

TO: KAREN CONARD, CITY MANAGER  
FROM: KELLI L. BARNABY, CITY CLERK  
RE: ACTIONS TAKEN AT THE PORTSMOUTH CITY COUNCIL MEETING HELD IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS ON MONDAY, JULY 10, 2023  
PRESENT: MAYOR McEACHERN, COUNCILORS TABOR, DENTON, MOREAU, BAGLEY, LOMBARDI, BLALOCK, AND COOK  
ABSENT: ASSISTANT MAYOR KELLEY

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1. **On a unanimous voice vote 8-0, voted** to close the Non-Public Session and seal the minutes.
2. Proclamation – Parks and Recreation Month – Mayor McEachern read the Proclamation announcing that July 21<sup>st</sup> is Parks and Recreation Professionals Day and July 31<sup>st</sup> is Lifeguard Appreciation Day. He declared July as Parks & Recreation Month in Portsmouth and called upon our community to observe this month by thanking our Parks and Recreation staff and taking advantage of their programs and facilities that so enhance our quality of life here in Portsmouth.

Recreation Director Henley accepted the Proclamation on behalf of the staff with thanks and appreciation.

3. Proclamation – Plastic Pollution Reduction Month – Mayor McEachern read the Proclamation declaring July Plastic Pollution Reduction Month in Portsmouth and encouraged all citizens and businesses to reduce their plastic consumption and waste by choosing reusables and an opt-in versus opt-out model for single-use items.

A member of the Surfrider Foundation accepted the Proclamation with thanks and appreciation.

4. Acceptance of Minutes – June 5, 2023 and June 20, 2023 – **Voted** to accept and approve the minutes of the June 5, 2023 and June 20, 2023 City Council meetings.
5. Public Comment Session – There were 12 speakers: David Fine (Prescott Locks); Ted Jankowski (McIntyre); Joel Brown (RFQ); Francis Cormier (Leo & Hippo – Love Locks); Robert Najar (Resident Stickers); Sue Polidura (McIntyre, again...); Irish Mike (Hate); Paige Trace (Portsmouth); Denise Sensiba (Easement – Ruth Street); Esther Kennedy (“We See”); Petra Huda (“The Gift”) and Mark from the Park, Eliot, ME (Johnny Cash – Ragged Old Flag).
6. **Voted** to suspend the rules to bring forward Item XII. A. & B. – Consent Agenda.
7. Consent Agenda – **Voted** to adopt the Consent Agenda.
  - A. Letter from Trent and Denise Sensiba regarding Property Located at 12 Ruth Street (**Anticipated action – move to refer to the Legal Department for report back to the City Council**)
  - B. Request from Candace & Steven Byrnes, Dripbar, to install a Projecting Sign at 77 Hanover Street (**Anticipated action – move to approve the aforementioned Projecting Sign License 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 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***
8. **Voted** to suspend the rules to bring forward Item XIII. C. – Letter from Seth Berg, Student at Portsmouth High School, regarding EPA Regulations of PFAS Chemicals.
9. Letter from Seth Berg, Student at Portsmouth High School, regarding EPA Regulations of PFAS Chemicals – **Voted** to refer the letter to the Safe Water Advisory Group.
10. First reading of Ordinance amending Chapter 1, Article III – BOARDS and Article IV – COMMISSIONS AND AUTHORITIES – **Voted** to pass first reading and schedule a public hearing and second reading at the August 7, 2023 City Council meeting.
11. First reading of Omnibus Ordinance amending Chapter 7, VEHICLES, TRAFFIC AND PARKING – **Voted** to pass first reading and schedule a public hearing and second reading at the August 7, 2023 City Council meeting.
- Amend Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.336, A: One-Way Streets:
    - 24. Raynes Avenue: westerly from Vaughan Street to Maplewood Avenue
    - 35. Vaughan Street: northerly from Maplewood Avenue to Raynes Avenue
  - Amend Chapter 7, Article IVA – BUS STOPS AND TAXICAB STANDS, Section 7A.408: Taxi Stands Designated
- The following areas are hereby designed as Taxi stands:
- A. Pleasant Street: easterly side, first parallel parking space north of State Street
- Amend Chapter 7, Article XI – SPEED LIMITS, Section 7.1100, E: Speed Limits: 25 MPH
- Section 7.1100: SPEED LIMITS:
- E. Speed Limits: 25 MPH
    - 7. Islington Street
    - 10. Middle Road, from Peverly Hill Road to Middle Street
    - 12. Parrott Avenue
    - 17. Summit Avenue

12. First reading of Ordinance amending Chapter 7, Article VI – LOADING ZONES, Section 7.601-LIMITED HOURS LOADING ZONES – Voted to pass first reading and schedule a public hearing and second reading at the August 7, 2023 City Council meeting.
13. First reading of Ordinance amending Chapter 7, Article X – TOWING, Section 7.1004 – TOWING OR IMMOBILIZATION OF MOTOR VEHICLES FOR NON-PAYMENT OF PARKING FINES – Voted to pass first reading and schedule a public hearing and second reading at the August 7, 2023 City Council meeting.

ILLEGALLY PARKED: accumulated unpaid parking violations in an amount in excess of two hundred fifty dollars (\$250.00) on any or all vehicles at any time registered to the owners of said vehicle as shown on the records maintained by the Parking Clerk.

NOTICE: At any time subsequent to the accumulation of unpaid parking fines in excess of two hundred fifty dollars (\$250.00) on any or all vehicles at the time registered to the owner of any vehicle on the records maintained by the Parking Clerk, the Parking Clerk may send a Notice by certified mail to the registered owner of said vehicle or vehicles at the address on the registration.

14. PUBLIC HEARING/SECOND READING of Ordinance amending Chapter 10 – Article 5A – CHARACTER-BASED ZONING, Section 10.5A20, Regulating Plan, Subsection 10.5A21.10 Contents of Regulating Plan, Map 10.5A21B – Building Height Standards, Section 100.5A43.30 – Building and Story Heights, Subsection 10.5A43.33, Section 10.5A43.40 – Maximum building footprint, Subsections 10.5A43.41-44, and Section 10.5A45 – Community Spaces, Subsection Figures 10.5A45.10 Community Spaces, Section 10.5A46.20 – Requirements to Receive Incentives to the Development Standards, Subsections 10.5A46.21-22, and Article 15 – DEFINITIONS, Section 10.1530 – Terms of General Applicability, of the Ordinances of the City of Portsmouth – Held a public hearing.

**Voted** to suspend the rules to bring forward the Planning Board recommended changes as listed in the blue-lined ordinance contained in the City Council packet under Councilor Moreau's name.

**Voted** to adopt the Planning Board amendments as presented in the blue-lined version of the ordinance as contained under Councilor Moreau's name in the City Council packet.

**On a roll call 7-1, voted** to amend the square footage for workforce housing units from 750 sq. ft. to 600 sq. ft. Councilors Denton, Moreau, Bagley, Lombardi, Blalock, Cook and Mayor McEachern voted in favor. Councilor Tabor voted opposed.

**On a unanimous roll call 8-0, voted** to schedule a public hearing and second reading on the amended ordinance at the August 7, 2023 City Council meeting.

15. PUBLIC HEARING/ADOPTION on proposed Resolution Authorizing a Bond Issue and/or Notes of up to Seventeen Million Three Hundred Fifty Thousand Dollars (\$17,350,000.00) for Costs Related to Police Station Upgrades, Land Acquisition, Outdoor Pool Upgrades, Citywide Facilities Capital Improvements, Elwyn Park Sidewalks Traffic calming, Borthwick Avenue Bike Path, Sagamore Avenue Sidewalk, Citywide Sidewalk Reconstruction Program, Street Paving; Management and Rehabilitation, Pease Tradeport Street Rehabilitation, Edmond Avenue Upgrades, Islington Street Improvements and Union Street Reconstruction – Held a public hearing.

**On a unanimous roll call 8-0, voted** to adopt the Resolution as presented.

16. PUBLIC HEARING/ADOPTION on a proposed Resolution Authorizing a Bond Issue and/or Notes of up to Two Million Three Hundred Fifty Thousand Dollars (\$2,350,000.00), Together with the Transfer of Unexpended Bond Proceeds in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00), for a Total Appropriation of Three Million Eight Hundred Fifty Thousand Dollars (\$3,850,000.00), to pay Costs Related to School Facilities Improvements and Fit-Up of Community Campus Space for Robert J Lister Academy – Held a public hearing.

**On a unanimous roll call 8-0, voted** to adopt the Resolution as presented.

17. PUBLIC HEARING/ADOPTION on a proposed Resolution Authorizing the Borrowing of up to One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) through the Issue of Bonds and/or Notes for Costs Related to the Design and Construction of Foundry Place Parking Offices – Held a public hearing.

**On a unanimous roll call 8-0, voted** to adopt the Resolution as presented.

18. **Voted** to suspend the rules to continue the meeting beyond 10:30 p.m.

19. PUBLIC HEARING/ADOPTION on a proposed 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 Nine Million Two Hundred Seventy-Six Thousand Five Hundred Dollars (\$9,276,500.00) Related to Annual Water Line Replacement, New Groundwater Source, Greenland Well Treatment, Dover Water Emergency Interconnection, Edmond Avenue Waterline Reconstruction, Islington Street Improvements and Union Street Reconstruction – Held a public hearing.

**On a unanimous roll call 8-0, voted** to adopt the Resolution as presented.

20. PUBLIC HEARING/ADOPTION on a proposed 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 Six Million Nine Hundred Fifteen Thousand Dollars (\$6,915,000.00) for Costs Related to Annual Sewerline Upgrades, Long Term Control Related Projects, Woodbury Avenue Sewer Separation, Sewer Service for Sagamore Ave Sewer Extension, Fleet Street Utilities Upgrades/Streetscape, Edmond Avenue Improvement, Islington Street Improvements and Union Street Reconstruction – Held a public hearing.

**On a unanimous roll call 8-0, voted** to adopt the Resolution as presented.

21. PUBLIC HEARING/ADOPTION on a proposed Resolution Authorizing a Supplemental Appropriation from the Water Fund Unrestricted Net Position, a Grant from the NH Drinking Water and Groundwater Trust Fund, and a Grant from NHDES Local Source Water Protection Program for the Purchase of a Conservation Easement on the Fernald Property to Protect the Bellamy Reservoir Water Quality – Held a public hearing.

**On a unanimous roll call 8-0, voted** to adopt the Resolution as presented.

22. Approval of Tentative Agreement with the Portsmouth School District Paraeducators – **Voted** to approve an agreement with the Portsmouth School District Paraeducators.

23. Approval of a Memorandum of Agreement between the City of Portsmouth and Portsmouth City Employees AFSCME 1386A – **Voted** that the City Council approve the agreement with Portsmouth City Employees AFSCME 1386A.
24. Presentation Regarding Community Policing Facility – Brief Announcement and Invitation to Attend July 11<sup>th</sup> Public Meeting – Peter Rice, Public Works Director – Public Works Director Rice announced that there will be a Community Policing Facility Public Informational meeting at Community Campus in the Movie Room at 6:00 p.m. on Tuesday, July 11, 2023.
25. **Voted** to suspend the rules to bring forward Item XV. A.1. – Update from Legal Department on Letter from Holland & Knight regarding the McIntyre.
26. Update from Legal Department on Letter from Holland & Knight – **Voted** to unseal the minutes from the Non-Public Session this evening and hold a Special City Council meeting on Monday, July 17, 2023 regarding the Holland & Knight letter relative to the McIntyre.
27. Adjournment – At 11:30 p.m., **voted** to postpone the remainder of the agenda until July 24, 2023.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC  
City Clerk