

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, SEPTEMBER 19, 2022

PORTSMOUTH, NH
TIME: 7:00PM

Councilor Denton moved to close the Non-Public Sessions and seal the minutes of the first item and not seal the minutes for the second matter. Seconded by Councilor Bagley.

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

III. CALL TO ORDER

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

IV. ROLL CALL

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley, Lombardi, Blalock, and Cook (*via zoom*)

V. INVOCATION

Mayor McEachern announced to the City Council that there will be a Celebration of Life for Peter Ronchi on October 17, 2022. He stated that Peter lost his life in a car accident and was a 35 year employee of the Public Works Department.

VI. PLEDGE OF ALLEGINANCE

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

PROCLAMATION

1. Childhood Cancer Awareness Week

Mayor McEachern read the proclamation declaring September as Childhood Cancer Awareness Month.

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

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

- A. Recognition of Camila Sacco 2022 Miss New Hampshire USA

Mayor McEachern recognized Camila Sacco a resident of Portsmouth and 2022 Miss New Hampshire USA, and wished her well in the competition moving forward.

B. Recognition of Thomas Kozikowski for Athletic Director of the Year

Mayor McEachern announced that Thomas Kozikowski has been selected as the Athletic Director of the Year. He presented Koz with a City of Portsmouth Coin in recognition of his accomplishment.

C. Recognition of Hispanic Heritage Month

Mayor McEachern recognized September as Hispanic Heritage Month. Assistant Mayor Kelley announced that the BIPOC Festival will be held on Sunday, September 25th at Vida Cantina featuring food from a number of local restaurants and musical acts.

Assistant Mayor Kelley moved to suspend the rules to bring forward Item XIV. 1. – City Facilities Update. Seconded by Councilor Tabor and voted. On a unanimous roll call 9-0 vote, motion passed.

MAYOR McEACHERN

1. City Facilities Update

Mayor McEachern announced that the Peirce Island Boat Launch is being named after City Attorney Robert P. Sullivan in recognition of his 40 years of service to the City of Portsmouth.

City Attorney Sullivan expressed his sincere thanks to Mayor McEachern, the City Council and City Manager Conard for this honor.

Councilor Moreau moved to suspend City Council Rule #44 Naming of Municipal Buildings, Parks and Facilities and name the Peirce Island Boat Launch as the *Peirce Island Robert P. Sullivan Boat Launch*. Seconded by Assistant Mayor Kelley.

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

Councilor Bagley moved to suspend the rules to bring forward Item XVII. 5. – City Manager’s Informational Item #5 – Response regarding Unexpended Bond Proceeds. Seconded by Councilor Blalock.

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

Councilor Bagley referred to the memorandum from Director of Finance and Administration Belanger reporting the unexpended bond proceeds for the General Fund, Parking & Transportation, Water, and Sewer funds collectively for year-end FY20, FY21, and FY22 were \$22.5 million, \$25.5 million, and \$31.3 million respectively.

IX. PUBLIC COMMENT SESSION

Rick Becksted thanked City Attorney Sullivan for his work to the City of Portsmouth. He said the City will finally receive lot 2 near the Foundry Garage. He said he would like to remind the Council of the promise made for lot 6 to create work force housing. He asked the City Council to fulfill the promises that were made.

Peter Week spoke regarding the Worth Lot and asked at the October 24, 2022 City Council meeting the Worth Development Association be allowed to make a presentation.

Mark Brighton spoke to a request that was made to name a park after Mark Stebbins and stated he does not support the request. He feels it should be named the Ray Brighton Park because his father loved and did a lot for the City.

Francis Cormier spoke regarding Prescott Park and the cost of improvements due to the effects of climate change. He said the federal government is supposed to stop the ocean from rising, therefore it will not be necessary to spend City money.

Esther Kennedy said she was taken back by the request for the naming of a park. She said there needs to be a Committee for naming things in our City. She also requested an update on the Skateboard Park.

Allyn So spoke regarding freedom of speech. He stated you must show compelling evidence of a violation and Prescott Park is the traditional public forum area in the City.

Irish Mike spoke regarding freedom of speech in Prescott Park. He said people are upset with the flag that he waves in the park.

Paige Trace thanked City Attorney Sullivan for all of his work and providing assistance to the City Council the two years she served. She spoke regarding the individuals in Prescott Park and how they have every right to choose who they wish to support.

Susan Sterry spoke in support of a Blue Ribbon Committee on Archives. She said she has had a hard time to research things in the City. She said documents are scattered in different areas. She said with the 400th Anniversary of the City coming up we need to decide how to preserve and store records.

Bruce Campbell said free speech at Prescott Park is a right and these individuals are doing it peacefully.

Paula Skelley spoke in support of free speech and allowing it in Prescott Park. She said we need to follow the Bill of Rights for freedom of speech.

Bill Downey said he would like an update on McIntyre. He also spoke regarding individuals at Prescott Park who are leaving unattended flags on chairs, which does not follow the ordinance. He said parks are a special place and the ordinance needs to be enforced.

James Knowles, Kittery, ME, said he uses Portsmouth as a playground. He said people have a right to freedom of speech. He stated that he appreciates the ability to hear and listen to what people have to say.

Mark Brenner said he feels freedoms are being taken away from people. He said he is committed to the freedoms of life and the right of freedom of speech.

Filomena Knowles, Kittery, ME, spoke in support of freedom of speech in Prescott Park. She said the City Council is realizing that any restrictions would be a violation of their first amendment rights. She stated you need to listen to all voices.

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

- A. First reading of Ordinance amending Chapter 10, Article 5A, Section 10.5A21B, Amend Map For Building Height Standards, Incentive Overlay Districts Sections 10.5A21.20 Building

Councilor Moreau moved to pass first reading and schedule a public hearing and second reading at the October 3, 2022 City Council meeting. Seconded by Councilor Tabor.

City Manager Conard said the map in the packet will be updated at the public hearing for civic districts.

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

- B. Second reading of Ordinance amending Chapter 1, Article IV, Section 1.414 – Commissions and Authorities

Councilor Moreau moved that Chapter 1, Article IV, Section 1.414 of the ordinances of the City be amended as described in the memorandum from the City Attorney to the City Manager on that topic dated September 13, 2022 and pass second reading with third and final reading to be held at the October 3, 2022 City Council meeting. Seconded by Councilor Blalock.

Mayor McEachern said there have been an enormous amount of time spent on the Audit Committee, the finances, and how we deliver that information to the City are of utmost importance. He said he supports adding a City Councilor to the Committee and appreciates the work of residents.

Councilor Cook said the changes encompass discussions from the last meeting. She said one thing that is not part of the ordinance is our audit firm and she feels we need to address that. She said we are looking at a policy to change the auditing firm after so many years.

On a roll call vote 8-1, motion passed. Assistant Mayor Kelley, Councilors Tabor, Moreau, Bagley, Lombardi, Blalock, Cook and Mayor McEachern voted in favor. Councilor Denton voted opposed.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Approval of Welfare Guidelines

City Manager Conard said that Welfare Administrator Tully is here to answer any questions regarding approval of the guidelines. She advised the Council that pet food has not been allowed in the guidelines in the past.

Councilor Bagley asked how pet food could be allowed for service animals. Ms. Tully said she would use discretion in that circumstance. Ms. Tully said that service animals have specific language in terms of assistance and needs.

Councilor Tabor said he would vote in favor of changes. Ms. Tully said the guidelines make things very clear. Ms. Tully requested to amend Page 26, Item H, entitled Burials. She indicated that the payment for the burial of City indigents is limited to \$750.00 and she is recommending increasing it to \$1,000.00.

Councilor Moreau moved to amend Page 26, Item H, entitled Burials – that the Payment for the burial of City indigents is limited to \$750.00 be increased to \$1,000.00. Seconded by Councilor Tabor.

On a roll call vote 8-1, motion passed. Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Lombardi, Blalock, Cook and Mayor McEachern voted in favor. Councilor Bagley voted opposed.

2. Temporary Construction License for 64 Vaughan Street

City Manager Conard reviewed the request with the City Council for the use of 10 parking spaces in the Worth Lot for a term of 93 days as requested. She stated that staff has reviewed the license and recommend approving the request.

Councilor Moreau moved that the City Manager be authorized to execute and accept the temporary construction license to encumber 650 square feet of the alley that abuts the property and connects Hanover Street to the Worth Lot for a term of 104 days and for the use of ten (10) parking spaces in the Worth Lot for a term of 93 days as requested. Seconded by Councilor Bagley.

Discussion of traffic and its flow was held and reviewed by the Council and Shane Forsley, General Manager for Hampshire Development Corporation. Mr. Forsley spoke to the crane set-up at the base of the alley for erecting steel. Mayor McEachern said the crane needs to be placed in that location because of stability issues. He also spoke regarding notifying the abutters as to where there will be impacts to the area.

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

3. Approval of Employment Agreement with Fire Chief McQuillen

Assistant Mayor Kelley moved to approve the proposed agreement as presented. Seconded by Councilor Bagley.

Councilor Blalock said he is very excited to see Chief McQuillen serving as Chief of the Fire Department.

Councilor Moreau said Fire Chief McQuillen will make a great chief and expressed her support.

Councilor Tabor said he is pleased that Chief McQuillen will maintain residence in the City.

Mayor McEachern expressed his thanks to Fire Chief McQuillen and his wife Molly, and looks forward to the job the chief will do for the department.

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

4. Approval of Agreement with School Custodial Supervisors Union

City Manager Conard said the agreement was included in the packet for review by the Council. She recommended its approval as presented.

Assistant Mayor Kelley moved to approve the proposed agreement as presented. Seconded by Councilor Moreau.

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

5. Request to Schedule a Work Session for Stormwater Utility Feasibility

City Manager Conard suggested October 17th for the Work Session to be conducted.

Councilor Tabor moved to schedule a work session on October 17, 2022 at 6:00 p.m. to present the preliminary findings and recommendations of this study and discuss steps the City may take to implement a stormwater utility enterprise fund. Seconded by Assistant Mayor Kelley.

Councilor Tabor said compliance is required by the City.

Mayor McEachern said he supports this and spoke to him joining City Manager Conard and Deputy Public Works Director Goetz at Pease with Senator Shaheen to review these matters.

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

6. Foundry Place LLC Deed Acceptance for Property Located at 88-99 Foundry Place and 0 Deer Street

City Manager Conard requested the approval for accepting the deed for the property.

Councilor Moreau moved to authorize the City Manager to accept and record a community space deed over 88-99 Foundry Place and a Warranty Deed for Lot 2 in substantially similar form to the deeds from Foundry Place LLC contained in the agenda packet. Seconded by Assistant Mayor Kelley.

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

XII. CONSENT AGENDA

- A. Request from Lisa DeGloria, Good Dog Gallery, to install a Projecting Sign at 135 Market Street, Unit G (***Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of projecting sign, for any reason, shall be done at to the City; and***
 - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- B. Letter from Chris Carragher, Seacoasts Paddleboard Club, requesting permission to hold the 5th Annual Halloween Costume Paddle on Sunday, October 30, 2022 from 10:00 a.m. to 11:30 a.m. at the Peirce Island Boat Ramp (***Anticipated action – move to refer to the City Manager with Authority to Act***)
 - C. Pro Portsmouth 2023 Various Events Request (***Anticipated action – move to refer to the City Manager with Authority to Act***)
 - D. Eversource Petitions and Pole License Requests:
 - Installation of 4 poles on Peaverly Hill Road #63-0696 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

Councilor Moreau moved to adopt the Consent Agenda. Seconded by Assistant Mayor Kelley.

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

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Email Correspondence

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

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

B. Request to Rename the North Mill Pond Park in Honor of Mark Stebbins

Councilor Moreau moved to schedule a work session to consider this request. Seconded by Councilor Bagley.

Mayor McEachern said he supports having a work session.

Councilor Moreau asked if the Council would discuss this name or other names as well.

Councilor Cook suggested that the City Council have a discussion around the policy of naming things in the future. She said we need clear guidelines to follow.

Councilor Tabor said he agrees with Councilor Cook. He said the Council really needs to look at this and what we are looking to bestow.

Councilor Blalock said there is a policy in the Recreation Department and guidelines for these type of requests.

Mayor McEachern said he would like to include the current process we follow for discussion at the work session.

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

C. Request for Paper Street for Joffre Avenue

Councilor Moreau moved to refer to the Planning Board and Assessor for report back. Seconded by Councilor Bagley.

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

D. Letter from Peter Weeks regarding Worth Lot

Councilor Cook asked that City Manager Conard consider allowing Peter Weeks to speak on this request. City Manager Conard said several meetings have been held with Mr. Weeks on the request and there is no need to bring the request to the City Council.

Assistant Mayor Kelley moved to refer to the City Manager for report back. Seconded by Councilor Bagley.

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

XIV. MAYOR McEACHERN

2. Appointments to be Voted:
 - Appointment of Luis Rodriguez to the Cable Television & Communications Commission
 - Appointment of Torey L. Brooks to the Sustainable Practices Blue Ribbon Committee
 - Reappointment of Patricia Bagley to the Trees and Public Greenery Committee
 - Appointment of Jeffrey Mattson as an Alternate to the Zoning Board of Adjustment

Councilor Blalock moved to appoint Luis Rodriguez to the Cable Television & Communications Commission until April 1, 2024; appointment of Torey L. Brooks to the Sustainable Practices Blue Ribbon Committee; reappointment of Patricia Bagley to the Trees and Public Greenery Committee until September 3, 2025; and appointment of Jeffrey Mattson as an Alternate to the Zoning Board of Adjustment until December 1, 2023. Seconded by Councilor Moreau.

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

XV. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR KELLEY

1. Legislative Subcommittee's recommendations on the NHMA 2023-2024 Proposed Legislative Policy Positions and Principles

Assistant Mayor Kelley moved to appoint the Mayor or his designee to act as a delegate at the NHMA Legislative Policy Conference and move to accept and approve NHMA's Proposed Legislative Principles and the 2023-2024 Proposed Legislative Policy Positions as recommended by the Legislative Subcommittee. Seconded by Councilor Moreau.

Assistant Mayor Kelley said there will be a NHMA conference and Mayor McEachern will be voting on behalf of the City Council.

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

2. Removal of taxi only parking spots downtown and across the city as the taxi commission has been dissolved

Assistant Mayor Kelley moved to refer to the Parking and Traffic Safety Committee for report back at the October 24, 2022 City Council meeting. Seconded by Councilor Bagley.

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

3. Request for a Report Back from the Recreation Department and the Department of Public Works on creating a disc golf course at Community Campus

Assistant Mayor Kelley moved to refer the request for report back to the Recreation Department and Department of Public Works on creating a disc golf course at Community Campus. Seconded by Councilor Bagley.

Assistant Mayor Kelley said the initial cost of this project is \$25,000.00. She said that this is an affordable activity for all.

Councilor Tabor asked City Manager Conard what are the total acres at Community Campus. City Manager Conard advised the City Council that it is 36 acres. He said if we want affordable housing out at Community Campus might we be smarter to work with 12 acres that are wetlands and are undevelopable for the disc golf course.

Councilor Moreau said we have more options other than Community Campus.

Councilor Cook said she echoes the comments of Councilor Moreau. She said we need to find an appropriate space and the perfect location for this kind of activity.

Councilor Blalock thanked Assistant Mayor Kelley for bringing this forward. He said several residents have brought up the need for disc golf courses in the City.

Councilor Bagley thanked Assistant Mayor Kelley for her work on this matter. He spoke to how well this request was presented and said other could use this as a template for requests coming forward.

Mayor McEachern said the CIP submissions are due September 30th and thanked Assistant Mayor Kelley for her work on this matter.

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

B. COUNCILOR DENTON

1. The 3rd Annual Portsmouth EV Show

Councilor Denton reported the 3rd Annual Portsmouth EV Show will be held at the Bridge Street Lot on October 2, 2022 from 10:00 a.m. to 1:00 p.m.

C. COUNCILOR BAGLEY

1. Parking and Traffic Safety Committee Action Sheet and Minutes of September 1, 2022

Councilor Bagley moved to accept and approve the action sheet and minutes of the September 1, 2022 Parking and Traffic Safety Committee meeting. Seconded by Assistant Mayor Kelley.

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

Action Item Needing Approval by City Council:

- Portwalk Place, request for renewal of valet license agreements, by business owner

Councilor Bagley moved to approve renewal of the valet license agreement for Parade Residence Hotel, LLC for a term of 1 year and to approve renewal of the valet license agreement for Portsmouth HI, LLC for a term of 1 year. Seconded by Councilor Moreau.

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

D. COUNCILOR LOMBARDI

1. Archive Historical Documents

Councilor Lombardi moved to establish a Blue Ribbon Task Force to Study the Establishment of a Private/Public partnership to Properly Archive Historical Documents relating to the City of Portsmouth. The details related to the need for the work of the Task Force are outlined in the agenda packet. Seconded by Councilor Denton.

Councilor Lombardi said the history of Portsmouth is so important and recognizable. He said he would like to see the development of a process for archiving documents for the City. He is proposing a public/private partnership and would like a report back to the City Council.

Councilor Moreau thanked Councilor Lombardi for this idea and would like to make it as electronic as possible.

Councilor Tabor thanked Councilor Lombardi on this matter and said it is well thought out. He said there is a need for long term storage and to have materials accessible to the public.

Councilor Bagley commended Councilor Lombardi for bringing this forward. He said there are very few Athenian's in the country. He said we need a repository so we don't lose any of these documents.

Councilor Cook thanked Councilor Lombardi for bringing this forward and shepherding this through the Governance Committee. She asked City Attorney Morrell if it is acceptable for her to vote on this motion where she is a member of the Athenian and the Daughters of American Revolution. City Attorney Morrell said it is appropriate to state you are a member of the groups and as long as funds are not being put in your pocket you are ok to vote on this motion.

Mayor McEachern said documents on the history of the City are important and need to be preserved.

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

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Critical Flood Risk Infrastructure Grant from NHDES - \$275,000.00

Assistant Mayor Kelley moved to accept the grant in the amount of \$275,000.00 as presented. Seconded by Councilor Bagley.

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

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Reminder to Public for CIP Deadline
- 2. Recycling Center Card Reader Update

City Manager Conard reminded the public that the CIP deadline is September 30th and reported that the Recycling Center is now accepting credit cards.

- 6. McIntyre Update

City Manager Conard provided a brief update on McIntyre. She reported we continue to track on schedule with the time line initiated back in March of this year and we expect to achieve 50% design by mid-October. She said this week we anticipate drafts from outside counsel relative to the Development Agreement and Ground Lease from which we will continue to work on the pro-forma and understanding the financial contributions for both sides.

- 3. Report Back on Outdoor Pool

City Manager Conard provided an update regarding the renovations at the Outdoor Pool and announced the pool is slated to reopen Wednesday, October 5th.

4. Report Back from the Legal Department on Prescott Park Public Forum Area

Mayor McEachern referred to City Attorney Sullivan's memorandum regarding Prescott Park Public Forum Areas which clarifies our rules surrounding public assembly.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Assistant Mayor Kelley announced that the Big Brother Big Sister Annual Stiletto Race is being held downtown on Saturday, September 24, 2022.

XIX. ADJOURNMENT

At 9:25 p.m., Councilor Bagley moved to adjourn. Seconded by Assistant Mayor Kelley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK