

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: AUGUST 7, 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 Lombardi and voted.

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:10 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 silent prayer.

VI. PLEDGE OF ALLEGIANCE

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

VII. ACCEPTANCE OF MINUTES – JULY 10, 2023 & JULY 24, 2023

Councilor Denton moved to accept and approve the minutes of the July 10, 2023 and July 24, 2023 City Council meetings. Seconded by Assistant Mayor Kelley and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

Mayor McEachern recognized Portsmouth Little League for their outstanding season.

Mayor McEachern recognized William Shaheen for his selection to USA Baseball's Northeast Team.

Mayor McEachern, City Council, City Manager Conard recognized Assistant City Attorney Kathleen Dwyer for her 37 years of service to the City of Portsmouth in the Legal Department. Former City Attorney Robert Sullivan recognized Kathleen's career with the city and her work with the School Department throughout the years.

IX. PUBLIC COMMENT SESSION

Frank Dasper spoke in support of having Keno in Portsmouth. He spoke to the many organizations that the American Legion support and said that children are our future and Keno will assist them in their ability to continue to support various children's sports and other activities. He requested that the City Council support placing the Keno question on the Municipal Ballot.

David Fine spoke opposed to removing the locks from the fence at Prescott Park. He said he has a petition with over 1,500 signatures in support of the locks remaining on the fence. He asked what the plan for the removal of the locks is and where would they be placed.

James Johnston said he would like to see the field lights extended for an extra 30 minutes in the evening to better accommodate the needs of the community.

Francis Cormier spoke regarding the impact inflation is having on all of us.

Herb Lloyd spoke regarding having SolSmart in the City of Portsmouth which is a federally funded program. He spoke about the benefits of the program and how it is used to educate the community on the use of solar.

John Carty spoke in support of the SolSmart program. He said the cost to the city is zero and it will benefit the community. He spoke to the different levels within the program and asked the city to approve the motion under Councilors Denton and Cook names.

Christina Lusky said she is concerned with committing to obtaining the McIntyre building. She stated she does not feel that the workforce housing could be located at McIntyre site. She also expressed her opposition to the McNabb proposal.

Irish Mike spoke regarding politics and how it affects communities.

Paige Trace spoke regarding fiduciary responsibilities. She also addressed workforce housing at the McIntyre site which is the most valuable piece of land in the city. She said McIntyre should be used for economic development and you must put out an RFQ and RFP for the site.

Petra Huda asked what the motion regarding workforce housing under the mayor's name does and whether there is important information that the mayor is going to be sharing with the public regarding McIntyre. She also asked what the motion regarding the McNabb proposal means. She said you need to remember the construction at the parking garage.

Thomas Beaudoin spoke in support of placing the Keno question on the Municipal ballot. He spoke to the various funds provided to organizations within the community by the Elks which would increase in the funds raised by having Keno at their facility.

Lonnie Cherry spoke in support of placing the Keno question on the Municipal ballot.

Peter Somssich spoke in support of the future for Spinnaker Point Center. He said that this is the primary fitness center in the city and the Citywide Neighborhood Group would like to see the city invest monies towards necessary improvements at the center.

Larry Cataldo spoke regarding the Spinnaker Point facility and said there are issues that need addressing such as mold. He stated he would like to have this matter considered at a future City Council meeting and have the Citywide Neighborhood Group provide a presentation regarding the facility and its needs for improvements to be made.

Jennifer Mandelbaum thanked the City Council for their service to the community.

Ted Jankowski urged the City Council to vote in support of Mayor McEachern's motion regarding McIntyre.

Cliff Doyle said his property on Ladd Street will be greatly impacted by the McNabb proposal. He asked the City Council to consider those surrounding properties that will be impacted by the proposal before making a decision on this request.

Peter Loughlin spoke to the transformation of Market Square would have on the city. He requested the city to consider those impacts and effects when transforming the square.

Gary Epler spoke to the need for level three electrical vehicle charges in the city. He said he would like to see level three charges put in place throughout the city for those individuals with electrical vehicles.

Mark from the Park, Eliot, Maine played the song "I'm Proud to be an American" by Lee Greenwood.

Rick Becksted (via Zoom) spoke regarding the McNabb proposal and said none of the land use boards have given their approval for this proposal. He requested that a public forum separate from the City Council meeting be held regarding the proposal. He asked that the public comment session be extended to allow comments following the presentation on the proposal.

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

Public Hearings/Second Reading of Ordinances:

- A. PUBLIC HEARING/SECOND READING of Ordinance amending Chapter 1, Article III – BOARDS and Article IV – COMMISSIONS AND AUTHORITIES
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Cook moved to pass second reading of the ordinance and hold third and final reading at the August 21, 2023 City Council meeting and further amend Section 1.302 D third line to change his or her to *his/her or their*. Seconded by Assistant Mayor Kelley.

Councilor Cook said the ordinance changes are bringing language up to date.

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor McEachern closed the public hearing.

Motion passed.

Councilor Denton moved to suspend the rules to bring forward third and final reading of the ordinance this evening. Seconded by Councilor Cook and voted.

Councilor Denton moved to pass third and final reading of the ordinance. Seconded by Councilor Cook and voted.

B. PUBLIC HEARING/SECOND READING of Omnibus Ordinance amending Chapter 7, VEHICLES, TRAFFIC AND PARKING:

- 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 designated 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

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Traffic Engineer Eby provided a brief presentation on the omnibus ordinance and requested changes. He spoke about the recommended changes coming forward from the Parking and Traffic Safety Committee and that the changes have been in effect for one year and are before you for approval this evening.

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers.

Roy Helsel said the speed limits should be enforced on Middle Road. He feels that the entire city should be at 25-mph speed limit.

Paige Trace said that Sagamore Avenue is posted as 30 mph and should be regulated for 25 mph.

Jim Lee spoke to the need for Sagamore Avenue to be listed as a 25-mph zone. He also indicated that the police department needs to provide more enforcement of the area.

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

Mayor McEachern reminded the public that Sagamore Avenue is a state road that we cannot regulate.

Councilor Bagley said the state will not let you change the speed limit without having an engineering study done.

Assistant Mayor Kelley moved to pass second reading and hold third and final reading at the August 21, 2023 City Council meeting. Seconded by Councilor Lombardi and voted.

Councilor Lombardi moved to suspend the rules to bring forward third and final reading of the ordinance this evening. Seconded by Councilor Bagley and voted.

Councilor Lombardi moved to pass third and final reading of the ordinance. Seconded by Councilor Bagley and voted.

- C. PUBLIC HEARING/SECOND READING of Ordinance amending Chapter 7, Article VI – LOADING ZONES, Section 7.601- LIMITED HOURS LOADING ZONES
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Public Works Director Rice advised the City Council that loading zones are not used after 3:00 p.m. and this would free up 38 spaces in the downtown area.

Councilor Cook thanked the Public Works Department, Engineer Eby and Parking and Traffic Safety for adding parking to the downtown during this busy time of day.

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor McEachern declared the public hearing closed.

Assistant Mayor Kelley moved to pass second reading of the ordinance and hold third and final reading at the August 21, 2023 City Council meeting. Seconded by Councilor Tabor and voted.

Councilor Lombardi moved to suspend the rules and bring forward third and final reading of the ordinance. Seconded by Councilor Cook and voted.

Councilor Lombardi moved to pass third and final reading of the ordinance. Seconded by Councilor Cook and voted.

- D. PUBLIC HEARING/SECOND READING of Ordinance amending Chapter 7, Article X – TOWING, Section 7.1004 – TOWING OR IMMOBILIZATION OF MOTOR VEHICLES FOR NON-PAYMENT OF PARKING FINES:

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.

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor McEachern declared the public hearing closed.

Councilor Blalock moved to pass second reading and hold third and final reading of the ordinance at the August 21, 2023 City Council meeting. Seconded by Councilor Lombard and voted.

Councilor Tabor moved to suspend the rules to bring forward third and final reading of the ordinance. Seconded by Councilor Blalock and voted.

Councilor Moreau moved to pass third and final reading of the ordinance. Seconded by Councilor Tabor and voted.

- E. 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
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Planning Manager Stith provided a summary of amendments and addressed conditional use permits. He spoke to the West End and Overlay Districts which would require conditional use permits from the Planning Board. He addressed the four new community space types with the City Council.

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers.

Paige Trace spoke to workforce housing within this ordinance and asked what happens to the property after thirty years and whether it would remain workforce housing.

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

Councilor Moreau moved to pass second reading and hold third and final reading of the ordinance at the August 21, 2023 City Council meeting. Seconded by Assistant Mayor Kelley and voted.

Councilor Moreau moved to amend the first two lines of Section 10.5A43 (e) to strike the words *the development shall have at least 10% of*. The sentence will now read: For development with more than five (5) dwelling units, the dwelling units within a building shall be workforce housing units in compliance with state law for either. Seconded by Councilor Blalock and voted.

Councilor Moreau moved to suspend the rules to bring forward third and final reading of the ordinance. Seconded by Councilor Lombardi and voted.

Councilor Moreau moved to pass third and final reading of the ordinance. Seconded by Councilor Blalock and voted.

Councilor Denton moved to suspend the rules to bring forward item XV. A.1. – SolSmart Application. Seconded by Councilor Cook and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR DENTON & COUNCILOR COOK

1. SolSmart Application

Councilor Denton moved that the City of Portsmouth submit a SolSmart application, engage with SolSmart consultants, and build a designation plan. Seconded by Councilor Cook and voted.

At 9:00 p.m., Mayor McEachern declared a brief recess. At 9:15 p.m., Mayor McEachern called the meeting back to order.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Amendment to Lease Agreement for AIDS Response of the Seacoast

City Manager Conard requested approval to amend the lease which terminates in September 2023 and go forth on a month-by-month basis.

Councilor Moreau moved to finalize and execute the Amendment to the Lease Agreement as proposed in the agenda packet. Seconded by Assistant Mayor Kelley and voted.

2. Bicycle Pedestrian Easement for Property Located at 293 Pevery Hill Road

City Manager Conard said the Legal, Planning and Sustainability, and Public Works Departments recommend the City accept an easement in substantially similar form to the attached easement in the packet. She stated this easement will facilitate the City's planned construction of a Bicycle and Pedestrian Path extending along Pevery Hill Road.

Assistant Mayor Kelley moved to authorize the City Manager to accept and record a Bicycle and Pedestrian Path Easement Deed in substantially similar form to the easement deed from Pevery Hill Estates Condominium, Inc. contained in the agenda packet. Seconded by Councilor Moreau and voted.

3. Drainage Easement and Public Access/Community Space Easement for 70 Maplewood Avenue

City Manager Conard said the Planning Board approved the site plan for 70 Maplewood Avenue which requires that the owner grant the City a drainage easement on its property located at 163 Deer Street. She stated the purpose of the easement is to extend an existing 20' drainage easement along the full length of the property.

Councilor Moreau moved to grant authority for the City Manager to negotiate, execute, accept, and record the Easement for Public Access and Use of Community Space in a form substantially similar to the attached and to further authorize the City Manager to negotiate, execute, accept, and record any amendment to the Easement to add metes and bounds description of the community space after as built plans are completed. Seconded by Assistant Mayor Kelley and voted.

Councilor Moreau moved to grant authority for the City Manager to negotiate, execute, accept, and record the Drainage Easement Deed in form similar to the document contained in the agenda packet. Seconded by Councilor Bagley and voted.

Councilor Denton moved to suspend the rules to bring forward item XVII. 1. – Report Back Re: Ruth Street Property Release. Seconded by Councilor Tabor and voted.

City Manager Conard reported that this matter was reviewed by the Legal Department. She stated that the Legal Department has indicated that a release of the turnaround easement is not appropriate at this time, unless and until a survey plan is prepared by a licensed surveyor which details the extent of the City's right of way interest. She stated Ms. Sensiba wishes to maintain the landscaping she has installed within the City's turnaround easement. She indicated that Ms. Sensiba could request a landscaping license from the City Council, however she declined this suggestion.

XII. CONSENT AGENDA

- A. Request from Sophie Gee, Janegge, to install a Projecting Sign at 107 Congress 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***

- B. Request from Thomas Michael, TD Bank, N.A., to install two Projecting Signs at 333 State 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***

- C. Letter from Arlon Chaffee, Granite State Wheelers, requesting permission to hold the Seacoast Century Bicycle Ride on September 23, 2023 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

Councilor Cook requested to take action on Item C. the Grant State Wheelers request separately.

Councilor Moreau moved to adopt the Consent Agenda Items A. & B. – Projecting Signs for 107 Congress Street and 333 State Street. Seconded by Assistant Mayor Kelley and voted.

Councilor Cook said she needs to recuse from voting on the Granite State Wheelers request because an organization she works with is having their event the same day.

Councilor Moreau moved to refer to the City Manager with Authority to Act. Seconded by Assistant Mayor Kelley and voted. Councilor Cook recused from voting on the request from Grantie State Wheelers.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Presentation from Mark McNabb, McNabb Properties, Ltd., regarding Improvements Plans for High Street, Ladd Street and Haven Court as part of the 1 Congress Street Project

Marie Bodi provided a presentation regarding the McNabb proposal. She stated that Mr. McNabb would like to provide these improvements as a gift to the city. She reviewed the area on Ladd Street and spoke about the connectivity this proposal provides to the area. She said the existing sidewalks on High and Ladd Street vary in size and there is no ADA accessibility in that area.

Tracey Kozak spoke to the connectivity and said it is inclusive of accessibility in the area. She said that this would be in collaboration with the city and Mr. McNabb. She addressed the complete rebuilding of the infrastructure of the underground utilities. She said that these improvements will make the area more vibrant in addition to the accessibility to the areas.

Assistant Mayor Kelley asked about the trash receptacles moving into the High Hanover Garage and if there are other options available. Ms. Kozak said as an urban city there would need to be a more collective approach to find collective ways for placing trash underground.

Councilor Bagley spoke to the five spaces and the parking revenue that is generated for this location. He reported that the revenues were over \$20,000.00 in the last year. He said the improvements are not a revenue loss with the gains we received with infrastructure improvements.

Councilor Tabor said it is unclear regarding the road improvements and who would be accountable if the sewer does not work.

Mr. McNabb said, like with all projects, they are bonded and it is reviewed by the Public Works Department. He said if the project does not meet the expectations of the Public Works Department the city will not return the bond.

Councilor Blalock asked how long the project would take. Tracey responded approximately 18 months.

Councilor Blalock moved to approve the work proposed in concept, subject to the staff reporting back with a Memorandum of Agreement between the City and the Developer that identifies the rough scope of work and the needed legal documents to proceed with that work, to be approved by the City Council and executed by the City Manager. Seconded by Councilor Lombardi.

Ms. Bodi reviewed the memorandum provided by McNabb Properties Ltd. this evening to the Council outlining the 13 salient points and conditions of the project. She said that the doorway to the High Hanover Parking Garage will be added to this request and will be paid for by the developer.

Assistant Mayor Kelley asked about provision #6 – The City of Portsmouth will waive any and all fees, including license agreements to encumber the public way during construction. She said she is concerned that the project would happen during the 1 Congress Street project. Ms. Bodi said the engineer design and infrastructure far exceeds any license fees for the project. Mr. McNabb said we are not looking to waive fees for building permits, just the license fees for encumbrances of the sidewalk.

Councilor Cook spoke to there being a way to back out of the agreement if it becomes necessary.

Mayor McEachern asked City Attorney Morrell if we have the authority to get a recommendation from Parking and Traffic Safety Committee to eliminate parking spaces. City Attorney Morrell said we would refer this to the Parking and Traffic Safety Committee for a referral back. Councilor Cook said we would not need to go to Parking and Traffic Safety Committee if this is part of the planning process. City Attorney Morrell said referring to the Parking and Traffic Safety Committee is part of our process but not a requirement. She said in the Memorandum of Agreement we would need to get owners to agree with changes on Haven Court.

City Manager Conard said we all received the document this evening from Mr. McNabb and said we do not agree with all 13 items outlined in the memorandum.

Mayor McEachern said he wants to hear from Parking and Traffic Safety first.

Councilor Bagley moved to amend the motion to refer to Parking and Traffic Safety Committee to review with a report back to the City Council. Seconded by Tabor and voted. Councilor Cook voted opposed.

Main motion passed as amended.

C. Email Correspondence

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

D. Letter from JerriAnne Boggis, Black Heritage Trail, 60th Anniversary of Dr. Martin Luther King's March on Washington, requesting permission to use public spaces for a March from Memorial Bridge and a ceremony at the African Burying Ground Memorial on Saturday, August 26, 2023

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

E. Letter from Paul Timmerman, Raid on Fort William & Mary, requesting permission to hold an event on December 14, 2023 and December 15, 2023 in recognition of the 250th Revolutionary War anniversary

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

- F. Letter from Kara Sweeney, Betty's Dream, requesting to enter into a Payment in Lieu of Taxes (PILOT) Agreement regarding 75 Longmeadow Lane

Assistant Mayor Kelley moved to refer to Legal & Assessing Departments for report back. Seconded by Councilor Bagley.

Councilor Cook requested a report back from the Assessor on the requirements a non-profit has for providing proof of non-profit status in the city.

Motion passed.

- G. Letter from Rene Sullivan, Friends of Lafayette House, requesting to enter into a Payment in Lieu of Taxes (PILOT) Agreement for Friends of Lafayette House

Assistant Mayor Kelley moved to refer to Legal & Assessing Departments for report back. Seconded by Councilor Moreau and voted.

- H. Letter from Gary Beaulieu requesting a landscape license for 232 South Street

Assistant Mayor Kelley moved to authorize the City Manager to negotiate and grant a landscape license to property owners at 232 South Street to construct and maintain landscaping at 232 South Street, as described in the City Council agenda packet. Seconded by Councilor Blalock and voted.

XIV. MAYOR McEACHERN

1. McIntyre Status Update

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern moved to direct our city staff to pursue the transfer of the McIntyre Property for the purpose of converting the commercial space into workforce housing. Seconded by Councilor Moreau.

Mayor McEachern said that 20 years of the building is hard to go through at this late hour. He said he does not want a conversation about our past. He said we were approached by a lobbyist to look at this again. He said in trying to figure out what to do, the changes we just approved to the zoning ordinance would deliver 5% of units at the site. He stated it is not about whether we are wealthy people, we need a balance. He stated the Biden administration feels that workforce housing would be an economic development champion from a business perspective. He said in order to keep Portsmouth the type of place he grew up in we model the McIntyre after the Ruth Lewin Griffin building. He said we need to send a message to the federal government. He stated the housing market has failed us with affordability.

Councilor Tabor spoke in support of the motion. He said the Ruth Lewin Griffin building is the model to follow. He said workforce housing is the biggest concern and this is a triple win if we can pull this off. He stated we set a policy objective to engage Holland & Knight to get the property. He said he would like unanimous approval for this tonight.

Councilor Denton said if we had received the building through this back in 2017 there was one potential builder that wanted to turn the building into affordable housing.

Councilor Moreau said she only voted to lobby to have affordable housing such as workforce housing go into the McIntyre. She said she does not expect the city to pay for affordable housing, however.

Mayor McEachern said it is not the intent for the City to be a property developer, Portsmouth Housing Authority is an authority of the state that receives tax credits.

Councilor Bagley said he struggles with this but wants to support the motion. He said he does not feel we should spend more time chasing the project.

Mayor McEachern said we would like to see affordable housing and the motion would not hold them back from doing so.

Discussion followed regarding the need for affordable housing in the city.

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

Assistant Mayor returned the gavel to Mayor McEachern.

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

2. Appointments to be Considered:
 - Paul Messier to the Building Code Board of Appeals
 - Meganne Fabrega to the Library Board of Trustees
 - Jennifer Mandelbaum to the Library Board of Trustees
 - William Bowen to the Planning Board as an Alternate
 - Ivy Robichaud to the Sustainable Practices Blue Ribbon Committee

The City Council considered the appointments which will be voted on at the August 21, 2023 City Council meeting.

3. Acceptance of Resignation:
 - Alan Gold from the Economic Development Commission

Councilor Moreau moved to accept with regret and that a letter be sent to Mr. Gold thanking him for his service to the city. Seconded by Assistant Mayor Kelley and voted.

4. KENO Question on Municipal Ballot

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern moved to place the Keno Question “Shall we allow the operation of Keno games within the City of Portsmouth” on the November 7, 2023 Municipal Ballot and hold a public hearing at the October 16, 2023 City Council meeting. Seconded by Councilor Tabor.

Mayor McEachern said it is important to hear from the public on this question.

Councilor Moreau said the money from these funds goes back to the community.

Councilor Blalock said this creates more charity funds.

Councilor Cook said she supports the motion because she feels the residents should decide regarding this matter.

Councilor Denton said he wants to ensure if the Lottery Commission is required to present to the City Council regarding having Keno in the community, that it is done during the public hearing.

Motion passed.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

B. COUNCILOR MOREAU

1. Study of South Bound Route One Traffic Pattern

Councilor Moreau moved to request a report back from the Parking and Traffic Safety Committee and the state on the progress of this project. Seconded by Councilor Cook and voted.

C. COUNCILOR BAGLEY

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

Councilor Bagley moved to accept and approve the action sheet and minutes of the July 6, 2023 Parking & Traffic Safety Committee meeting. Seconded by Councilor Moreau.

Councilor Bagley reported that Aldrich Road will be receiving speed pillows to slow the traffic flow.

Motion passed.

D. COUNCILOR LOMBARDI

1. Request for First Reading regarding Economic Development Ordinance Proposed Amendments

Councilor Lombardi moved to schedule first reading on the proposed changes to the Economic Development Ordinance at the August 21, 2023 City Council meeting. Seconded by Assistant Mayor Kelley and voted.

E. COUNCILOR COOK

Councilor Cook moved to suspend the rules to bring forward Item 3 – Mid-year Report on the Work of the Governance Committee. Seconded by Councilor Moreau and voted.

3. Mid-year Report on the work of the Governance Committee

Councilor Cook provided a review of the work conducted by the Governance Committee this year. She spoke regarding various ordinance changes. She reported that an ordinance establishing an Arts and Cultural Commission and changes to the Ethics Ordinance around conflict of interest are being presented. She reported that the election changes to ethics would become effective in 2025.

1. Request for First Reading establishing an Arts and Cultural Commission

Councilor Cook moved to schedule first reading of the draft ordinance at the August 21, 2023 City Council meeting establishing an Arts and Cultural Commission to replace the Arts and Nonprofits Blue Ribbon Committee. Seconded by Councilor Moreau and voted.

2. Request for First Reading with Presentation from the Governance Committee regarding proposed changes to the Ethics Ordinance

Councilor Cook moved to schedule first reading with a formal presentation from the Governance Committee at the August 21, 2023 City Council meeting on their proposed changes to the Ethics Ordinance around conflict of interest. Seconded by Councilor Blalock and voted.

XVI. APPROVAL OF GRANTS/DONATIONS

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

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

2. Community Campus Wetlands Delineation

City Manager Conard reported the total acreage of land outside of the wetland and the buffer as determined by the wetland delineation is 5.15 acres. She also stated that there is 14.74 acres of upland, much of which is wetland buffer.

3. Prescott Park Master Plan Implementation

City Manager Conard reported that additional funding is needed to complete the revised scope which will be requested in the Fiscal Year 2025 CIP. She stated the additional cost for the revised scope of work is \$335,845.00.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XIX. ADJOURNMENT

At 11:15 p.m., Councilor Lombardi moved to adjourn. Seconded by Councilor Moreau 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