

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, FEBRUARY 3, 2025

PORTSMOUTH, NH  
TIME: 7:00PM

**Assistant Mayor Kelley moved to close the Non-Public Session and seal the minutes. Seconded by Councilor Lombardi and voted.**

### **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, Cook, Denton, Blalock, Bagley, Moreau, Lombardi

### **V. INVOCATION**

Mayor McEachern sent heartfelt condolences to the Bourbon Family at the recent loss of their daughter Norah.

### **VI. PLEDGE OF ALLEGIANCE**

Mayor McEachern led in the Pledge of Allegiance to the Flag.

### **PROCLAMATION**

1. Black History Month (Not on agenda)

Mayor McEachern read the Proclamation declaring February as Black History Month in Portsmouth and urged all citizens to champion our commitment to racial equity and inclusion and to sustain the open door of diversity throughout our community.

### **VII. ACCEPTANCE OF MINUTES – DECEMBER 16, 2024**

**Councilor Moreau moved to accept and approve the minutes of the December 16, 2024, City Council meeting. Seconded by Councilor Lombardi and voted.**

### **IX. PUBLIC COMMENT SESSION**

*There were no speakers this evening.*

### **X. PUBLIC HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS**

#### **First Reading of Ordinance:**

1. First Reading of Ordinance amending to Chapter 1, Administrative Code, Article XVI – Adoption of Fees by Budget Resolution, Section 1.1601 – Purpose, Section 1.1602 – Procedure, Section 1.1603 – Exclusion, Section 1.1604 – Default, of the Ordinances of the City of Portsmouth

**Councilor Cook moved to pass first reading and schedule a public hearing and second reading for the February 18, 2025, City Council meeting. Seconded by Councilor Denton.**

Councilor Cook said that this was a clean up to the Administrative Code and allows that fees may be changed throughout the year and not just during the adoption of the budget.

**Motion passed.**

**Public Hearing/Second Reading of Ordinance:**

- B. PUBLIC HEARING AND ADOPTION of Resolution Pursuant to RSA 72:39-b Regarding the Elderly Exemption on Assessed Value for Qualified Taxpayers
- **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

OPTION 1:

Proposed increase of Elderly Exemption by the Social Security cost-of-living increase

Single	\$55,350 (increase of \$1,350)
Married	\$72,563 (increase of \$1,770)
Asset Limit	\$500,000

OPTION 2:

Proposed increase of Elderly Exemption by the November to November consumer price index

Single	\$55,534 (increase of \$1,534)
Married	\$72,804 (increase of \$2,011)
Asset Limit	\$500,000

OPTION 3:

Proposed increase of Elderly Exemption

Do Nothing

The elderly exemption shall remain unchanged except as amended hereby.

City Manager Conard said that Assessor Lentz would provide a brief presentation regarding the City's annual review of Elderly and Disabled Exemptions.

Assessor Lentz spoke regarding the eligibility requirements and the two options available. She advised the City Council that she would recommend Option 2 for the Elderly Exemption, which is by the November to November consumer price index, which provides a little more for those to qualify for the exemption.

Mayor McEachern asked how many elderly people did not meet the qualifications last year. Assessing Director Lentz said there were eleven applicants that did not meet the qualifications due to asset limits.

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor McEachern declared the public hearing closed.

**Assistant Mayor Kelley moved to adopt Option #2 of the Elderly Exemption Resolution as presented. Seconded by Councilor Bagley.**

Mayor McEachern requested information regarding the exemption be made available on the website. Assessing Director Lentz said that she will put notices at the Senior Center. Councilor Bagley suggested that a workshop be held by the Assessor's Department at the Library or the Senior Center.

**Motion passed.**

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  - **PRESENTATION**
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OPTION 2:

Proposed increase of Disabled Exemption by the November to November consumer price index

Single	\$55,534 (increase of \$1,534)
Married	\$72,804 (increase of \$2,011)
Asset Limit	\$500,000

OPTION 3:

Proposed increase of Disabled Exemption

Do Nothing

The disabled exemption shall remain unchanged except as amended hereby.

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor McEachern declared the public hearing closed.

**Councilor Tabor moved to adopt Option #2 of the Disabled Exemption Resolution as presented. Seconded by Councilor Blalock and voted.**

- D. PUBLIC HEARING AND ADOPTION of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Three Million Five Hundred Thousand Dollars (\$3,500,000.00) to Assist Customers with Galvanized Service Line Replacements and Fund Service Line Inventory Compliance Efforts
- **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Water Resource Manager Pratt provided a brief presentation and reported that 29% will be the payment of the loan. He reported that 20% of service lines still need to be identified and the galvanized service lines would be replaced.

**Councilor Denton moved to authorize participation in the Drinking Water State Revolving Fund (SRF) Loan Program of up to Three Million Five Hundred Thousand Dollars (\$3,500,000.00), with 71% principal forgiveness, for costs related to assisting customer with galvanized service line replacements and funding the City's service line inventory compliance efforts. Seconded by Councilor Cook.**

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor McEachern declared the public hearing closed.

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

- E. PUBLIC HEARING AND SECOND READING of Ordinance amendment to Chapter 10, Zoning Ordinance, by Striking Article 5, Measurement Rules, Section 10.515.14; by Amending Section 10.515.13; and by Adding new Sections 10.811.60 and 10.811.61, relating to Accessory Uses to Permitted Residential Uses of the Ordinance of the City of Portsmouth
- **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.

Deputy City Attorney McCourt reported at the October 7, 2024, City Council meeting, the City Council voted to refer to the Legal and Planning and Sustainability Departments a request to draft an ordinance which would exempt certain structures which do not require a building permit from zoning requirements. He said the ordinance limits review of structures accessory to one and two-family dwellings such as

sheds, playhouses, treehouses, playground equipment, and prefabricated above-ground pools and hot tubs. He stated under this proposal, up to one of these structures per dwelling unit would be exempt from zoning regulations such as setbacks and lot coverage and would only need approval pursuant to environmental protection standards, Historic District compliance with corner lot vision obstruction regulations. He added that this proposal includes increasing the height of fences exempt from side and rear yard setbacks from six feet to eight feet. He also stated the proposal contains the elimination of the regulation of certain HVAC equipment pursuant to Section 10.515.14.

**Councilor Moreau moved to suspend the rules to take up Item XV. B. – Councilor Moreau – Update on Zoning Ordinance amendment relating to Accessory Uses to Permitted Residential Uses. Seconded by Councilor Tabor and voted.**

Councilor Moreau announced that the Planning Board will be having their Public Hearing on February 20<sup>th</sup> regarding this ordinance.

Discussion followed regarding structures on properties and the effect this ordinance would have on them.

**Councilor Moreau moved to amend Section 10.811.60 by the removal of the words “up to one” to read as follows: *Any lot containing one or two dwelling units is permitted to construction and maintain one-story detached accessory structure used as a tool or storage shed, playhouse, treehouse, or similar use per dwelling unit on the property, with a square footage not greater than 120 square feet. Voted to pass as amended second reading and hold third and final reading at the March 17, 2025, City Council meeting. Seconded by Councilor Cook.***

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said he is frustrated that we do not have an opinion by the Planning Board on this matter. He spoke to the processes residents have to go through appearing before boards regarding such matters.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

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

**Councilor Blalock moved the motion as amended. Seconded by Councilor Moreau.**

Councilor Moreau said she would bring a report back from the Planning Board at the March 3, 2025, City Council meeting.

**Motion passed.**

## **XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER CONARD**

1. Acceptance of Parking Utilization Study and Recommendations

City Manager Conard said a public informational session was held on this study.

**Councilor Bagley moved to ratify the results of the City of Portsmouth Parking Utilization Study and Recommendations. Seconded by Assistant Mayor Kelley.**

Councilor Bagley stated that this study was held for over a year and the report is very detailed.

Councilor Cook encouraged residents to review the parking study.

Councilor Tabor said that this study is an excellent product of work. He stated that a third parking garage is outlined in this study. He suggested the creation of a shuttle for downtown.

Mayor McEachern thanked Parking Director Fletcher and his team for the work on this study with a desire to solve parking issues downtown.

**Motion passed.**

2. Acceptance of Several Easements for Property Located at 105 Bartlett Street

City Manager Conard reported on the easements and said that this is particularly important for the City of Portsmouth.

**Assistant Mayor Kelley moved to authorize the City Manager to accept and record a community space easement, greenway easement, an access easement for water services, and an access easement from Bartlett Residential, LLC and accept an access easement from Iron Horse Properties, LLC in substantially similar form to the easement deed contained in the agenda packet. Seconded by Councilor Cook and voted.**

3. Request for Public Hearing to Increase State Revolving Loan Fund Authorization for Pease Wastewater Treatment Facility Rehabilitation

City Manager Conard reported a public hearing to increase participation for State Revolving Fund Loan is being requested.

**Councilor Lombardi moved to establish a public hearing at the February 18<sup>th</sup> City Council meeting to increase the FY25 Pease Wastewater Treatment Facility borrowing to \$25,128,000.00 as described. Seconded by Councilor Tabor.**

Councilor Moreau asked what additional work would we will be able to get done and will that cause us any issues with our debt level.

City Engineer Fiedler explained that the State came to the City to say that funds were available as other communities could not complete their projects in accordance with the requirements, which have made the funds available.

**Motion passed.**

## XII. CONSENT AGENDA

- A. Request from Mario LaPosta & Joseph Bisognano of Mamma Luca LLC to install two Projecting Signs at 111 State Street (***Anticipated action – move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning & Sustainability 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 signs, 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 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***
- B. Letter from JerriAnne Boggis, Black Heritage Trail, requesting permission to hold Wade in the Water: A Drumbeat for Spiritual Renewal at the African Burying Ground Memorial Park on Wednesday, June 19, 2025 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- C. Letter from Rich Clyborne, Gundalow Company, requesting permission to conduct the 2025 Riverfest event on Saturday, July 12, 2025 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- D. Letter from Bryan Curley, Seacoast Veterans Count, requesting permission to hold the Pack & Boots 5K Road Race on Friday, July 4, 2025 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

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

Councilor Cook expressed concern regarding the Seacoast Veterans Count Pack & Boots Road Race taking place at the same time as the Naturalization Ceremonies and would like City Manager Conard to handle the concerns.

## XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

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

- B. Letter from Mindy Moore, IAPP, requesting permission to host a VIP event on Wednesday, June 25, 2025 – Thursday, June 26, 2025, at several locations in downtown Portsmouth

**Councilor Moreau moved to refer to the City Manager with Authority to Act. Seconded by Councilor Lombardi and voted.**

#### **XIV. MAYOR McEACHERN**

1. Ethics Committee Drawing by Lot

Mayor McEachern asked City Clerk Barnaby to proceed with the drawing by lot for the Councilor who will be serving on the Ethics Committee.

City Clerk Barnaby had City Attorney Morrell draw the name that would be serving on the Ethics Committee. City Clerk Barnaby announced that Councilor Moreau was selected to serve on the Ethics Committee.

#### **XV. CITY COUNCIL MEMBERS**

##### **A. COUNCILOR DENTON**

1. Sustainability Ordinance

**Councilor Denton moved to schedule first reading to amend Chapter 1, Article IV, Section 1.413 – Sustainability Committee as outlined at the February 18, 2025, City Council meeting. Seconded by Councilor Cook.**

Councilor Denton recognized Bert Cohen for his time serving as Chair of the Sustainability Committee. He announced that the new Chair is Effie Malley and Jessica Blasko will serve as Vice Chair. He also informed the Council that the eco-members from the High School would be reduced from two to one with one vote.

**Motion passed.**

#### **XVI. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Donations for Artwork Entitled “Salt Piles” by Carl Austin Hyatt - \$10,000.00

**Councilor Moreau moved to approve and accept the donations as presented. Seconded by Assistant Mayor Kelley.**

Councilor Cook announced the list of donors and thanked them each for their donations.



**Councilor Moreau moved to suspend the rules to allow Chris Dwyer to come forward and speak on this matter. Seconded by Councilor Cook and voted.**

Chris Dwyer said that this is an iconic piece and would like to provide another exhibit for display at City Hall.

**Main motion passed.**

- B. Acceptance of Grant for the Police Department from the NH Department of Safety to purchase night vision equipment - \$11,076.00

**Councilor Tabor moved to approve and accept the Grant as presented. Seconded by Councilor Bagley and voted.**

- C. Acceptance of ARPA Funded Grant Amendment for Rehabilitation Contract 1 Project

**Assistant Mayor Kelley moved to authorize the City Manager to enter into Amendment No. 2 of the ARPA Grant Agreement CW-334106-05 with the State of New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion date to the Sewer Rehabilitation Contract 1 Project by one year to a completion date of April 1, 2026. Seconded by Councilor Cook and voted.**

- D. Acceptance of Great Bay Resource Protection Partnership Stewardship Grant - \$9,991.00

**Councilor Blalock moved to authorize the City Manager to enter into a grant agreement to accept and expend funds in the amount of \$9,991.00 from the Great Bay Resource Protection Partnership to conduct the Buffer Revival: Enhancing Tidal Wetland Health and Community Awareness project. Seconded by Councilor Denton and voted.**

## **XVII. CITY MANAGER'S INFORMATIONAL ITEMS**

- 1. Combined Motor Vehicle and ParkMobile Resident Discount Registration

City Manager Conard announced beginning February 3, 2025, the Tax Office will offer all residents registering their vehicles at the public counter the opportunity to apply for the City's Resident Parking Discount program available through ParkMobile.

Mayor McEachern said that creating this system was not easy and appreciated the work that went into the process.

Councilor Bagley said it opens the possibility for Neighborhood Parking opportunities.

2. Update on FlashVote Survey Regarding Library Services

City Manager Conard reported that the most recent FlashVote survey was relative to library services. She indicated that 422 respondents indicated their awareness of the library's digital learning resources and in-person classes and workshops and offered additional comments and suggestions. She stated that many respondents praised the library and its services, calling it "amazing," "beautiful," "wonderful." "great," "terrific," a "gem" and a "jewel."

3. Snow Operations and Solid Waste Staffing Impacts

City Manager Conard spoke to Department of Public Works responsibility for winter maintenance of over one hundred miles of roadway and 75 miles of sidewalk in addition to normal services such as trash and recycling collection. She stated during the winter season, understaffing and unpredictable weather conditions can stretch personnel resources to where the level of service provided by the City may be affected. She said winter weather complicates normal DPW operations and staff strive to meet resident expectations. However, the timeliness of completing these services may be impacted. City Manager Conard said the Department appreciates the disruption of unpredictable winter weather on our residents and will continue to provide services to the best of their ability given resources and staff provided and available.

4. Status of Federal Funding

Deputy City Manager | Finance & Administration Lunney provided a brief report on the status of Federal Funding. He spoke to the areas that could be affected by the loss in federal funding and said that he will continue to keep the Council updated on this matter.

**XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

Councilor Tabor provided an update on Community Power pricing.

Councilor Blalock said that he would be participating in the Polar Plunge.

**XIX. ADJOURNMENT**

**At 8:50 p.m., Councilor Moreau moved to adjourn the meeting. Seconded by Councilor Blalock and voted.**



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK