

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 16, 2022

PORTSMOUTH, NH
TIME: 7:00PM

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:00 p.m. He addressed the matter of civil discourse that took place at the last meeting. He said many people have reached out to him regarding the participation and the tone of it. Mayor McEachern took a moment to apologize to City Manager Conard where specific speakers called her out and he believes that as a City Councilor, you sign up for everything you receive. He said you place your name on a ballot and people are going to disagree at times but there is a different standard for staff. He stated staff carries out the policies that the Council makes and direct. He indicated if there is a problem with staff that really comes down to the Council. Mayor McEachern said he would love everyone to be civil all the time as we are a City of great people and the City Council represents that City up on the dais. He stated it is his hope as we discuss contentious items that we treat others how we would want to be treated. He said he wants to be a better Mayor and a great representative of Portsmouth because the City deserves that. He said if he falls short, please let him know.

IV. ROLL CALL

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley, Lombardi, Blalock (7:10 p.m.) and Cook

V. INVOCATION

Mayor McEachern asked for a moment of silent prayer in memory of Bill Elwell who recently passed away.

VI. PLEDGE OF ALLEGINANCE

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

PROCLAMATION:

1. NATIONAL PUBLIC WORKS WEEK

Mayor McEachern read the Proclamation and declared May 15th – May 21st as National Public Works Week.

VII. ACCEPTANCE OF MINUTES

(There are no minutes on for acceptance this evening)

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Rochelle Jones, Police Detective

Mayor McEachern presented Detective Jones with a City of Portsmouth coin in recognition of her professionalism and leadership in providing assistance recently to a man in crisis on the Piscataqua River Bridge. Detective Jones accepted the recognition with thanks and appreciation.

IX. PUBLIC COMMENT SESSION

Roy Helse asked why the date for the Audit Committee meeting keeps changing and why the auditor was not accepted.

Rich Duddy announced that a Skateboard Fundraiser would be held on June 9th from 6:00 p.m. – 10:00 p.m. and showed samples of skateboard decks that will be available to bid on.

Gerald Duffy said he loves the new tone that has been set in the Chambers by Mayor McEachern and the City Council. He said it is a welcoming atmosphere for all people. He said the Mayor sets a higher bar for civility and he supports that.

Randy Wright spoke to the Pilot Parking Program and how it has affected the neighborhood. He said he supports the program and would like to see it become permanent.

Sue Polidura spoke to the effects of the economy on the residents. She said all increases need to be considered before any are put in place. She said businesses are looking at a reduction in force but the City is recommending increasing the number of employees with 27 new positions.

Esther Kennedy said she started her career in fighting the wastewater treatment plant. She said she sued the City because her group did not feel it was being built correctly. She spoke to what she referred to as recent combined sewer overflow events that have occurred.

Susan Paige Trace read a letter regarding the City Hall receptionist position being eliminated from the budget. She spoke to the two ladies currently in the positions and how helpful they are and her concerns with no longer having a person to greet and direct people to where they need to go in City Hall.

Jonathan Sandberg said it is time for the city to get serious regarding the use of bicycles for transportation. He spoke regarding the use of bicycles and how that reduces fossil fuels. He also addressed the need for safety surrounding bicycles and the narrowing of travel lanes.

Liza Hewitt said she clapped during the Public Comment Session at the last City Council meeting because she does not feel that her views are being represented by this Council. She spoke to the voting block that is occurring with the Council, which did not happen with the previous Council. Ms. Hewitt stated that residents should be able to express their views.

Arthur Clough said the Council is to uphold the constitution and represent all residents. He said the City Council should be questioning the expenditures and expenses within the city.

Bill Downey said he appreciates that Mayor McEachern is willing to make improvements where needed. He said when people are speaking they shouldn't be interrupted. He stated he would like to see freedom of speech being allowed in the Chambers and some expressions by the people.

Mayor McEachern said when we are in a thorny issue there should not be clapping. He said he wants to hear from everyone, people that are in favor of an item or in disagreement of an issue.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Bicycle Pedestrian Path Easement for Property Located at 3548 Lafayette Road

City Manager Conard spoke to the request for a bike pedestrian easement and an access easement for water. She said this will extend a bike pedestrian path for future developments.

Councilor Moreau moved to authorize the City Manager to accept a Bicycle Pedestrian Easement and a Water Service Access Easement for Monarch Village, LLC in substantially similar form to the attached easements in the City Manager's Comments dated May 12, 2022. Seconded by Councilor Tabor.

Councilor Bagley thanked the Planning Board and staff for thinking of things like this when developments come forward.

Motion passed.

XII. CONSENT AGENDA

Councilor Cook moved to adopt the Consent Agenda. Seconded by Assistant Mayor Kelley and voted.

- A. Request from Eli Sokorelis, State Street Saloon to install a Projecting Sign at 43 Pleasant 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. Request from Samuel Habib, Exotic Vibes to install a Projecting Sign at 226 State 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***

C. Letter from Todd Germain, Fire Chief, requesting permission to hold the Trans NH Bike Ride-Cycling for Muscular Dystrophy on June 24th – June 26th, 2022 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

D. Request from Carol Clark, requesting permission to hold the Port City Pickleball Classic on September 30th – October 2, 2022 at the South Mill Pond Pickleball Courts (***Anticipated action – move to refer to the City Manager with Authority to Act***)

E. Request from Phil von Hemert, Tall Ships, requesting permission to hold the Tall Ships Event on August 11th – August 16, 2022 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

F. Request from Music Hall Requesting street closure of Chestnut Street for TEDxPortsmouth on May 20, 2022 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

G. Letter from Linda Conti, Seacoast Jazz Society, requesting permission to hold a street performance in three locations June 25 (12:30-2 pm), July 8 (5:30-7 pm), July 23 (12:30-2 pm), August 6 (12:30-2 pm), and August 20 (12:30-2 pm) (***Sample motion – move to refer to the City Manager with Authority to Act***)

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

Councilor Moreau moved to accept and place on file. Seconded by Councilor Bagley and voted.

- B. Letter from Chris Rose, Portsmouth Middle School 8th Grade Science Teacher, regarding Impactful Energy Proposals

Councilor Moreau moved to refer to the Sustainable Practices Blue Ribbon Committee for report back. Seconded by Councilor Bagley.

The City Council expressed their support for these creative and important projects.

Motion passed.

- C. Letter from Michael Simchik regarding McIntyre

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

- D. Letter from Hannah Taylor requesting permission to hold Bootcamps in Prescott Park

Assistant Mayor Kelley moved to refer to the City Manager with Authority to Act. Seconded by Councilor Moreau and voted.

- E. Presentation regarding Middle Street Bike Lanes

Deborah Finnigan, PE, Senior Project Manager of WSP, provided a detailed presentation regarding the Middle Street Bike Lane Project. She addressed the goals of a modified bike lane acceptable to NHDOT and maintain Federal and State Funding. She spoke to the project background and actions taken by the City Council.

Actions Taken by City Council:

1. *Installation of Rectangular Rapid Flashing Beacons and a crosswalk for pedestrian crossings at the intersection of Middle Street at Aldrich Road*
2. *Designation of Lincoln Avenue as a bike boulevard*
3. *Approved moving parking spaces back to the curb and removing outbound bike lane between Cabot Street and Lincoln Avenue*

Ms. Finnigan spoke to the project post construction and WSP's project role. She reported on the door-to-door survey conducted of residents and business owners of Middle Street from Lincoln Street to Cabot Street. She advised the City Council that the survey was available on-line from March 10th to April 1st with a total of 290 responses. Ms. Finnigan reviewed the survey responses, positive and otherwise.

The City Council discussed bike sharrows, striped buffered bike lanes, and making Middle Street a better roadway for cars and pedestrians.

Councilor Tabor moved to suspend the rules in order to bring forward Item XV. D.1. – Middle Street Bike Lanes. Seconded by Councilor Denton and voted.

XV. CITY COUNCIL MEMBERS

D. COUNCILOR BAGLEY

1. Middle Street Bike Lanes

Councilor Bagley moved to approve the recommendations with the Council and implement striped unprotected bike lanes as the preferred alternative. Seconded by Councilor Denton.

Councilor Bagley said we need to slow down the traffic on the roadway.

Mayor McEachern spoke regarding the alignment of the roadway and asked if we would be able to have the unprotected bike lanes outside of the cars. Public Works Director Rice said the alignment is necessary to give the parking plus a bike lane so by sliding it back you would likely lose sections of the bike lane or lose sections of parking. He said it would also require grinding off another section of paint, which would then reflect because of the markings and the etching in the pavement. He said you could paint over it with black paint, which would make it a little confusing but suggested a comprehensive reworking of that roadway. He said the cross section of the roadway would be reworked so that the center crown of the roadway matches the center line and it make it safer.

Mayor McEachern said you and Ms. Finnigan would recommend using a bike lane to define the travel area. He further stated it is not your expectation that it will cause confusion so long as the cars are on the side of the road and the bike lane is not protected. Public Works Director Rice said it would be effected in terms of defining the roadway, the travel lane, and it would make it clear that it's a bicycle lane.

Assistant Mayor Kelley said when we say striped lanes is there a difference that we're outlining between regular striped bike lanes and buffered bike lanes with stripes in them. Public Works Director Rice said you would have an additional line with hash marks on it that give the feeling there's a separation between the roadway and the bike lane. He stated it is a better treatment for the bike lane and gives you the decent space that if a car door is coming open you would have the ability to swing over and not put yourself into the travel lane.

Assistant Mayor Kelley made a friendly amendment to move to buffered bike lanes. Councilor Bagley and Councilor Denton accepted as a friendly amendment to the motion.

On a unanimous roll call 9-0, voted to approve report recommendations with the Council and implement striped buffered bike lanes as the preferred alternative.

F. Presentation regarding Neighborhood Parking Program

Parking Director Fletcher provided history of the Islington Creek Neighborhood Parking Program for which a PILOT was created in 2019 to address parking concerns, however it did not achieve a 75% vote threshold. He said the neighborhood renewed its request in 2020 but consideration was delayed by COVID. He reported in 2021 the current version of the program was developed.

Current Version of the Program:

- *Boundaries set as Islington, Dover, Bridge and McDonough Streets*
- *3 permits + 1 guest permit per NPP household or business*
- *1 permit for Portsmouth residents outside of NPP Neighborhood*
- *2hr free parking permitted for non-participants*
- *Enforcement Hours 9:00 a.m. – 8:00 p.m. Monday through Sunday*

Parking Director Fletcher stated a total of 430 regular NPP passes have been issued through April 30th including 53 from outside the NPP Neighborhood. He said an additional 222 guest passes are in circulation, for a total of 650 passes. This equates to 259% of the total 251-space on-street inventory in the Islington Creek Neighborhood. He addressed the Downtown Employee Program that ramped up in the Spring and Summer of 2021, it is important to note that average occupancy rates in the months leading up to the Pilot Launch were not reduced as anticipated, nor have they increased with reduced participation in the DTE Program in the winter months. He spoke to the neighborhood gained inventory which was 2.11 spaces in August, 5.83 spaces in September, and 4.48 in October. He stated this equates to a 4.95% reduction in inventory usage, or 12.42 spaces gained prior to the start of the shoulder season. He provided an array of statistics and stated the target neighborhood did not see significant impact in terms of reduction in demand until the shoulder season began, more than 3 month's into the Pilot. He stated the immediate adjacent alternatives, including Bridge Lot, Foundry Garage, Masonic Lot and surrounding residential neighborhoods have not seen adverse impact in terms of increased demand throughout the life of the Pilot. Parking Director Fletcher informed the Council the costs associated with the Pilot through April 30th is \$91,650.00. He said the annual break even cost/pass at 85% of current participation would be \$207.00 and stated that generally the comments offered are not in favor of the program.

The City Council discussed various aspects of the presentation and whether different areas of streets or neighborhoods were reviewed or considered. Parking Director Fletcher reported that data was taken from the boundaries outlined earlier in his presentation and no other data exists.

Councilor Moreau said she lives in the neighborhood and supports the project moving forward. She stated there are some options to be explored. Parking Director Fletcher said they would address this in any way the City Council would like.

Councilor Moreau moved to suspend the rules to bring forward Item XV. D.2. Sub-item 2 – Neighborhood Parking Program. Seconded by Councilor Blalock and voted.

Councilor Bagley moved to continue the Neighborhood Parking Program through Labor Day weekend as currently configured. Seconded by Councilor Denton.

Councilor Bagley said with COVID and the Bridge Lot closures we do not have enough data at this time.

Councilor Tabor said people are feeling some relief but what is the cause of the relief and he supports gathering additional data through the summer.

Councilor Cook said she would like to know about cost and if we have it in the budget. Parking Director Fletcher said he thinks we have \$100,000.00 in the Contingency Fund for that.

Councilor Blalock said that is a concern of his as well. He said Councilor Moreau has a firsthand view by living in the neighborhood. He understand costs as well and we should consider that.

Councilor Bagley said he would like to survey the neighborhood after Labor Day and see how many participated in the program.

Motion passed.

XIV. MAYOR McEACHERN

1. Demolition Committee

Mayor McEachern read the memorandum as to where we are with this matter. He stated the Historic District Commission and the Planning Board never discussed the proposed revisions to the Demolition Ordinance, and the item expired at the end of the last City Council term.

Mayor McEachern moved to refer to the Planning Board and Historic District Commission. Seconded by Councilor Moreau.

Councilor Moreau reported on the Demolition Review Committee had two to three areas that they requested language changes and provided that to the Legal Department. She said changes were around making people who demolish a building without permission must go through the whole process again. She reported there were questions, whether or not to charge a penalty if you didn't follow procedures, and better definitions for what a partial demolition versus a full demolition. Further discussion centered on whether to have longer time frame for reviews.

Mayor McEachern rescinded his motion and Councilor Moreau the second to the motion.

Councilor Moreau moved to refer to the Planning Board the requested changes that were outlined in the Demolition Committee meeting of February 10, 2021 and, further identify the enabling legislation in the RSA that allows for a Demolition Committee. Seconded by Councilor Blalock.

Mayor McEachern said private property rights are preserved and valued and that will not change but perhaps incentives to preserve some of the historic character of some of these buildings would go a long way.

Motion passed.

2. Appointments to be Considered:
 - Appointment of Herb Lloyd to the Sustainable Practices Blue Ribbon Committee
 - Reappointment of Margot Doering to the Historic District Commission
 - Reappointment of Reagan Ruedig to the Historic District Commission
 - Reappointment of Jonathan Wyckoff to the Historic District Commission

The City Council considered the appointment and reappointments as outlined which will be voted upon at the June 6, 2022 City Council meeting.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

XV. CITY COUNCIL MEMBERS

A. MAYOR McEACHERN, COUNCILOR TABOR AND COUNCILOR DENTON

1. City Manager Evaluation Committee

Mayor McEachern moved in accordance with the City Manager's Employment Agreement it is the intent of the City Council to negotiate a new agreement with the City Manager. Seconded by Councilor Tabor.

Mayor McEachern said he would like to renegotiate a new agreement with the City Manager. He stated that the evaluation would become part of the agreement and looks forward to the discussion.

Councilor Bagley said the City Council is kind of a board of directors and the City Manager is the captain of the ship, and he thinks very highly of the City Manager and she is doing a terrific job.

Motion passed.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

B. COUNCILOR TABOR AND COUNCILOR DENTON

1. City Manager Contract

Councilor Tabor said that this matter was discussed with the Human Resource Director and he would like to move forward with the process.

Councilor Tabor moved to authorize the city's labor attorney to negotiate the City Manager's upcoming employment contract, communicating with the City Council as needed, and subject to the Council's performance evaluation and approval. Seconded by Councilor Denton and voted.

C. COUNCILOR TABOR

1. Community Engagement

What are new and best ways to achieve our strategic goal to *“Invite and honor input from the community and encourage increased participation”* including public meetings with live polling, flash surveys, study circles, as well as traditional public hearings and citizen comment

Councilor Tabor moved to receive a report back from staff on best practices and new technologies for citizen engagement and schedule a Council work session for discussion. Items to be considered: What are new and best ways to achieve our strategic goal to *“Invite and honor input from the community and encourage increased participation”* including public meetings with live polling, flash surveys, study circles, as well as traditional public hearings and citizen comment. Seconded by Assistant Mayor Kelley.

Councilor Tabor said there are different ways for citizen involvement, a great example was in 2007 the building of a new Middle School. He spoke to the process which led to the renovation of the current Middle School. He said his motion explains public engagement and there are some really interesting things happening to include 500-600 people with results provided in 48 hours. He said we would work with staff on best practices and technique and make some progress in the next 10 to 16 months with non-traditional measures.

Councilor Lombardi said SWAG used that system for feedback in a smaller scale and it was a useful experience.

Councilor Cook thanked Councilor Tabor for introducing this to the City Council. She said she likes being able to gather additional data from feedback and initiatives.

Councilor Blalock said that this is looking outside the box and this is a better way to engage residents.

Mayor McEachern said he feels strongly that we need as much information as possible to make a decision.

Motion passed.

At 9:50 p.m., Mayor McEachern called for a brief recess. At 9:55 p.m., Mayor McEachern called the meeting back to order.

D. COUNCILOR BAGLEY

2. Parking and Traffic Safety Committee Action Items Needing Approval by City Council:
 1. **Request for renewal of valet parking license agreement on Hanover Street, by The 100 Club: Voted to** approve renewal of valet parking license agreement on Hanover Street for The 100 Club.
 3. **By approving the attached meeting minutes, the following temporary traffic regulations will be approved:**
 - **Summit Avenue: Voted to** approve lowering speed limit to 25 MPH.
 - **Raynes Avenue and Vaughan Street: Voted to** approve one-way flow on Vaughan Street and Raynes Avenue, in a counter-clockwise direction, entering from Maplewood Avenue at Vaughan Street and exiting onto Maplewood Avenue at Raynes Avenue.
 - **Middle Road: Voted to** approve lowering speed limit to 25 MPH from Peverly Hill Road to Middle Street, for six-month trial period.
 - **Parrott Avenue: Voted to** approve lowering speed limit to 25 MPH.
 - **Islington Street: Voted to** approve lowering speed limit from Spinney Road to Maplewood Avenue to 25 MPH. **Voted to** approve lowering speed limit from Spinney Road to Greenland Road to 25 MPH for six-month trial period.

Assistant Mayor Kelley moved to approve items as outlined above. Seconded by Councilor Moreau and voted.

3. Parking and Traffic Safety Committee Action Sheet and Minutes of May 5, 2022

Assistant Mayor Kelley moved to accept and approve the action sheet and minutes of the May 5, 2022 Parking and Traffic Safety Committee. Seconded by Councilor Moreau and voted.

4. Requesting a report back from the City on the Maple Haven and Pannaway Manor sidewalk projects

Councilor Bagley moved to refer to the City Manager for report back on the Maple Haven and Pannaway Manor Sidewalk Projects. Seconded by Assistant Mayor Kelley.

Councilor Bagley said we need to make sure everyone is on board with the final plans and have one more meeting of each neighborhood before moving forward.

Assistant Mayor Kelley said she would like to see the project split.

City Manager Conard said bids were sent out last week and we expect it to be on the second meeting in June. She said staff would hold one more neighborhood meeting for the project.

Councilor Bagley said we have some big plans for planting trees. City Manager Conard said we will be conducting a project to plant 400 trees next year for our 400th Celebration.

Motion passed.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

2. PFAS Sampling at New Athletic Fields – Update on Results

City Manager Conard said we will provide a more thorough comprehensive update in two to three weeks to share with the City Council at one of the June meetings.

3. Inspection Department Office Hours

City Manager Conard announced that the Inspection Department has re-implemented standardized office hours beginning today. Hours are as follows:

- *Monday: 8:00 a.m. – 10:00 a.m. and 5:00 p.m. – 6:00 p.m.*
- *Tuesday through Friday: 8:00 a.m. – 10:00 a.m.*

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Memorial Day Events were announced by Councilor Denton:

- Burial at Sea Ceremony at Prescott Park on Friday, May 27th at 10:30 a.m.
- Memorial Day Parade on Monday, May 30th at 1:00 p.m. starting off at the intersection of Junkins Avenue and Parrott Avenue through downtown then intersection of Middle Street, continue on Middle Street making a left onto Richards Avenue going up into the South Street Cemetery for the Ceremony beginning at 2:00 p.m.
- A cookout at Prescott Park will follow after the Memorial Day Parade and everyone is invited to attend.

Councilor Bagley thanked everyone for their thoughts and prayers during the recent passing of his father.

Councilor Lombardi announced that the State of the City will be presented tomorrow morning, Tuesday, May 17th with City Manager Conard presenting. The event is being held at Grill 28 at Pease.

Councilor Tabor moved for a report back to the City Council regarding the Middle Street Repaving issue. Seconded by Assistant Mayor Kelley and voted.

Mayor McEachern announced that the Family Dance scheduled on Friday, May 20th has been cancelled, due to low ticket sales.

City Manager Conard announced in accordance with Chapter 1, Article III, Section 1.303 of the Planning Board Ordinance she will be appointing Facilities Manager Joe Almeida as the Administrative Official, ex-officio member to the Planning Board replacing Ray Pezzullo who has retired from Public Works. She informed the Council that Joe will be attending the Planning Board meeting on Thursday, May 19th. Mayor McEachern thanked Ray Pezzullo for his years of service to the City and the Public Works Department.

XIX. ADJOURNMENT

At 10:10 p.m., Mayor McEachern adjourned the meeting.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK