

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, MAY 2, 2022 TIME: 7:00PM

*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\\_7EQvFDJLSySIF00a8Om3aw](https://us06web.zoom.us/webinar/register/WN_7EQvFDJLSySIF00a8Om3aw)

## 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**
  
- PROCLAMATIONS:**
  1. POET LAUREATE (*Proclamation will be handed out to City Council on Monday evening*)
  2. DRINKING WATER WEEK
  3. PROFESSIONAL MUNICIPAL CLERKS WEEK
  
- VII. **ACCEPTANCE OF MINUTES – APRIL 18, 2022 (*Sample motion – move to accept and approve the minutes of the April 18, 2022 City Council meeting*)**
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
- 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 ORDINANCE AND/OR RESOLUTION**
  - A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM FUND BALANCE FOR THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF PORTSMOUTH AND SOBOW SQUARE LLC. AND COSTS ASSOCIATED WITH DESIGN AND ENGINEERING RELATED TO THE McINTYRE PROPERTY.

THAT THE CITY COUNCIL HAS DETERMINED THAT THE SUM OF NINE HUNDRED THOUSAND (\$900,000.00) DOLLARS IS TO BE APPROPRIATED FROM FUND BALANCE TO DEFRAY THE EXPENDITURES FOR THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF PORTSMOUTH AND SOBOW SQUARE LLC. AND COSTS ASSOCIATED WITH DESIGN AND ENGINEERING RELATED TO THE McINTYRE PROPERTY FOR THE FISCAL YEAR ENDING IN JUNE 30, 2022.

THAT, THE SETTLEMENT AMOUNTS TO BE MADE ON OR BEFORE JULY 15, 2022 ONE MILLION (\$1,000,000.00) DOLLARS AND ON OR BEFORE JULY 15, 2023 FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS WILL BE MADE USING FUTURE AVAILABLE REVENUES WHICH MAY INCLUDE FUND BALANCE.

THAT, TO MEET THIS APPROPRIATION, THE CITY MANAGER IS AUTHORIZED TO TRANSFER THESE FUNDS FROM COMMITTED FUND BALANCE.

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS** *(Declared public hearing closed after speakers)*
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

*(Sample motion – move to adopt the proposed Supplemental Appropriation Resolution for the settlement agreement between the City of Portsmouth and SOBOW Square LLC, and costs associated with design and engineering related to the McIntyre property, as presented) (Please note that Supplemental Appropriations require a two-thirds roll call vote for adoption)*

## XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

### A. CITY MANAGER CONARD

#### City Manager's Items Which Require Action:

1. One Year Lease Extension of Portsmouth Public Media, Inc., (PPMtv) Lease of the South Meeting House

## XII. CONSENT AGENDA

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

- A. Eversource Petitions and Pole License Requests:
  - Installation of 1 pole on Banfield Road #63-0684
  - Installation of 2 poles on Borthwick Avenue #63-0699
  - Installation of 1 pole on Boyan Place #63-0681
  - Installation of 1 pole on McKinley Road #63-0711
  - Installation of 2 poles on Middle Street #63-0713
  - Installation of 1 pole on Sagamore Avenue #63-0707
  - Installation of 1 pole on Vine Street #63-0668

*(Anticipated action – move to refer to the City Manager with Authority to Act)*
- B. Letter from David Grilk, Conventures, Inc., requesting permission to hold the 2022 Seacoast Cancer Community Celebration and 5K on Saturday, September 24, 2022 and Sunday, September 25, 2022 *(Anticipated action – move to refer to the City Manager with Authority to Act)*

- C. Request from Barton & Gray Mariners Club, of Port City Realty Group, LLC to install a Projecting Sign at 20 Ladd 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***

**XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. \*Presentation by Valerie Rochon and Susan Labrie regarding “Portsmouth’s 400<sup>th</sup> Anniversary Celebration”
- C. Letter from the Town of Rye Selectmen to PDA regarding Proposed Cargo Facilities (***Sample motion – move to accept and place on file***)
- D. Letter from Jim Teetzel, Wilcox Industries regarding Portsmouth 400 Year Concept Plan (***Sample motion – move to refer to the City Manager to coordinate the public art process and report back to the City Council for final approval***)
- E. Letter from Attorney Sherilyn Burnett Young, Rath, Young and Pignatelli, P.C., regarding Application for Urbanized Shoreland Exemption – RSA 483-B:12, Subject Property: 57 Salter Street (***Sample motion – move to refer to the Planning Board for report back***)

**XIV. MAYOR McEACHERN**

1. \*Appointments to be Voted:
- Appointment of Michael Griffin to the Portsmouth Housing Authority
  - Reappointment of Robert Bogardus to the Recreation Board
  - Reappointment of Kory Sirmaian to the Recreation Board

## XV. CITY COUNCIL MEMBERS

### A. COUNCILOR DENTON & COUNCILOR COOK

1. Electric Vehicle Charging Station Zoning Amendments (***Sample motion – move to approve and send the draft Zoning Ordinance amendments regarding Electric Vehicle Charging Stations to the Planning Board for review and recommendation back to the City Council for first reading***)

### B. COUNCILOR BAGLEY

1. **Action Item Needing Approval by City Council:**
  - Request for ADA Parking Space on Cass Street, by Connections Peer Support Center  
***(Sample motion – move to approve HP parking space 30 feet from crosswalk on north side of Cass Street, east of Islington Street)***
2. Parking and Traffic Safety Committee Action Sheet and Minutes of April 7, 2022 (***Sample motion – move to accept and approve the action sheet and minutes of the April 7, 2022 Parking and Traffic Safety Committee meetings***)

### C. COUNCILOR COOK & ASSISTANT MAYOR KELLEY

1. \*Community Conversations (***Sample motion – moved to request that the City Manager develop a series of Community Conversations starting in June 2022 around issues of Diversity, Equity, Inclusion, and Justice***)

## XVI. APPROVAL OF GRANTS/DONATIONS

- A. \*Approval of Homeland Security Grant Award from the US Department of Safety for the Seacoast Emergency Response Team (SERT) to purchase search and rescue equipment - \$29,024.39 (***Sample motion – move to approve and accept the grant for the Police Department as presented***)
- B. \*Approval of Donation from Wilcox Industries Corp. for the Portsmouth Police Honor Guard to attend specialized training as well as attend the Police Memorial in Washington, DC. This year, Portsmouth Police K9 Max will be added to the memorial, following his 2019 line-of-duty death - \$5,000.00 (***Sample motion – move to approve and accept the donation for the Police Department as presented***)
- C. \*Acceptance of Donation in the form of five (5) \$20.00 gift certificates from JL Nails & Spa on Woodbury Avenue for the Portsmouth Police Department (***Sample motion – move to approve and accept the donation for the Police Department as presented***)

## XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. \*McIntyre Update
2. FY 2023 City Council Budget Meeting Schedule
3. Household Hazardous Waste Collection Day – May 21, 2022

4. \*Report Back on Fee Waivers for Peirce Island Outdoor Pool and Boat Launch for Military, Military Dependents, Veterans and Veteran Caregivers
5. Report Back on the Feasibility of Locating a COAST Bus Stop on Greenleaf Woods Drive
6. Draft National Pollutant Discharge Elimination System Wastewater Permits

**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**



Karen S. Conard  
City Manager

## CITY OF PORTSMOUTH

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

**Date:** April 28, 2022

**To:** Honorable McEachern and City Council Members

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

**Re:** City Manager's Comments on City Council Agenda of May 2, 2022

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

A. **Public Hearing and Vote on Resolution Authorizing a Supplemental Appropriation from Fund Balance for the Settlement Agreement Between the City of Portsmouth and SOBOW Square, LLC and Costs Associated with Design and Engineering Related to the McIntyre Property:**

At the April 6, 2022 Special City Council meeting, the City Council voted to accept a settlement agreement with SOBOW Square LLC. Terms of the settlement obligate the City to pay SOBOW Square LLC \$500,000 on or before May 15, 2022, \$1,000,000 on or before July 15, 2022 and \$500,000 on or before July 15, 2023. The [attached Supplemental Appropriation Resolution](#) will appropriate \$500,000 for the first payment due on or before May 15, 2022, along with \$400,000 to cover one half of the third-party costs incurred to advance the project. At the April 18<sup>th</sup> City Council meeting, the City Council voted to establish a public hearing on the proposed Supplemental Appropriation resolution at this evening's meeting.

*I recommend the City Council vote to adopt the proposed Supplemental Appropriation Resolution for the settlement agreement between the City of Portsmouth and SOBOW Square LLC, and costs associated with design and engineering related to the McIntyre property, as presented.*

Please note that Supplemental Appropriations require a public hearing and a 2/3 roll call vote for adoption.

## *XI. City Manager's Items which Require Action:*

### **1. One Year Lease Extension of Portsmouth Public Media, Inc., (PPMtv) Lease of the South Meeting House:**

In May of 2011, the City entered into a lease agreement with Portsmouth Public Media, Inc. ("PPMtv") to lease the South Meeting House located at 280 Marcy Street for a five (5) year term commencing on May 5, 2011 and terminating on May 4, 2016. The lease was extended for a (5) five year term commencing on May 6, 2016 and terminating on May 5, 2021. The City Council approved a one year extension which expires on May 5, 2022 and PPMtv seeks [another one year extension of the lease](#).

PPMtv uses the South Meeting House to provide public access programming for Portsmouth citizens. Like many leases of the City's historic properties, PPMtv is obligated to expend what it would otherwise be assessed as real estate taxes on capital improvements to the property. The South Meeting House is an historic gem that is in need of costly repairs to stabilize the building and to preserve the building's historic features. The one year lease extension granted last year was in part to allow PPMtv and the City to jointly apply for a grant from the New Hampshire Preservation Alliance to perform a preservation assessment in order to assist the City and PPMtv create a schedule of prioritized capital projects for future repairs and improvements to the property. Prior to submitting the application, the New Hampshire Preservation Alliance must visit the property and a consultant must be identified and available to perform the assessment. The consultant identified to perform the assessment was unavailable last year so the grant was not submitted. The consultant is currently available to perform the assessment and the City and PPMtv will jointly apply for the grant in 2022. This assessment will be critical for future grant applications and is necessary before the City and PPMtv can create a prioritized schedule of capital improvements and repairs to determine an apportionment of these costs between the City and PPMtv. Once the assessment has been completed and the schedule has been created, the lease will be amended to include the schedule of prioritized capital improvements and repairs with an apportionment of costs between the City and PPMtv.

*I recommend that the City Council move to approve the one year extension of PPMtv's lease of the South Meeting House with the City.*

## *XII. Consent Agenda:*

### **C. Projecting Sign License – 20 Ladd Street:**

Permission is being sought to install a projecting sign at [20 Ladd Street](#) that extends over the public right of way, as follows:

Sign dimensions: 41" x 28"

Sign area: 8 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.*

### ***XIII. Presentations and Consideration of Written Communications and Petitions:***

#### **B. Presentation by Valerie Rochon and Susan Labrie regarding Portsmouth NH 400<sup>th</sup> Celebration:**

Valerie Rochon and Susan Labrie, Members of the Portsmouth NH 400<sup>th</sup> Executive Committee, will be presenting the Committee's plan to honor the City's upcoming quadricentennial in 2023 to the Council and the public at this evening's meeting.

### ***XVI. Approval of Grants/Donations:***

#### **A. Approval of Grant for the Police Department - \$29,024.39:**

At the April 25, 2022 Police Commission meeting, the Board of Police Commissioners approved and accepted a grant in the amount of \$29,024.39 from the US Department of Safety for the Seacoast Emergency Response Team (SERT). This money will be utilized to purchase confined search and rescue equipment.

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

#### **B. Approval of Donation for the Police Department - \$5,000:**

At the April 25, 2022 Police Commission meeting, the Board of Police Commissioners approved and accepted a donation in the amount of \$5,000 from Wilcox Industries Corp. for the Portsmouth Police Honor Guard to attend specialized training as well as attend the Police Memorial in Washington, DC. This year, Portsmouth Police K9 Max will be added to the memorial, following his 2019 line-of-duty death.

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



C. **Approval of Donation for the Police Department – Various Gift Certificates:**

At the April 25, 2022 Police Commission meeting, the Board of Police Commissioners approved and accepted a donation in the form of five \$20 gift certificates from JL Nails & Spa on Woodbury Avenue for the Police Department.

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

***XVII. City Manager’s Informational Items:***

1. **McIntyre Update:**

I will be providing a verbal update at this evening’s meeting on the McIntyre Redevelopment project.

2. **FY2023 City Council Budget Meeting Schedule:**

For your information, [attached please find the FY2023 Budget Meeting schedule](#). The first meeting on the FY23 Proposed Budget will be a Public Hearing on May 9<sup>th</sup> at 6:30 p.m.

3. **Household Hazardous Waste Collection Day – May 21, 2022:**

Household Hazardous Waste Collection Day will be held on May 21, 2022. More information is provided on the [attached press release](#) from the City.

4. **Report Back on Fee Waivers for Peirce Island Outdoor Pool and Boat Launch for Military, Military Dependents, Veterans and Veteran Caregivers:**

In researching the impact and viability of waiving fees at the Peirce Island Outdoor Pool and Boat Launch for military, military dependents, veterans and veteran caregivers, Recreation Director Todd Henley and I offer the following for consideration by the City Council.

There is currently a discount for military members and their families at the Outdoor Pool, which allows them to receive the resident rate (free for children, \$2 per adult). There is not currently a discount in place for the Boat Launch.

In communicating with the Portsmouth Naval Shipyard Public Affairs Office, there are currently over 1,000 military members assigned to the Shipyard, with 147 students from military families in Kittery schools at present. There are capacity limits to the different sections of the pool (example: 65 total in the first section, 1.5 feet deep), and there is the potential of having to close off certain sections due to the amount of people/children. We therefore recommend that the City continue to offer its military discount, as personnel is accustomed to a discount and free would potentially represent a capacity issue as well as a loss in revenue.

Of note: Strawberry Banke offered free ice skating to military and their families in the 2020-2021 season. Their numbers showed that 5% of all ticket sales went free to military and their families. This was also during a pandemic, with a very specialized activity, in the winter. It is reasonable to assume a greater user percentage for the Outdoor Pool.

We recommend that the City continue to offer the Military discount as is at the Peirce Island Outdoor Pool. In addition, we will heighten our efforts to message this benefit through our various channels including PNSY and the NHANG.

We also recommend hosting a “Military Appreciation Day” during the summer, with free admission for military members and their families, with the potential of making this an annual event.

For the Peirce Island Boat Launch, we recommend a Military Discount of 50% off all fees. Non-motorized water craft would be \$5, motorized craft \$10, commercial boats \$15, and a season pass would be \$75. We could also have these daily fees waived as part of the “Military Appreciation Day” event.

5. **Report Back on the Feasibility of Locating a COAST Bus Stop on Greenleaf Woods Drive:**

At the February 22, 2022 City Council Meeting, Mayor McEachern requested a report back on the feasibility of locating a COAST bus stop on Greenleaf Woods Drive, which is [attached for the Council’s information](#).

6. **Draft National Pollutant Discharge Elimination System Wastewater Permits:**

Attached please find a [memorandum regarding the Draft National Pollutant Discharge Elimination System Wastewater permits](#).