

CITY COUNCIL MEETING

Remote Meeting via Zoom Conference Call

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https://zoom.us/webinar/register/WN_34EygAE3SWmnTRy5UsuB5Q

You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site:

<https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-25, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

DATE: MONDAY, APRIL 5, 2021

TIME: 7:00PM

AGENDA

- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] - **POSTPONED**
- III. CALL TO ORDER [7:00 p.m. or thereafter]
- IV. ROLL CALL
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE

PROCLAMATION

- 1. Library Week

- VII. ACCEPTANCE OF MINUTES – MARCH 8, 2021; MARCH 11, 2021; MARCH 24, 2021; JULY 13, 2020 AND DECEMBER 7, 2020

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

- 1. *Recognition of Aadhavan Veerendra, New Hampshire State Spelling Bee Champion

IX. PUBLIC COMMENT SESSION – (Via Zoom)

- X. PUBLIC DIALOGUE SUMMARY [when applicable] - **POSTPONED**

XI. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

(There are no items on under this section of the agenda this evening)

XII. MAYOR BECKSTED

- 1. *Appointments to be Voted:
 - Reappointment of Samantha Collins to be Conservation Commission
 - Appointment of Chris Gallot to the Peirce Island Committee
 - Reappointment of Thomas Ferrini to the Portsmouth Housing Authority
 - Reappointment of Carl Diemer to the Recreation Board
 - Reappointment of Kathryn Lynch to the Recreation Board
 - Appointment of Robert Bogardus to the Recreation Board
 - Appointment of Aubrey Gewehr to the Sustainable Practices Blue Ribbon Committee

2. *Request for Special Council Meeting on April 8th at 6:00 p.m. Regarding Deer Street Associates (**Sample motion – move that the Council meet in special session on April 8, 2021 at 6:00 p.m. regarding matters relating to Deer Street Associates, at which time it is anticipated the Council will vote to hold a non-public session under RSA 91-A:3 II (I) to consider legal advice**)

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR WHELAN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the March 4, 2021 meeting (**Sample motion – move to approve and accept the Parking and Traffic Safety Committee action sheet and meeting minutes of the March 4, 2021 meeting**)
2. *McIntyre Update

B. COUNCILOR KENNEDY

1. *Electric Vehicle Charging Stations (**Sample motion – move to request a report back from the Sustainable Practices Blue Ribbon Committee and Parking and Traffic Safety Committee on the following topic. How many electric vehicle charging stations do we have in our community and do we feel there is a need for more charging stations as a city. I would also ask the committee to share any other research and knowledge they have on the topic**)
2. *A Report from the City Manager on the Mayor's Re-Open Committee

C. COUNCILOR HUDA

1. RFP #30-21 Professional Municipal Auditing Services (**move to extend and correct RFP #30-21 Professional Municipal Auditing Services for 30 days until May 6, 2021 with the following changes to correct a conflict in the content of the RFP with the City Charter as noted below:**

Move to create an Audit Committee in order to comply with #10 under – “Objective & Scope”

- (Page 1) The City of Portsmouth seeks a qualified independent certified public accounting firm, relative to the performance of the City's Annual Financial & Compliance Audits, then CAFR-----

Under “Objective and Scope of Work to be Performed”

- (Page 5) #2 The Auditor will submit a draft of the financial **statements to be reviewed in detail by the Director of Finance & the City Manager**
- (Page 6) #9 The Auditor shall be required to make an immediate written report of irregularities and illegal acts, or indications of illegal acts of which they may become aware to the **Director of Finance, City Manager & the Governing Body (City Council)**
- (Page 6) #10 – The part of the run on sentence stating “That if during the audit the Auditor becomes aware that the City is subject to audit requirements which may not be encompassed in the terms of the engagement he or she should communicate to

the management and the Audit Committee or others with equivalent authority & responsibility that the audit may not satisfy the requirements.

Under “Timing Requirements”

- (Page 9-10) #10 The Auditor shall promptly report to the Audit Committee, Director of Finance & the City Manager any conditions which impede the proper conduct or planned timetable of the audit.

(On Page 14) “Selection Process”

1. The Auditor Selection Committee will evaluate proposals, the Auditor Selection Committee will be determined by the Director of Finance & may include other City Staff & Non City members with governmental accounting experience.
To be selected by the Audit Committee, not City Staff per the City Charter.

City Charter – Section 7.4 – Independent Audit

An independent audit shall be made of all accounts of the City Government, at least annually, and more frequently if deemed necessary by the City Council. Such audit shall be made by certified public accountants **selected by and reporting to the City Council**. Based upon the accountant’s experience in municipal accounting. The results of this audit shall be made public and an annual report of the City’s business shall be made available.

XIV. APPROVAL OF GRANTS/DONATIONS

- A. *Approval of Grant from the Federal FY’21 Violence Against Women Act - \$26,025.00
(Sample motion – move to approve and accept the Grant from the Federal FY’21 Violence Against Women Act to the Police Department)
- B. *Acceptance of Donation to the Police Department Community Outreach:
 - Peggy M. Martis - \$125.00
 - Sandra M. Pothier - \$25.00**(Sample motion – move to accept the Donation to the Police Department for community outreach)**
- C. Approval of Grant from Great Bay Resource Protection Partnership - \$8,004.00
(Sample motion – move authorize the City Manager to accept these grant funds in the amount of \$8,004.00 from the Great Bay Resource Protection Partnership)

XV. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Action Plan In Response to Council Motion on Middle Street Bike Lanes
2. Prescott Park Arts Festival’s Request for Reduction of Annual Consideration Fee
3. *Gundalow Company’s Annual Consideration Fee
4. New Hampshire Art Association Request for Reduction of Annual Consideration Fee

5. *Request for Municipal Bond Financial Work Session
6. Acceptance of Seacoast Growers' Association Agreement for 2021 Season
7. Report Back Regarding the Updating of Fine Structures for Parking Citations after Parking and Traffic Safety Committee and Fee Committee Review
8. Report Back from the Planning Board Regarding 138 Leavitt Avenue Involuntarily Merged Lot Request
9. *Rescheduling of Public Necessity Hearing for Peeverly Hill Road Complete Street Project

XVI. CONSENT AGENDA

- A. Letter from Chris Maden, President of Portsmouth Maritime Folk Festival, requesting permission to hold the Portsmouth Maritime Folk Festival on Saturday, September 25, 2021 and Sunday, September 26, 2021 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

XVII. PRESENTATION & CONSIDRATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. *Brief COVID-19 Update by Health Officer Kim McNamara
- C. Letter from Tom Morgan regarding Electric Vehicle Chargers

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Chevrolet Avenue Sidewalk Update
2. Final Settlement Agreement for Great Bay Total Nitrogen Permit

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: April 1, 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 April 5, 2021

XIV. Approval of Grants/Donations:

A. Approval of Grant from Federal FY21 Violence Against Women Act - \$26,025:

At the March 23, 2021 Police Commission meeting, the Board of Police Commissioners approved and accepted a grant in the amount of \$26,025 from the Federal FY21 Violence Against Women Act. Portsmouth is the grant administrator. This grant, in conjunction with the VOCA grant, goes to fund roughly 70% of the Victim/Witness Advocate position.

I recommend that the City Council move to approve and accept the grant for the Police Department from the Federal FY21 Violence Against Women Act.

B. Acceptance of Donation to the Police Department - \$150:

At the March 23, 2021 Police Commission meeting, the Board of Police Commissioners approved and accepted a donation in the amount of \$150 from Sandra M. Pothier and Peggy M. Martis, in memory of their friend and Portsmouth resident Vernon Boardman. The Police Commission voted to have the donation allocated to community outreach. Two separate checks were received, as outlined below:

- Peggy M. Martis: \$125.00
- Sandra M. Pothier: \$25.00

I recommend that the City Council move to accept the donation in the amount of \$150 to the Police Department for community outreach.

C. Approval of Grant from Great Bay Resource Protection Partnership - \$8,004:

In December 2020, the City of Portsmouth purchased a 105-acre conservation easement on property abutting the Bellamy Reservoir using water fund unrestricted net position funds as approved by City Council under Resolution # 6-2020. The resolution approved the acceptance of grant funds from the NH Drinking Water and Groundwater Trust Fund which were used for the purchase of this easement.

An additional grant was awarded to the City of Portsmouth for this easement purchase by the Great Bay Resource Protection Partnership in the amount of \$8,004. This grant funding was awarded after the Resolution was approved by City Council, so its acceptance has not yet been granted by City Council. In accordance with City Policy, the Water Division seeks approval by the City Council for the authorization to accept these grant funds, in the amount of \$8,004.

I recommend that the City Council authorize the City Manager to accept these grant funds in the amount of \$8,004 from the Great Bay Resource Protection Partnership.

XV. City Manager's Items which Require Action:

1. Action Plan In Response to Council Motion on Middle Street Bike Lanes:

At the March 15, 2021 City Council meeting, the Council approved a motion to move the parking spaces located on Middle Street between Cabot Street and Lincoln Avenue back to the curb. The motion also called for the installation of a crosswalk and flashing pedestrian signal at the intersection of Middle Street and Lincoln Avenue, to designate Lincoln Avenue as a safe route to school bike route, and to have all action completed by April 15, 2021. The motion was amended to also follow the recommendations provided in the March 15, 2021 email from Bill Watson of the NHDOT, which called for a six-month trial period during which the City would hire a consultant to design and hold public meetings to explore and determine if there is a solution that allows for a continued safe bicycle route that meets the original purpose and need of the project. At the end of the six month period, there will need to be a final discussion and decision between City Staff, Elected Officials and the NHDOT as to the final configuration of the bike lanes on Middle Street or other acceptable options. To implement the Council's motion, City staff will undertake the following items:

- All existing pavement markings on the outbound side of Middle Street between Cabot Street and Lincoln Avenue will be obscured using gray paint;
- Parking along the curb will be prohibited within 20 feet of intersections and crosswalks, within 15 feet of fire hydrants, in front of private driveways, and in accordance with any other existing City ordinances. No Parking signs will be adjusted accordingly;
- The green boxes running across side street intersections will be left in place;
- The bike lane symbols and arrows next to the curb will be covered over with gray paint;
- Bollards will be reinstalled along the inside of curves and at critical intersections to keep vehicles from encroaching on the bike lane;
- All remaining white lines will be repainted;
- The speed limit will be posted at 25 MPH between South Street and Congress Street;
- Sharrow markings will be painted on Lincoln Avenue at each end where it intersects with Middle Street and with Junkins Avenue. A BIKE ROUTE sign will be installed at each intersection as well, to inform cyclists of the designated bike route;

- An engineering consultant will be hired and public meetings will be held to explore and determine if there is a solution that allows for a continued safe bicycle route that meets the original purpose and need of the project. The consultant will be chosen at random from the list of NHDOT prequalified design firms for complete streets projects. Firms currently under contract with the City will not be considered;
- At the end of the six month period, there will be a final discussion and decision between City Staff, Elected Officials and the NHDOT as to the final configuration of the bike lanes on Middle Street or other acceptable options;
- Additional feedback and input is needed prior to the installation of a crosswalk across Middle Street at Lincoln Avenue;
- A new crosswalk must comply with ADA accessibility requirements. This will require a tip down ramp on the west side of Middle Street. Due to grades, a bump out would be necessary to accommodate the tip down ramp;
- A crosswalk at this location would also require the elimination of three parking spaces to provide adequate visibility of the crosswalk, in compliance with state and local laws;
- There is limited space for the installation of the flashing pedestrian signal at this location;
- Street lighting is only present on one side of Middle Street. There are no utility poles on the Lincoln Avenue side on which to add a street light;
- A suitable alternative location would be the intersection of Middle Street and Aldrich Road, where parking would not be impacted, grades are flatter, more room for installation of the flashing signal is available, street lights are present on both sides of Middle Street, and the crossing would be more centrally located between existing crosswalks on Middle Street;
- Action on this item will commence after Council feedback and input is received.

Implementation of all bike lane items will commence as soon as weather permits. Attached are [several maps](#) for reference.

I recommend that the City Council move to grant permission for the City Staff to install a crosswalk and flashing pedestrian signal at the intersection of Middle Street and Aldrich Road, rather than at the intersection of Middle Street and Lincoln Avenue.

2. **Prescott Park Arts Festival’s Request for Reduction of Annual Consideration Fee:**

This item comes to the City Council following a meeting of the Fee Committee on Monday, March 29, 2021 regarding the Prescott Park Arts Festival’s (PPAF) [request for a reduction in its annual consideration fee for the 2021 season](#). This fee is required by the Prescott Park [License Agreement between PPAF and the City](#). Schedule D of this Agreement requires the Fee Committee to recommend the annual consideration fee for Council approval and gives the City Manager authority to renegotiate the fee under exigent circumstances.

The Council waived PPAF’s annual consideration fee of \$20,424 last year because COVID-19 cancelled its 2020 season.

PPAF will have a season for 2021, but due to restrictions imposed by COVID-19, it is estimated that public attendance will be limited to approximately one third of maximum capacity. Reduced attendance will not mean less staff. PPAF will incur additional expense in staffing to ensure compliance with distancing protocols and crowd control measure. Due to the impact of COVID-19, PPAF has requested that its annual consideration fee be reduced by approximately one third of its annual obligation, which is proportionate to the reduction in capacity for the 2021 season. After discussion, the Fee Committee and I agreed that exigent circumstances exist due to COVID-19, and recommend that the City Council approve reducing PPAF's annual consideration fee to \$6,807 for the 2021 season.

I recommend that the City Council move to accept \$6,807 as PPAF's annual consideration fee for the 2021 season.

3. **Gundalow Company's Annual Consideration Fee:**

This item comes to the City Council for consideration following a meeting of the Fee Committee on Monday, March 29, 2021 regarding the annual consideration fee for the 2021 season for the Gundalow Company. The [Gundalow's Prescott Park License Agreement with the City](#) has identical language regarding approval and exigent circumstances as the agreements with PPAF and NHAA. The Council waived half of the annual consideration fee of \$6,637 for the Gundalow's 2020 season.

The Gundalow did not make a specific request to reduce its annual consideration fee, but the Fee Committee and I agreed that it would be fair to treat all the nonprofits that license areas of Prescott Park the same.

Both PPAF and NHAA have requested that the City reduce their annual consideration fees to one third. The Fee Committee and I agree that exigent circumstances exist due to the effects of COVID-19, and we recommend that the City Council approve reducing the Gundalow's annual consideration fee to \$2,210 for the 2021 season.

I recommend that the City Council move to accept \$2,210 as the Gundalow Company's annual consideration fee for the 2021 season.

4. **New Hampshire Art Association Request for Reduction of Annual Consideration Fee:**

The [New Hampshire Art Association \(NHAA\) has a Prescott Park License Agreement with the City](#) to use the first floor of the Sheafe Warehouse at Prescott Park and the area immediately around the Sheafe Warehouse. Schedule D for NHAA's Agreement has the same approval language and provision regarding exigent circumstances as PPAF's Agreement. The Council also waived NHAA's annual consideration fee of \$1,532 last season due to the impact of COVID-19. [NHAA is requesting a reduction of its annual consideration fee for the 2021 season](#) because it was severely impacted by the COVID-19 pandemic and saw a reduction in art sale income of 66%. After consideration of NHAA's request, the Fee Committee and I agree that exigent circumstances exist due to the effects of COVID-19, and we recommend that the City Council approve reducing NHAA's annual consideration fee to \$510 for the 2021 season.

I recommend that the City Council move to accept \$510 as NHAA's annual consideration fee for the 2021 season.

5. **Request for Municipal Bond Financial Work Session:**

In response to Councilor Kennedy's inquiry for a special meeting related to municipal bonding and related City projects, I would like to propose the City Council hold a work session on this subject on Tuesday, May 4th at 6:00 p.m.

I recommend that the City Council move to schedule a work session for the purpose of discussing municipal bond financing and the relation to funding of City projects on Tuesday, May 4, 2021 at 6:00 p.m.

6. **Acceptance of Seacoast Growers' Association Agreement for 2021 Season:**

Attached please find a [License Agreement between the City of Portsmouth and Seacoast Growers' Association](#) to allow a Farmers' Market at the Little Harbour School parking lot.

I recommend that the City Council authorize the City Manager to execute the License Agreement allowing Seacoast Growers' Association to operate a Farmers' Market on Saturdays from May 1, 2021 through November 6, 2021.

7. **Report Back Regarding the Updating of Fine Structures for Parking Citations after Parking and Traffic Safety Committee and Fee Committee Review:**

In its ongoing effort to ensure compliance with applicable City Ordinances, the Parking Division deploys a citation protocol with a view to encouraging residents and visitors to pay the meter system for the use of City-managed parking inventory.

The citation protocol includes patrolling the City's parking spaces to ensure payment, and to issue parking citations when payment is not made, or a driver has allowed their session to expire without renewal. The current fine structure was last revisited in 2013.

The Parking Division recognizes that the City's fine structure no longer encourages the desired behavior, particularly as it pertains to the new daily maximum rates under the Stay and Pay system.

Out-of-town guests who find a \$15 citation on their vehicle are now more prone than before to simply skip payment for the remainder of the day, rather than be encouraged to either vacate the space or continue their parking session. Additionally, research of surrounding towns shows that Portsmouth lags behind peer averages in several violation categories.

To address this ongoing issue, the Parking Division initially recommended revisiting the fine structure in March 2020 to modify the four most utilized citation categories. Those recommendations were brought before the Parking and Traffic Safety Committee (PTSC) on March 5, 2020, resulting in a unanimous vote to forward to City Council for First Reading on March 16, 2021 prior to the COVID-19 outbreak, which put this item on hold.

The request to update the fine structure was scheduled for first reading at the February 8, 2021 City Council meeting through an amendment to Chapter 7, Article IX, Section 7.901, Penalties, Forfeitures and Separability. The proposed amendment recommended changes to the four most utilized citation categories of parking fines: session expired; parking in no parking area; emergency snow ban and commercial loading zone. The amendment proposed increasing those fines to \$50, and after 30 days, to \$75 or \$100. The proposed amendment to Chapter 7, Article IX, Section 7.901 did not pass First Reading on February 8, 2021. Council members noted they received comments from citizens concerned about the amount of the proposed increase to these parking fines, and voted unanimously to refer the proposed parking fine schedule to the Parking and Traffic Safety Committee (PTSC) and the Fee Committee.

After receiving public comment at its March 8, 2021 meeting, PTSC reviewed the proposed fines for session expired, parking in no parking area, emergency snow ban and commercial loading zone. After discussion, PTSC voted unanimously to recommend that the parking fines for session expired, parking in no parking area, emergency snow ban and commercial loading zone be increased to \$35, and if not paid in 30 days, increased to \$55.

PTSC also acknowledged the need to review at a future meeting, additional parking violations including safety related violations and enhanced penalties for frequent offenders.

The Fee Committee reviewed the PTSC's recommendations to increase parking fines as set forth above at its March 29, 2021 meeting. The Fee Committee voted unanimously to endorse the PTSC's recommendations to the City Council to increase the parking fines as described in the [attached schedule](#) and the [proposed ordinance amendments](#).

In the event the Council accepts the Parking and Traffic Safety Committee's recommendations and the Fee Committee's endorsement of said recommendations to amend Chapter 7, Article IX, Section 7.901, Penalties, Forfeitures and Separability, I recommend that the City Council move to schedule first reading on April 19, 2021.

8. **Report Back from the Planning Board Regarding 138 Leavitt Avenue Involuntary Merged Lot Request:**

At its meeting on December 14, 2020, the City Council considered [a request from Attorney Pelech on behalf of his client, the owner of property located at 138 Leavitt Avenue](#) requesting the restoration of involuntarily merged lots to their pre-merger status pursuant to NH RSA 674:39-aa. The Council voted to refer this request to the Planning Board.

RSA 674:39-aa requires the City Council to vote to restore "to their premerger status" any lots or parcels that were "involuntarily merged" by municipal action for zoning, assessing, or taxation purposes without the consent of the owner. Unlike all other lot divisions, there is no statutory role for the Planning Board in this process nor is there any requirement for the City to hold a public hearing. However, in Portsmouth, the City Council has historically referred such requests to the Planning Board to conduct a public hearing.

The statute defines “voluntary merger” and “voluntarily merged” to include “any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line” (RSA 674:39-aa, I). It is therefore the City Council’s responsibility to determine whether a merger was voluntary (i.e., requested by a lot owner) or involuntary (implemented by the City without the owner’s consent). If the merger was involuntary, the Council must vote to restore the lots to their premerger status. Following such a vote, the City GIS and Assessing staff will update zoning and tax maps accordingly. It will then be up to the owner to take any further action to confirm the restoration to premerger status, such as recording a plan at the Registry of Deeds.

It is important to note that the granting of a request to restore lots to their premerger status does not mean that the resulting lots will be buildable or, if already developed, will conform to zoning. The statute states that “the restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing land use ordinances” (RSA 674:39-aa, V). For example, the restored lots may not comply with current zoning requirements for lot area, frontage and depth, and the re-establishment of a lot line between any two premerger lots may introduce a new nonconformity with respect to maximum allowed building coverage or a minimum required side yard where a building already exists on one of the premerger lots.

In such cases, the owner(s) of the applicable lot(s) would have to apply to the Zoning Board of Adjustment for the necessary variances to restore zoning compliance or to allow future development.

The City Assessor reviewed this request and has completed research of the City’s records for this property. [A memo from Rosann Maurice-Lentz, City Assessor, was also provided to the Planning Board and is included in the Council’s packet, along with a response from Attorney Pelech.](#) The City Assessor is recommending denial of the request.

At the March 18, 2021 Planning Board meeting, the Planning Board held a public hearing on this request. As a result of their consideration, the Board voted to recommend that the Council follow the recommendation from the City Assessor and deny the request for restoration of involuntarily merged lots requested by the owner.

I recommend that the City Council vote to deny the request for restoration of involuntarily merged lots requested by the owner.

9. **Rescheduling of Public Necessity Hearing for Peverly Hill Road Complete Street Project:**

At the City Council meeting of March 22, 2021, the City Council took two actions relative to the Peverly Hill Road Complete Street Project. The City Council voted to establish a site walk of the project area on Saturday April 3, 2021 at 10:00 a.m., and to set a public necessity hearing for April 19, 2021 during the regular City Council meeting to establish the right-of-way needs for the project. The public necessity hearing must be rescheduled to a later date to accommodate the notice requirements of RSA 231:9 which requires a thirty (30) day notice to all impacted property owners (and holders of mortgages and easements on those impacted properties).

If the City Council would like to handle this hearing as part of a regular City Council meeting, May 17, 2021 is a recommended option. The public hearing component requires a formal site visit which could take place immediately before the regularly scheduled meeting. The public hearing could be opened on site at 6:00 p.m. for example and then recessed, until picking up this item later in the evening and reopening the hearing as part of the scheduled meeting agenda item. If choosing a different night to conduct this hearing, the recommended range of dates is May 12-19.

I recommend that the City Council move to reschedule the public necessity hearing of the Peverly Hill Road Complete Street Project for May 17, 2021; the hearing would be opened at 6:00 p.m. on site, then recessed and taken up later in the evening as part of the agenda.

XVII. Presentations and Consideration of Written Communications and Petitions:

B. COVID-19 Update by Health Officer Kim McNamara:

Health Officer, Kim McNamara, will be providing a COVID-19 update.

XVIII. City Manager's Informational Items:

1. Chevrolet Avenue Sidewalk Update:

In response to resident requests and referral from the Parking and Traffic Safety Committee, the Department of Public Works is designing a new sidewalk on Chevrolet Avenue between Cass Street and Chinburg's new apartments. This sidewalk is critical to address pedestrian safety concerns.

In order to construct the sidewalk the City needs to secure rights to a section of land that is currently owned by the Malt House Exchange. Based on a recent boundary survey, the City determined that a section of the City's original road right-of-way includes the Malt House Exchange parking lot. On February 24, 2021 a meeting was held with Gary Dziama, the property owner, and his property manager, Sandy Dewing, to discuss the possibility of a land swap. Based on that meeting, the property owner preliminarily agreed to a land swap that will enable the City to construct the sidewalk. [Attached is the proposed land swap recordable easement plan](#). In exchange for roughly 2,547 square feet of currently held City right-of-way that is shown on the attached plan highlighted in purple, the City would acquire roughly 3,002 square feet of area that is shown on the attached plan shaded in yellow.

Seaport Engineering is currently finishing the design, and Ambit Engineering has drafted up the [attached recordable easement plan](#) for the property owner's consideration and approval. The City's intent is to complete the design and secure necessary easements to construct this sidewalk by the fall of 2021. It is anticipated the project will cost approximately \$100,000. The cost of this project will be covered by previously authorized sidewalk capital funds.

With your concurrence we will add the proposed land swap to the next possible Planning Board agenda for their consideration and recommendation back to City Council.

2. **Final Settlement Agreement for Great Bay Total Nitrogen Permit:**

Please see attached a memorandum and a copy of the final agreement entered into between the Conservation Law Foundation and the cities of Portsmouth, Dover and Rochester relative to the Great Bay Total Nitrogen General Permit (“General Permit”).