

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, MARCH 6, 2023

PORTSMOUTH, NH  
TIME: 7:00PM

**On a unanimous voice vote 8-0, Assistant Mayor Kelley moved to close the Non-Public Sessions and seal the minutes. Seconded by Councilor Tabor and voted.**

### **III. CALL TO ORDER**

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

### **IV. ROLL CALL**

**PRESENT:** Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Denton, Bagley, Lombardi, Blalock and Cook

**ABSENT:** Councilor Moreau

Mayor McEachern recognized and thanked Joanna Diemer for her 20 years of service to the city which was celebrated on Friday. He said Joanna works in the City Manager's office and assists the Office of the Mayor. He said she provides support to the office and those calling into the Mayor's office with their concerns or requests.

### **V. INVOCATION**

Mayor McEachern asked everyone to join him in a moment of silent prayer.

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

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

### **PROCLAMATION**

1. Women's History Month

Mayor McEachern read the Proclamation declaring March as Women's History Month and urged all citizens to learn especially in our 400<sup>th</sup> year about the essential contributions of women to the past, present, and future of Portsmouth.

### **VII. ACCEPTANCE OF MINUTES – JANUARY 9, 2023 AND JANUARY 23, 2023**

**Assistant Mayor Kelley moved to accept and approve the minutes of the January 9, 2023 and January 23, 2023 City Council meetings. Seconded by Councilor Tabor and voted.**

### **VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

*(There are no Recognitions and Volunteer Committee Reports on the Agenda this evening)*

## IX. PUBLIC COMMENT SESSION

Irish Mike expressed his sadness with the hate crimes that recently took place in the city. He feels with the media attention given to this incident provides the perpetrators with a voice that they don't deserve.

Esther Kennedy spoke to the historic wall at 93 Pleasant Street and its removal. She said it is the job of the Council to save this historic significant wall in the city.

Mark Brighton made comments regarding Mayor McEachern and each City Councilor.

Matt Hester spoke on the need for indoor sports activities and an ice arena in the city.

John Pendleton, Assistant Coach to Boy's Ice Hockey Team, spoke in support for an arena in the city. He said currently the team needs to travel to other communities to get ice time to practice. He urged the Council to bring an ice arena to the city for the students and parents.

Joel Brown, Boy's Ice Hockey Coach, said he supports an indoor arena for the community. He stated it will benefit many in the city.

Sue Polidura spoke on the wall at 93 Pleasant Street and its historic value. She said back in 2021 there was a request for a variance and the proposal had a majority in favor of retaining the wall. She said the building was approved contingent on preserving the wall but last week the Historic District Commission granted the approval to remove the wall and build a new one.

Petra Huda said the City Manager's Informational Items are the only item that we get transparency on. She said the City Council authorize \$150,000.00 for the McIntyre project and according to website we have two contracts that are for less funding. She asked why we asked for \$150,000.00 when we didn't need that amount. She asked the City Manager to report on what took place at the February 28<sup>th</sup> meeting regarding McIntyre.

Paige Trace spoke to the proclamation read this evening by Mayor McEachern and expressed her disappointment that City Clerk Barnaby and Deputy City Manager/Deputy City Attorney Woodland were not mentioned as part of Women's History Month and their contributions to the City of Portsmouth. She also would have liked to see the proclamation mention the other women in the City that work or volunteer.

Dave Cosgrove spoke in support of the Recreational Needs Study. He said he supports building an arena in the city and there is a strong need for an ice rink here.

Lucas Patten said there is a real need for an ice rink in the city. He spoke to students having to drive twenty minutes to use the ice in other communities. He urged the City Council to have an ice arena in the city.

Caleb Pendleton spoke about youth hockey and the need for them to travel to Massachusetts to get ice time. He said he supports an ice rink for the city and said it will help kids wanting to play hockey to develop and improve their skills.

Calvin Rothstein spoke in support of an ice rink. He stated it is difficult not to have a rink in the city and the need for students to travel for ice time in other communities.

Chace Conklin, Rye, NH said the city would benefit having an ice rink. He said we need a rink to build for the youth wanting to learn the game and skills to play hockey.

Aidan Mamrocka spoke in support of an ice rink. He said driving to Dover to practice is difficult.

Kaden Goyette, Rye, NH said having an ice rink will benefit the community.

Travis Raynolds spoke to the disadvantages of the city not having an ice rink. He said having a rink will benefit the city. He spoke to the time and effort it takes students to drive to other communities to use their ice. He stated it is important that we have an ice rink in Portsmouth.

Ned Raynolds spoke in support of bringing an ice rink to the city. He said we need to have a rink and a multi-use sports complex in the city. He requested the city issue an RFP to show what a multi-use facility would look like in the city.

Scott Perkins, Greenland, NH Assistant for the Ice Hockey Team, spoke in support of an ice rink in the city. He stated that he plays more hockey now than when he was younger. He stated that a rink will benefit the community and make for a stronger hockey team in the city.

Ross Laorenza, Raymond, NH said he works three jobs and can no longer afford to live in the city and spoke to the need for affordable housing.

**Councilor Cook moved to suspend the rules to bring forward Items XV. C.1. – Portsmouth NH 400 Sculpture Announced and XIII. A. – Recreational Needs Study Final Report. Seconded by Councilor Blalock and voted.**

## **XV. CITY COUNCIL MEMBERS**

### **C. COUNCILOR MOREAU & COUNCILOR COOK**

#### **1. Portsmouth NH 400 Sculpture Announced**

Councilor Cook said together with Councilor Moreau, who is sad to have missed this meeting, where we would be announcing the artists chosen for the PortsmouthNH 400 Sculpture. Councilor Cook announced that artist Sijia Chen will be creating the first public art sculpture with a maritime theme that will be in the Bohenko Gateway Park. She reported that the project was chosen from 40 designs, and it will be stainless steel, 30 feet tall and called the “Endeavor.” She thanked Bob and Sue Thorsen, the largest contributors to the project for their generous and gracious contributions towards this project. She stated there will be cut out designs on the sculpture that the city will have input in.

Mayor McEachern said this is exciting and looks forward to the project.

### **XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

#### **A. Recreational Needs Study Final Report**

Alice Carey and Craig Peiera, Placework-Horsley Witten Group provided a detailed review of the Recreational Needs Study. Alice and Craig addressed the major items of the study which, is the need for more recreational fields, support for the indoor pool and a multi-purpose recreational center to include an ice rink for the city. A review of the guiding principles and framework was reviewed.

Craig addressed community engagement and the workshops that were held. He said one remark that we heard that is a concern for the community is for the city to improve what facilities that are currently in place before making new facilities.

Councilor Blalock thanked Alice and Craig for their hard work and all the members of the Recreation Board, Recreation Director Henley and Recreation Board Chair Diemer.

Mayor McEachern thanked Alice and Craig for the presentation and work they did on the study.

Councilor Cook said we have serious space limitations when looking at recreational needs. Craig spoke to looking at field and facility uses, as many sites are overused.

Councilor Tabor asked Alice and Craig if it would make sense to have a Parks and Recreation Department in the city. Craig said that is the decision of the city, but the city does need to coordinate better the use of facilities.

Mayor McEachern said the entire report is linked in the packet and requested the report be placed on the website and under the Recreation Department web page for the community to review.

At 8:40 p.m., Mayor McEachern called a brief recess. At 8:47 p.m., Mayor McEachern called the meeting back to order.

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

#### **Continued Public Hearing – Capital Improvement Plan (CIP) / Adoption of CIP:** *(Continued Public Hearing that was held open per action of the City Council at the February 21, 2022 meeting)*

- #### **A. CAPITAL IMPROVEMENT PLAN (CIP) FY 2024-2029**
- **PRESENTATION** *(Presentation was held at the January 18, 2023 Work Session)*
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Mayor McEachern said that this is a continuation of the CIP Public Hearing.

Councilor Cook inquired regarding the Market Square Upgrades. City Manager Conard said the FY25 funding of \$50,000.00 could be moved up to FY24 to increase the funding to \$100,000.00. Councilor Cook asked about upgrades to the South Mill Pond Playground for ADA improvements.

Recreation Director Henley said we are looking at \$600,000.00 for the improvements and replacement of equipment. Councilor Cook said she would like to move the funding up to FY24. Councilor Cook asked if we have final numbers for the RJ Lister Academy improvements. School Business Administrator Lunney said nothing definitive regarding that item at this time, however it could be \$100,000.00 lower than expected. Councilor Cook asked about police body camera and if there is a chance funding could be moved to apply for the grant sooner. Deputy Police Chief Maloney said he would need to look at the timelines for the grant. Councilor Cook asked about updates regarding the Greenland Road Recreational fields project. City Manager Conard reports that overruns will be brought to the City Council for a supplemental appropriation.

Councilor Blalock asked if the Public Works Department could move the field up to FY24. Recreation Director Henley said the field could be lined for softball. Public Works Director Rice said you would need to configure in the design for the project.

Councilor Bagley suggested moving the Russell/Market Streets project to FY25.

Mayor McEachern opened the public hearing and called for speakers.

Tom Kozikowski spoke in support of an ice rink for the city. He said he is speaking as a resident and Athletic Director on the need for an ice rink. He spoke regarding his excitement surrounding the Recreational Needs Study and stated that the city needs to trust in the building model for an ice rink.

Heath Wilson spoke in support of building an ice rink in the city. He said he travels all over New England for his son to play ice hockey. He said his hockey budget is \$15,000.00 - \$20,000.00 per year for his son to play and spoke to the importance of having access to ice.

Carl Diemer, Recreation Board Chair, urged the City Council to review the entire Recreational Needs Study. He said now is the time to do something and move forward with an RFP and requested a work session with the City Council to discuss the study and moving forward. He thanked Councilor Denton for his work on the veteran's tax credits.

Petra Huda said she asked questions and still has no answers relative to items contained in the CIP. She spoke to the \$500,000.00 decrease in the CIP and that the residents should know where projects are going and what will be approved. She said in her opinion the CIP is just a wish list.

Esther Kennedy requested that the City Council fully fund the Skateboard Park. She spoke to how recreation can help with the mental health of our children. She said the City Council needs to think about the Great Bay and Little Bay as well as what Lonza is going to be doing.

Paige Trace spoke to sewer items related to second modifications of the consent decree. She said a long term control plan was part the decree and it was to happen in 2023 now it is out to 2029. She spoke to the McIntyre having zero funding.

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

Councilor Tabor said he serves on the Prescott Park Arts Festival and would be abstaining from votes related to Prescott Park.

Mayor McEachern asked Public Works Director Rice regarding the moving of the Shaw building. Public Works Director Rice spoke to the significant design efforts that have taken place but advised the Council that the design would need to be put on hold. Discussion followed regarding the drainage issues, raising Water Street, and moving the Shaw building. Mayor McEachern said when moving the building it needs to be ADA compliant. Public Works Director Rice said it would require code compliance. Councilor Bagley spoke regarding the need to slow things down and having a better path forward. Councilor Cook spoke in support of moving the building and complete restoration. Councilor Lombardi spoke in support of Councilor Cook's comments and said it is important to get the building moved and that it should not lay dormant.

### Capital Improvement Plan Votes:

#### Prescott Park Master Plan Implementation

**Councilor Cook moved to amend the CIP by moving the funding of \$1,750,000.00 for the Prescott Park Master Plan Implementation from FY24 to FY25. Seconded by Councilor Lombardi.**

Councilor Bagley asked how much funding would be needed to move forward. Public Works Director Rice said we estimate an additional \$4 million for the first phase of the Master Plan.

Assistant Mayor Kelley asked if the raising of Water Street could be done if the Shaw Building was moved. Public Works Director Rice said no.

Discussion followed regarding moving the Shaw building.

**Motion passed with Councilor Tabor abstaining from voting on this matter.**

#### Additional Outdoor Recreation Fields (formerly) New Outdoor Rec Fields

**Councilor Blalock moved to amend the CIP by moving the funding for Additional Outdoor Recreation Fields (formerly) New Outdoor Rec Fields up to FY24. Seconded by Councilor Tabor.**

Councilor Blalock said there is a real need for new outdoor fields and spoke to how our current fields are being overused.

Councilor Bagley said \$3 million is a large number to move from FY29 to FY24. Councilor Blalock said the fields are being overused and we need to stop kicking the can down the road.

Discussion followed regarding moving up the funds and the costs involved with the project.

*Councilor Blalock said he would accept the change to move \$100,000.00 to FY24 and \$3 million to FY25.*

**Motion to amend the CIP by moving the funding for Additional Outdoor Recreation Fields (formerly) New Outdoor Rec Fields of \$100,000.00 from FY28 to FY24 and \$3,000,000.00 from FY29 to FY25 passed.**

Market Square Upgrade

**Councilor Cook moved to amend the CIP by increasing the funding for the upgrades by \$50,000.00 in order to incorporate the additional cost of planning which the City Manager highlighted at the last City Council meeting and moving the funding from FY25 to FY24 for Market Square Upgrades. Seconded by Assistant Mayor Kelley.**

Planning/Sustainability Director Britz spoke to the Market Square project.

**Motion passed.**

Fit-up of Community Campus Space for Robert J. Lister Academy

**Councilor Cook moved to amend the CIP by reducing the funding of the Fit-up of Community Campus Space for Robert J. Lister Academy in FY24 from \$2,000,000.00 to \$1,800,000.00. Seconded by Assistant Mayor Kelley and voted.**

Russell/Market Intersection Upgrade

**Councilor Bagley moved to amend the CIP by moving the funding of \$2,200,000.00 for the Russell/Market Intersection Upgrade from FY24 to FY25. Seconded by Councilor Cook.**

**Assistant Mayor Kelley moved to suspend the rules to continue the meeting beyond 10:30 p.m. Seconded by Councilor Blalock and voted.**

**Russell/Market Intersection motion passed.**

Police Body Cameras

**Councilor Cook moved to amend the CIP by moving the funding of Police Body Cameras for \$113,250.00 from FY26 to FY25. Seconded by Assistant Mayor Kelley.**

Councilor Cook said she wants to have body cameras in place in a timely manner like other seacoast communities.

**Motion passed.**

South Mill Pond Playground

**Councilor Cook moved to move the \$600,000.00 of the \$1,500,000.00 bonding for South Mill Pond ADA Playground in FY25 and leaving the \$900,000.00 bonding in FY29. Seconded by Councilor Bagley.**

Councilor Cook said the plan was to address the playground before FY29 and we need to honor the donation we received and create an ADA compliant playground.

Discussion followed regarding the project.

**Motion passed.**

*Water Master Plan Update*

Councilor Cook said she would like to know about the sewer plan. City Manager Conard said that was a citizen request and it was discussed. She further stated that the Water Department provides updates regularly on our efforts.

**Councilor Cook moved to remove the Water Master Plan Update from the CIP because it has no dollar amount attached to the item. Seconded by Councilor Bagley.**

Councilor Cook said the line item creates confusion and we are doing the work, therefore it should be removed.

Deputy City Manager/Deputy City Attorney Woodland said she would go toward clarity for the document.

**Motion passed.**

*Capital Improvement Plan (CIP) Adoption*

**Councilor Blalock moved to adopt the Capital Improvement Plan, as amended with the four adjusted element sheets included in the packet.**

- ***Self Contained Breathing Apparatus (SCBA) Replacement***
- ***Parking Lot Paving***
- ***Wayfinding System***
- ***Pease Wastewater Treatment Facility***

**Seconded by Councilor Lombardi.**

**On a unanimous roll call vote 8-0, motion passed.**

**Councilor Denton moved to suspend the rules to bring forward Item XVI. A. – Approval of Grant from the Bureau of Justice Assistance Patrick Leahy Bulletproof Vest Partnership - \$11,883.00. Seconded by Assistant Mayor Kelley and voted.**

**XVI. APPROVAL OF GRANTS/DONATIONS**

- A. Approval of Grant from the Bureau of Justice Assistance Patrick Leahy Bulletproof Vest Partnership - \$11,883.00

**Councilor Denton moved to approve and accept the Grant for the Police Department as presented. Seconded by Assistant Mayor Kelley and voted.**

**XII. CONSENT AGENDA**

- A. Letter from Latrice Smith, National Multiple Sclerosis Society, requesting permission to hold the annual Walk MS event on Saturday, April 22, 2023 (***Anticipated action – move to refer to the City Manager with Authority to Act***)



- B. Letter from Crystal Cronin, Portsmouth Babe Ruth, requesting permission to locate temporary signage at Leary Field during the 2023 baseball season (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- C. Letter from Chris Maden, Portsmouth Maritime Folk Festival, requesting permission to hold the Maritime Folk Festival on Saturday, September 23, 2023 and Sunday, September 24, 2023 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

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

### **XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

- B. Email Correspondence

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

- C. Letter from Karin Barndollar, Portsmouth Climate Action, requesting permission to hold a gathering in Market Square for Earth Day and close off the section of Pleasant Street between State and Congress Streets to traffic on Saturday, April 22, 2023 between 11:00 a.m. and 3:00 p.m.

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

### **XIV. MAYOR McEACHERN**

- 1. Resignation of Lori Waltz from the COVID Response Task Force

**Councilor Lombardi moved to accept with regret the resignation of Ms. Waltz and to send her a letter of thanks and gratitude for her service to the City. Seconded by Assistant Mayor Kelley and voted.**

#### **A. ASSISTANT MAYOR KELLEY**

- 1. Retreat Update to City Council Goals

Assistant Mayor Kelley announced the City Council met as a group on February 9<sup>th</sup> to review the City Council goals set in 2022. She reported the City Council would keep the seven established goals but there are two edits. Goal #2 the Council will be adding promotion surrounding business retention and sharing resources with the Chamber with all businesses similar to what we had done during the pandemic. Goal #6 add predictable to deliver a trusted, transparent, responsive process i.e., with meetings of the boards and commissions. Assistant Mayor Kelley said she will be bringing these edits to a future City Council meeting.

**B. COUNCILOR DENTON**

1. Proposed Million Air Project

Councilor Denton requested that City Manager Conard provide updates as this project progresses with the Pease Development Authority.

**D. COUNCILOR BAGLEY**

1. Anti-Discrimination Policy for City Property Usage

**Councilor Bagley moved to refer the policy included in the packet to the Legal Department for review and report back. Seconded by Assistant Mayor Kelley.**

Councilor Bagley said the Council needs to take a hard stance on this matter.

Discussion followed regarding this matter and public forum areas and first amendment rights.

**Motion passed.**

**E. COUNCILOR COOK**

1. Making Music and Art Lessons an Allowed Use in Residential Zoning

**Councilor Cook moved to request that the Land Use Committee make a recommendation to the City Council on changes to the zoning ordinance that would incorporate music and art lessons as an allowed home occupational use, and the drying of laundry outside by right, without special exception in any residential zoning district. Seconded by Councilor Denton.**

Councilor Cook said she is looking for a recommendation back from Land Use on these questions and what is appropriate for home occupational use 1 and 2.

**Motion passed.**

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

1. McIntyre Update

City Manager Conard reported that a second check-in was held with the GSA on February 28<sup>th</sup> where we shared with them the progress we've made to date. She stated that the GSA is asking for an updated set of milestones, which the redevelopment partner and the City are working on right now. She said that the \$150,000.00 is all being spent toward understanding our financial due diligence about cost estimating and the pro-forma and will be for the two new contracts coming in, RKG as well as the remaining consultants on the design team whose work continues. She stated the costs are being shared 50/50 between our development partner and the city.

2. Conservation Law Foundation (CLF) Petition for Residual Designation

Deputy City Manager/Deputy City Attorney Woodland reported the petition would add another layer of regulation for the City and most of the communities in Strafford and Rockingham County. She stated we are reviewing what this might mean and what, if any, impacts this will have.

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

Councilor Blalock informed the City Council that Student Government Day would be held on April 19<sup>th</sup>.

**Councilor Blalock moved to schedule a work session regarding the potential of an Indoor Sports Complex Rink. Seconded by Assistant Mayor Kelley and voted.**

Councilor Denton requested an update regarding the electric vehicle charger post ordinances from 10 months ago to be held soon.

**XIX. ADJOURNMENT**

**At 11:20 p.m., Councilor Denton moved to adjourn. Seconded by Councilor Blalock and voted.**



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK