

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, MAY 15, 2023

PORTSMOUTH, NH  
TIME: 7:00PM

**On a unanimous voice vote 9-0, Assistant Mayor Kelley moved to close the Non-Public Session and seal the minutes. Seconded by Councilor Tabor and voted.**

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

Mayor McEachern called the meeting to order at 7:05 p.m.

### **IV. ROLL CALL**

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

### **V. INVOCATION**

Mayor McEachern asked for a moment of silence to honor the role of law enforcement in service to society by recognizing the sacrifices and valor of law enforcement, and the efforts of our own police department in educating the community and making it safer for those who serve and for all of us on this National Peace Officers Memorial Day.

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

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

### **VII. ACCEPTANCE OF MINUTES – APRIL 17, 2023 CITY COUNCIL MEETING**

**Assistant Mayor Kelley moved to accept and approve the minutes of the April 17, 2023. Seconded by Councilor Tabor and voted.**

### **IX. PUBLIC COMMENT SESSION**

Paige Trace said that six councilors met outside the Council Chambers, and it was not by chance which makes it a meeting of the Council and minutes should have been taken.

Petra Huda asked why the city is paying for utilities at Prescott Park. She also asked why there are no figures associated with tables and chairs for areas A & B in Prescott Park.

Sue Polidura thanked the City Council for their work session with departments regarding the budget today. She expressed concern regarding the large increase for contractor services in the IT Department budget. She stated that all information technology services should be merged and not split between the 4 major departments, general government, fire, police, and school departments.

Esther Kennedy expressed concern that there was no information on a CSO event from the large rainfall that recently occurred. She said that in her opinion there was an event, and no information was provided.

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

- A. First 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 10.5A43.30 – 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

**Councilor Moreau moved to pass first reading and refer to the Planning Board for report back and further schedule a public hearing and second reading for July 10, 2023 City Council meeting. Seconded by Councilor Tabor.**

**Councilor Tabor moved to suspend the rules in order to hear a presentation by Principal Planner Nick Cracknell. Seconded by Councilor Moreau and voted.**

Principal Planner Cracknell provided a detailed presentation regarding the proposed amendment and reviewed the current definitions for Character-Based Zoning. He spoke to the overlay district that allows developers to receive incentives if community benefits are provided. He also reviewed the five proposed amendments contained in the ordinance.

Councilor Tabor spoke in support of the ordinance moving forward. He addressed the need for workforce housing downtown.

Councilor Moreau spoke to the ordinance and said the amendments made in 2013 are not working and changes need to be made.

Councilor Blalock thanked Councilor Moreau, Assistant Mayor Kelley and staff for their work on this matter and spoke to his support of moving the ordinance forward.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said he appreciates the work of the Land Use Board and said changes are effective and Portsmouth is better for them. He spoke to the Planning Board reviewing this ordinance and proposed amendments. He recommended having the percentage of dwelling units within a building for workforce housing being increased from 10% to 20% and that this be considered during the Planning Boards review of the ordinance. Councilor Moreau said she would bring that matter forward at the Planning Board level during its review.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

**Motion passed.**

**Councilor Moreau moved to suspend the rules to bring forward Items XIII. C. – Town of New Castle Sewer Agreement, XIII. A. – Presentation regarding Community Health Profile by Health Officer Kim McNamara and XIII. B. – Presentation from the COVID-19 Recovery Task Force by Abbie Frank. Seconded by Assistant Mayor Kelley and voted.**

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

#### **C. Town of New Castle Sewer Agreement**

Deputy City Manager Woodland provided a brief introduction to the request from the Town of New Castle to enter into a formal 20-year sewer agreement. Director of Water Resources/Deputy Public Works Director Goetz reviewed the wholesale rates that would be paid by the Town of New Castle.

Discussion followed regarding the wholesale rates and the need for infrastructure improvements in New Castle. Deputy City Manager Woodland spoke to provisions within the agreement to protect the city with flow limits. Mayor McEachern spoke of the need for investments by New Castle to their infrastructure. Mayor McEachern said in terms of the rate he would want to ensure that New Castle does not pay less than our residents for the service. Councilor Cook spoke to the termination clause within the agreement that addresses our concerns.

**Assistant Mayor Kelley moved to request that the City Manager bring forward this wholesale sewer agreement for action at the next City Council meeting. Seconded by Councilor Moreau and voted.**

#### **A. Presentation Regarding Community Health Profile by Health Officer Kim McNamara**

Health Officer Kim McNamara provided a brief review of the Community Health Profile and statistical data contained in this report. She outlined the three recommendations being proposed:

- Community Health Improvement Plan (CHIP) to follow this Community Health Profile and Needs Assessment, based on the findings and greater community input. Set aside \$3,000,000.00 to be used for the outcome of the Community Health Profile, Needs Assessment and Community Health Improvement Plan.
- Provide a mechanism for non-profits providing services to Portsmouth's vulnerable residents so they can make their needs known now, independent of the \$3,000,000.00 requested for after completion of CHIP.
- Apply a *Health in All Policies* approach to City policy development & planning, which incorporates health considerations for all people within this community, and will ensure that diversity, equity and inclusion are protected.

Councilor Bagley spoke to the data surrounding lead paint testing. Health Officer McNamara said there is not enough awareness on testing children for lead paint. Councilor Cook said lead paint affects everyone that lives in a home older than the 1970's. She asked when the plan would be completed. Health Officer McNamara said sometime in December.

B. Presentation from the COVID-19 Recovery Task Force by Abbie Frank

Ms. Frank spoke to the critical areas of need for the Portsmouth Community post COVID. She stated the Blue Ribbon Community was created to evaluate challenges and identify low-cost, high-impact recovery solutions that use ARPA monies. She reviewed high impact – low cost solutions:

- Provide funding to the Community Resource Network to make the website more user friendly.
- Work with the recreation department to help provide scholarships to summer programs for kids and teens and to expand programming for seniors.
- Create and fund a position to coordinate school and community services to help support youth and families.
- Create a streamlined process to help support the non-profits that already exist.
- Create a transportation think tank that could consider buying vans to share between PHA, recreation department, school department, etc.
- Gas & Uber/Lyft vouchers to facilitate transportation to after school programs, mental health appointments, jobs, groceries, childcare.
- Provide scholarships for CDL licenses and early childhood education certificate programs.
- Support the recommendation of the department of health to set aside money to target the needs of the Portsmouth community.
- Fund Library book mobile.
- Further investigate how to support seniors and individuals with developmental disabilities in our community; create a position that coordinates senior services with PHA.
- Support programs for affordable housing.

**Councilor Bagley moved to refer the list of solutions to the City Manager for report back on feasible details with any that the city should move forward. Seconded by Councilor Denton.**

Mayor McEachern thanked the Task Force for their work.

**Motion passed.**

At 8:45 p.m., Mayor McEachern declared a brief recess. At 9:00 p.m., Mayor McEachern called the meeting back to order.

**XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

**A. CITY MANAGER CONARD**

1. Approval of License Agreement with the General Services Administration (GSA)

City Manager Conard reported on the agreement which is for 180 days with the General Services Administration and asked for approval by the Council.

**Councilor Lombardi moved to authorize the City Manager to execute the proposed license agreement with GSA. Seconded by Councilor Bagley and voted.**

2. Renewal of Prescott Park License Agreements between the City and the Gundalow Company, the Prescott Park Arts Festival, and the New Hampshire Art Association

City Manager Conard said there are three license agreements before the Council this evening for approval with five-year renewals.

*A) Gundalow Company*

**Assistant Mayor Kelley moved to approve the Prescott Park License Agreement between the City and the Gundalow Company in a form similar to the attachment in the City Council Packet and to authorize the City Manager to execute the Agreement. Seconded by Councilor Bagley and voted.**

*B) Prescott Park Arts Festival*

**Assistant Mayor Kelley moved to approve the Prescott Park License Agreement between the City and the Prescott Park Arts Festival in a form similar to the attachment in the City Council Packet and to authorize the City Manager to execute the Agreement. Councilor Tabor abstained from voting on this agreement. Seconded by Councilor Bagley.**

Councilor Tabor said he would need to abstain because he has a fiduciary role with Prescott Park Arts Festival.

**Motion passed. Councilor Tabor abstained from voting on this agreement.**

*C) NH Art Association*

**Assistant Mayor Kelley moved to approve the Prescott Park License Agreement between the City and the NH Art Association in a form similar to the attachment in the City Council Packet and to authorize the City Manager to execute the Agreement. Seconded by Councilor Lombardi and voted.**

3. Request for First Reading Regarding Amendments to Chapter 4, the City's Food Licensing and Regulations Ordinance

City Manager Conard said at the June 5, 2023 City Council meeting we will bring forward first reading of the proposed amendments to the ordinance that will bring the food code up to the 2022 code.

**Assistant Mayor Kelley moved to schedule first reading of the amendments to Chapter 4, the City's Food Licensing and Regulations Ordinance, at the June 5, 2023 City Council meeting. Seconded by Councilor Cook.**

Mayor McEachern inquired regarding dogs being allowed into restaurants and how that is handled. Health Officer McNamara said that the requirement under the food code is you need to have a cleanable surface for the permittance of dogs.

**Motion passed.**

4. Street Naming for 3548 Lafayette Road

City Manager Conard said this is for the former Wrens Nest location and Public Works has reviewed the request and has no objection to the approval.

**Councilor Moreau moved to authorize the use of Monarch Way as the private street name for the development at 3548 Lafayette Road. Seconded by Councilor Blalock and voted.**

5. Approval of the Portsmouth School Department Custodial Collective Bargaining Agreement

City Manager Conard said this agreement was reviewed during our Non-Public Session this evening and is before you for approval.

**Assistant Mayor Kelley moved to approve and accept the agreement as presented. Seconded by Councilor Lombardi and voted.**

**XII. CONSENT AGENDA**

- A. Letter from Kelly Hartnett, Seacoast Mental Health Center, requesting permission to hold the Bridges 4 Friendship 10k on Saturday, October 14, 2023 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- B. Letter from Jason Brewster, Brewster’s Bait & Tackle, requesting permission to hold The Blessing of the Fleet on Thursday, July 27, 2023 from 6:00 p.m. – 7:00 p.m. on Four Tree Island (***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 and voted.**

**XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

- D. Email Correspondence

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

- E. Request from Sue Polidura seeking permission to hold a community reading of the Declaration of Independence in front of the North Church on Tuesday, July 4, 2023 at 11:00 a.m.

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

- F. Letter from Danville Fire Chief Steven Woitkun regarding the quick action of Portsmouth Electrical Inspector John Plourde for intervening at a fire on Sandown Road in Danville, NH and making sure all residents and pets were evacuated safely from the home

Mayor McEachern said Electrical Inspector Plourde was recognized during the Budget Work Session held earlier today for his heroism and quick action at this incident in Danville, NH.

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

- G. Letter from Tom Kaufhold, Founder of NH Seacoast LGBTQ History Project, requesting permission to display six panels describing the history of the LGBTQ community on the seacoast at City Hall during the month of June 2023

**Councilor Moreau moved to refer to the City Manager with Authority to Act. Seconded by Councilor Cook.**

Councilor Cook advised the Council that the exhibit is currently on display at the Athenaeum and spoke in support of the project.

**Motion passed.**

#### **XIV. MAYOR McEACHERN**

1. Appointment to be Considered:
- Reappointment of David Adams to the Historic District Commission

The City Council considered the reappointment of David Adams to the Historic District Commission which will be acted upon at the June 5, 2023 City Council meeting.

2. Appointment to be Voted:
- Peter Splaine to the Cemetery Committee

**Councilor Tabor moved to appoint Peter Splaine to the Cemetery Committee until May 1, 2025. Seconded by Councilor Bagley and voted.**

#### **XV. CITY COUNCIL MEMBERS**

##### **A. COUNCILOR DENTON**

1. Draft Ordinance Codifying the Sustainability Committee

**Councilor Denton moved to refer the draft ordinance codifying the Sustainability Committee to the Governance Committee and the Legal Department for review and report back to the City Council for first reading. Seconded by Councilor Cook.**

Councilor Denton said it has been ten years since the Sustainability Committee was created and feels it is time to make it a standing committee. He said the ordinance would take effect upon action of the City's Climate Action Plan. He discussed members of the Eco-Club being members of the committee regardless of where they live in the school district.

Councilor Cook said she supports the ordinance and spoke to the work of the Governance Committee and their review of Blue Ribbon Committees. She advised the Council that a few of these ordinances would be coming forward for the creation of standing committees.

**Motion passed.**

## **B. COUNCILOR MOREAU**

### 1. Report of City-Owned Parcels for Potential Reuse as Workforce Housing

Councilor Moreau briefly reviewed the report with the City Council and advised that four potential locations were suggested.

- 1 Junkins Avenue (the lower city hall parking lot – approx. 1 acre)
- Falkland Way (the open parcel in front of the PHA property / approx. 1 acre)
- 35 Sherburne Road (the Lister Academy / approx. 5 acres)
- 195 Greenleaf Avenue (Greenleaf Recreation Center / approx. 3 acres)

She stated that the City Council would need to decide where to go from here. She said no motion is being requested at this time.

Assistant Mayor Kelley suggested that the next step would be to narrow the list down and bring that information back to the City Council.

Councilor Moreau said the four listed are viable sites for workforce housing.

Councilor Denton said he would like to see the Junkins Avenue lower lot considered, and if all three make sense, we review all locations.

Mayor McEachern recommended reviewing all four properties and working with the Portsmouth Housing Authority.

Discussion followed regarding the report and the four locations suggested.

**Councilor Moreau moved to request the Land Use Committee work to prioritize these four lots by which is the most viable lot for development in connection with a request for the President of Portsmouth Housing Authority Housing Development Limited to report back to the City Council with input from the development side.**

- **1 Junkins Avenue (the lower city hall parking lot)**
- **Falkland Way (open parcel in front of the PHA property)**
- **35 Sherburne Road (the Robert J. Lister Academy)**
- **195 Greenleaf Avenue (Greenleaf Recreation Center)**



**Seconded by Councilor Blalock and voted.**

**C. COUNCILOR BAGLEY**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the April 6, 2023 meeting

**Councilor Bagley moved to accept and approve the action sheet and minutes of the April 6, 2023 Parking and Traffic Safety Committee meeting. Seconded by Assistant Mayor Kelley.**

Councilor Bagley reported on the action sheet and informed the Council that speed pillows would be installed this summer for traffic calming measures on Woodbury Avenue.

**Motion passed.**

2. Parking and Traffic Safety Committee Action Sheet and Minutes of the May 4, 2023 meeting

**Councilor Bagley moved to accept and approve the action sheet and minutes of the May 4, 2023 Parking and Traffic Safety Committee meeting. Seconded by Assistant Mayor Kelley.**

Councilor Bagley reported on the action sheet and the update on a temporary roundabout trial on Bartlett Street at Thornton Street. He also spoke to Prescott Park parking lot proposal of providing additional handicap parking for events.

**Motion passed.**

**D. COUNCILOR LOMBARDI**

1. Economic Development Commission Powers and Duties (Section 1.402)

Councilor Lombardi reported that the Economic Development Commission are recommending changes to their powers and duties.

**Councilor Lombardi moved to refer to the Governance Committee and Legal Department for report back to the City Council. Seconded by Assistant Mayor Kelley and voted.**

**XVI. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of NHDES 2022-2024 Strategic Planning Grant Program

**Assistant Mayor Kelley moved to authorize the City Manager to enter into a Grant Agreement with the State of New Hampshire Department of Environmental Services to accept up to \$50,000.00 from the NHDES 2022-2024 Strategic Planning Grant Program to assist with paying a portion of the comprehensive planning study and preliminary engineering evaluation of the Lafayette tank pressure zone. Seconded by Councilor Moreau and voted.**

- B. Acceptance of Donation to the Senior Activity Center from the Portsmouth Garden Club - \$500.00

**Councilor Moreau moved to approve and accept the donation as presented. Seconded by Councilor Blalock and voted.**

- C. Acceptance of Various Police Department Grants:
- US Department of Justice for the NH Internet Crimes Against Children Task Force - \$377,882.00
  - 2023 Safe & Active Grant award from the Injury Prevention Center of Dartmouth-Hitchcock for 50 multi-sport helmets, 50 bike lights and educational materials

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

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

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

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

Councilor Moreau announced the first signature event for the PortsmouthNH 400<sup>th</sup> will be the parade held on Saturday, June 3, 2023.

- Parking Agreements for Special Events on June 3, 2023 with Bethel Assembly of God and The Islamic Society of the Seacoast Area (Not on agenda)

**Councilor Moreau moved to authorize the City Manager to negotiate and enter into two special event Parking Agreements with the Bethel Assembly of God and The Islamic Society of the Seacoast Area for special event parking on June 3, 2023. Seconded by Assistant Mayor Kelley and voted.**

Councilor Bagley announced that Mayor McEachern's Bike Ride will be held on Saturday, May 21, 2023 at the Portsmouth Middle School/Public Library parking lot.

Councilor Denton announced Memorial Day Events:

- The Burial at Sea Ceremony will take place on Friday, May 26, 2023 at 11:00 a.m. at Prescott Park near the anchor
- The Memorial Day Ceremony will be held at Plains Field on Monday, May 29, 2023 at 2:00 p.m.

**XIX. ADJOURNMENT**

**At 10:15 p.m., Assistant Mayor Kelley moved to adjourn the meeting. Seconded by Councilor Bagley and voted.**

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