley said there was an evaluation process that took place in the summer and Parking and Traffic Safety Committee voted on this change in November.

Councilor Moreau spoke to a large proposed development that will occur on High Street and this proposal includes the loading zone of High Street. She asked if the spaces could be returned as loading zones once the development is brought on-line. Councilor Bagley said that could occur under the omnibus ordinance process.

Councilor Tabor said he is pleased we are creating more parking and asked if we will be notifying the businesses of this change. City Manager Conard said businesses will be notified of the change.

Mayor McEachern said if we do not get a response by businesses that we create a leaflet and requested that every sign contain a QR code for residents and businesses to receive information.

Councilor Tabor asked how quickly we would be implementing this change. City Manager Conard said we are looking at 30-45 days out for implementation. She indicated she would report back to the City Council on this matter and provide information on a QR code as part of the report.

Motion passed.

Councilor Bagley moved acceptance of November 16, 2021 minutes authorizing the conversion of 3 unmetered parking spaces on Market Street to metered spaces in Zone B, Standard Occupancy Zone. Seconded by Councilor Cook and voted.

2. Parking and Traffic Safety Committee Action Sheets and Minutes of the November 16, 2021; January 6, 2022; February 3, 2022 and March 3, 2022 meetings

Councilor Bagley moved to accept and approve the action sheets and minutes of the November 16, 2021; January 6, 2022; February 3, 2022 and March 3, 2022 Parking and Traffic Safety Committee meetings. Seconded by Assistant Mayor Kelley.

Mayor McEachern asked for a legal opinion regarding the Council voting for minutes when they were not officially Councilors. City Attorney Sullivan stated to accept the minutes is part of your duty as a City Councilor.

Motion passed.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donations to the Portsmouth NH 400th
 - Roberta Keenan - \$50.00
 - Peter & Kathleen Somssich - \$623.00

Councilor Moreau moved to approve and accept the donations as presented. Seconded by Councilor Tabor and voted.

- B. Approval of Clean Water State Revolving Fund (CWSRF) and American Rescue Plan Act (ARPA) Grant for Wastewater Infrastructure Projects

Councilor Moreau moved to approve and accept grant for the City of Portsmouth up to \$2,080,500.00 from the Clean Water State Revolving Fund as presented. Seconded by Councilor Lombardi.

Councilor Cook asked City Manager Conard how this would impact our other ARPA funds. City Manager Conard said we went out to secure separate and apart from ARPA funds this grant and it does not preclude us from using our own funding.

Motion passed.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Status Update on the Skateboard Park

City Manager Conard provided a status update on the Skateboard Park reporting that Pillar Design has outlined the process through design and construction. She stated both Design Build or Design, Bid, Building could be completed by Pillar. She stated that Pillar Design has indicated that the final design would be completed by fall of 2022 with the intent to go to construction the spring of 2023.

Councilor Blalock stated that the Skateboard Park Committee has been working very hard and reminded the public that the Committee continues to accept donations for the lighting project.

2. Construction Update from Public Works

City Manager Conard report that the McNabb project will be conducting weekday work on the block of Daniel Street between Penhallow and Market Square, starting Monday, April 4th. She informed the Council that this will cause a disruption to the flow of traffic. She also advised the City Council that the work is anticipated to take place during the month of April and into early May.

Public Works Director Rice announced there will be a second public input session on March 30th at 1:00 p.m.

Councilor Moreau asked if Public Works would make sure there are clear paths to businesses while construction is on-going during the month of April. Public Works Director Rice said he would handle that matter.

Councilor Tabor said Moe's Italian Sandwiches is looking for a temporary 15 minute space in front of their business. Public Works Director Rice said it would be handled administratively.

Councilor Blalock requested the installation of a sign that the businesses are "open" during construction.

Mayor McEachern asked who is in charge of this portion of work being conducted. Public Works Director stated that it is the developer. Mayor McEachern said we have learned a great deal from this project. He asked if it is possible to place the latest updates on the website relative to construction and a schedule for the following week. Public Works Director Rice stated it is appropriate. Mayor McEachern said it is important that communication continues to increase. Public Works Director Rice spoke to the work that is expected from April 4th through April 22nd.

Discussion continued regarding the schedule of work that is expected to occur and partial lane closures.

3. Payments May be Made Via Cryptocurrency Through Paypal

City Manager Conard announced that payments may now be made via cryptocurrency through PayPal.

Mayor McEachern said he asked for this and would like to do more that would create more opportunities. He advised that he would be establishing a committee surrounding this matter in the future.

4. Funding for Great Bay Waterline Project

City Manager said with the efforts of Deputy Public Works Director Goetz and City Engineer Desmarais we are recipients of \$600,000.00 in grant funding from the Federal Government.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Tabor spoke to the conference regarding building a police facility that he attended with Police Commissioners Coyle and Scherr, Police Chief Newport, Captain Maloney, Public Works Director Rice and Facilities Manager Almeida. He said the conference was valuable and reviewed the designing of a new police facility and the change in community policing.

Councilor Lombardi provided an update to the City Council on the recent PDA Board meeting which was well attended for the discussion of the proposed cargo project. He suggested that Executive Director Green attend a future City Council meeting to provide a presentation regarding this matter. Mayor McEachern said that would be a great use of time and maybe we could have a work session.

At 9:45 p.m., the City Council returned to Non-Public Session.

At 10:30 p.m., Councilor Lombardi moved to adjourn the Non-Public Session, seal the minutes, and adjourn the City Council meeting. Seconded by Councilor Cook and voted on a unanimous voice vote.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK