

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: OCTOBER 2, 2023

PORTSMOUTH, NH
TIME: 7:00PM

III. CALL TO ORDER

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

IV. ROLL CALL

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

V. INVOCATION

Mayor McEachern requested that the citizens of Portsmouth keep City Clerk, Kelli Barnaby in their thoughts as her father-in-law passed away this morning. He stated that if City Clerk Barnaby was watching, she is loved, and the City Council sends their condolences.

VI. PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

Mayor McEachern read the Proclamation declaring October 8 – 14, 2023, Fire Prevention Week in Portsmouth with the theme “Cooking Safety starts with YOU!” and encouraged all members of the community to stay alert and use caution when cooking to reduce the risk of kitchen fires.

Mayor McEachern presented the Proclamation to Fire Chief McQuillen who accepted it with thanks and appreciation.

VII. ACCEPTANCE OF MINUTES

(No minutes were brought forward for acceptance)

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

(There are no recognitions or reports this evening)

Councilor Moreau moved to suspend the rules to bring forward Item XIII. A under Presentations and Written Communication. Seconded by Assistant Mayor Kelley and voted.

XIII. PRESENTATION AND WRITTEN COMMUNICATION

A. Presentation from Portsmouth Elks Lodge 97 Regarding Recreation Department Grant - \$3,000.00

Elyse Gallo, the Grant Coordinator of Portsmouth Elks Lodge 97 outlined the main functions and resources that the Portsmouth Lodge 97 located at 500 Jones Avenue offers to residents. She highlighted the vast number of programs available to Veterans and the community's youth. Ms. Gallo identified the different types of grants that she has been able to successfully apply for such as:

- 2024 Gratitude Grant – awarded \$3,000.00. Will provide training and certification costs for 7 to 8 teens entering the city’s train-to-hire lifeguard program to become Red Cross certified lifeguards for our city pool.
- 2024 Beacon & Spotlight Grants – awarded to Lodge 97 for the combined amount of \$6,000.00. To support Operation Blessing’s Teen Summer Program.

Ms. Gallo stated that grants such as the ones identified above have funded 75% of the Teen program’s entire renovation and expansion at the Greenleaf Recreation Center.

- 2023 Impact Grant (renewable) - \$10,000.00 that was doubled through the generosity of members and community donors.
- This Grant Project is called [LINK: Liberty Investments Nurture Kinships](#).

Ms. Gallo explained this project provides opportunities for others to reach out, connect, befriend and be welcoming to local active-duty military members serving Portsmouth’s local bases. She also provided City Council with a brief overview of 2023 savings:

- In 2023, \$11,000.00 was donated in school scholarships, including students entering trades.
- \$9,000.00 supported Portsmouth Little League, Boy Scout Troop 164, and Seacoast Community School.
- To date, the Portsmouth Elks Veterans Committee has used \$60,000.00 to distribute 214 “welcome home kits’ to Veterans transitioning from homelessness to a new home through their Veteran Partner programs.

Mayor McEachern expressed his gratitude to Elyse and the Elks Lodge 97 for the generosity shown to our community. He also spoke to a recent Kayak event he attended.

Assistant Mayor Kelley moved to approve and accept the grant as presented. Seconded by Councilor Blalock and voted.

IX. PUBLIC COMMENT SESSION

Irish Mike spoke on the topic of ethics and political campaigns in the City of Portsmouth.

Petra Huda spoke on the topic of parking addressing item 2 under Councilor Bagley’s name. She gave a simple suggestion to the parking issues on Mechanic Street, emphasizing RV’s and camper issues to which she suggested painting parking lines to provide guidance on vehicle sizes. Ms. Huda also thanked Councilor Tabor for requesting the Fiscal Year 2023 Financial update.

Jim Lee spoke on the topic of “What day is it?” Identifying that Columbus Day falls on Monday, October 9, 2023, and a celebration will be held in front of North Church from 12:00 p.m. to 1:00 p.m.

Sue Polidura spoke on the topic of WCN - White Christian Nationalist expressing how she finds the use of Christian offensive and hateful.

Mayor McEachern stated he does not typically respond during public comment however, wanted to acknowledge Ms. Polidura's position on offense to the use of Christian and stated the idea that to be a nationalist you also must be white, or Christian is the point we all abhor in America, where you'd have to be neither to be proud of this country.

Esther Kennedy spoke on the topic of good news, stating that during former Mayor Becksted's term, she accompanied the former mayor to a meeting with the governor to discuss sound barriers. She announced that the installation of sounds barriers will be beginning in 2024, and this timeline was moved up as was originally scheduled to begin in 2025.

Paige Trace spoke on the topic of Portsmouth. She too expressed similar remarks from the above speaker concerning the installation of sound barriers for 2024. She also spoke to Councilor Cook's ethics amendment in terms of the municipal election financial disclosure forms. Ms. Trace stated she supports this change as if any violations are found the identified candidates should be reported to the Attorney General's office.

After three calls and no speakers in person or zoom, Mayor McEachern closed the public comment.

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

- A. First Reading of Ordinance amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure

Councilor Tabor moved to pass the first reading, and schedule public hearing and second reading at the October 16, 2023 City Council meeting. Seconded by Councilor Cook.

Councilor Cook addressed the City Council acknowledging this is the first time that the Council has seen these proposed changes to the mandatory financial disclosures for elections. She specified these amendments are for the candidate financial disclosure forms, and wanted residents to know that these amendments would not affect the 2023 Municipal Election. Councilor Cook stated that the Governance Committee considered the proposed amendments at length and decided to bring forward changes specifically in Section C requesting *disclosures of contributions made in money, materials, and services*. She noted concerns within the committee that there had been campaign donations made in the past that were not financial. Section F would allow the City Council to provide violations to those who are not elected to office. Lastly, Councilor Cook stated that the Governance Committee also requested for the submitted financial disclosures to be submitted to the website.

Councilor Lombardi stated a lot of time and input was placed into the proposed amendments for the election candidate financial disclosures. He spoke in support of the ordinance moving forward. Councilor Moreau asked for further clarification on money material services, asking if this would include having a group of volunteer's canvas on your behalf.

Councilor Cook said no that the Governance Committee would not be considering volunteering as all campaigns have volunteers. Clarifying it would be if somebody gave you a service that they would typically charge for. She confirmed that the mandatory financial disclosure requires reporting on anything more than \$100.00.

Councilor Denton commended the committee on the improvements made. He also spoke to the language under political action committee in which he initially proposed back in 2017. Councilor Denton identified that a past goal was to have candidates declare how the money is spent, by amounts received during the campaign. He advised he would be bringing this forward at the next council meeting.

Councilor Bagley spoke in support of the ordinance moving forward. He spoke briefly to his personal campaign costs.

Councilor Cook wanted to ensure it is understood that reporting of expenditures is anything over \$100.00, this is total figure and not itemized which is what Councilor Denton was pointing out.

Motion passed.

- B. First Reading of Ordinance amending Chapter 1, Article IV, Section 1.413 – Sustainability Committee

Councilor Lombardi moved to pass the first reading, and schedule public hearing and second reading at the October 16, 2023 City Council meeting. Seconded by Councilor Blalock

Councilor Denton spoke to his time serving on the Sustainability Committee, noting he has served 8 out of 10 years. He addressed how discussion has evolved around practice committees verse standing committees. He believes the support of standing committees has significantly increased overtime. Councilor Denton briefly went over the committees' goals:

- Provide advice and guidance
- Implementation of climate change
- Increasing awareness of sustainable practices
- Standing for environment justice while protecting the ecosystem

Councilor Lombardi believes one of the interesting factors of the Sustainability Committee is its participation of students. He said most are representatives of their schools and not their hometowns.

Councilor Cook wanted to remind the Council that this amendment has already been reviewed by the Sustainability Committee and by the Governance Committee on behalf of Council.

Mayor McEachern spoke in support of the ordinance saying he feels it is a great idea. Further stating that the problem with any Blue Ribbon Committee is the reappointment process by the next elected mayor. He stated he feels that a committee as important as this one should have the ability to have continuity that lasts beyond any singular mayor.

Motion passed.

C. PUBLIC HEARING/SECOND READING of Ordinance amending Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban and Chapter 7, Article X, Towing, Section 7.1002 – Snow Removal Operations

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

Department of Public Works Director Peter Rice stated that the ordinance brought before City Council this evening is an attempt to streamline the notification and messaging system for snow emergencies. Director Rice identified the multiple ways in which the city alerts residents of parking bans such as: banners on channel 22, website banners, and utilization of smart 911. Director Rice stated that the Department of Public Works feels that with all these attempts they dilute the message and often confuse residents and visitors. The streamlined process will allow Public Works to continue to use snow phone, which will continue to call residents using an automated system. Smart 911 is an application that will assist in snow ban alerts as well as additional alerts impacting the city allowing for more unified communication.

Councilor Tabor spoke in support of the ordinance saying he personally feels channel 22 is cumbersome to use. He has concerns that within this proposed amendment there is no mention of utilizing local media groups. Noting that the Seacoast Media Group has roughly 15,000 online subscribers, a large portion of the city's workforce commutes and may be utilizing online media groups, or channel 9.

Director Rice acknowledged Councilor Tabors point and advised that the Department of Public Works has outreached to local media groups and commonly the response back would be of people not wishing to be contacted. He spoke to smart 911 simplifying the process as it allows people who wish to be notified to sign up.

Councilor Moreau spoke in support of smart 911 and mentioned she finds it to be extremely efficient as she is contacted by text message, voicemail, and email. She also noted that her belief is that you do not necessarily need to be a resident to sign up.

Director Rice confirmed this is correct.

Councilor Denton commended Director Rice for his efforts and spoke in support of the ordinance stating the process has come a long way from the days of having to put down your shovel to listen to a voicemail.

Mayor McEachern asked if signage will continue to be placed in affected areas during a snow ban.

Director Rice confirmed this is correct.

Mayor McEachern declared the public hearing open and called for speakers.

After three calls and no speakers in person or via zoom, Mayor McEachern closed the public hearing.

Councilor Bagley spoke in support of Director Rice's efforts to notify residents of parking bans for inclement weather.

Assistant Mayor Kelley moved to pass the second reading, and hold third and final reading at the October 16, 2023 City Council meeting. Seconded by Councilor Tabor

Councilor Cook moved to suspend the rules to bring forward Ordinance amending Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban and Chapter 7, Article X, Towing, Section 7.1002 – Snow Removal Operations for third and final reading. Seconded by Assistant Mayor Kelley.

Mayor McEachern stated his only opposition on bringing the ordinance forward for third and final reading this evening is for residents to have more time to be aware of the change that might be watching at home. He requested the Council table this motion until the October 16, 2023, City Council meeting.

Motion withdrawn by Councilor Cook.

Motion passed.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. DEPUTY CITY MANAGER WOODLAND

1. Temporary Construction License for 238 Deer Street

Deputy City Manager Woodland stated the owner of 238 Deer Street LLC is making improvements to their property. The owner is constructing a three to four-story mixed-use building with 21 residential units and in order to construct a barrier and provide public safety is requesting four license areas that abut its property. The requested term of the license is approximately 13 months from October 3, 2023 through October 31, 2024

Assistant Mayor Kelley moved to authorize the City Manager to execute the temporary construction license for 238 Deer Street. Seconded by Councilor Lombardi and voted.

XII. CONSENT AGENDA

- A. Request from Justin Perry, Loan Depot, to install a Projecting Sign at 175 Market Street, Unit 104 (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize***

the City Manager to execute the License Agreement for this request)

- B. Request from Joe Faro, Napoletana Pizzeria & Bar, to install a Projecting Sign at 14 Market Square ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***
- C. Letter from Laurie Mantegari, Scarecrows of the Port, requesting permission to place scarecrows in designated locations throughout the Portsmouth Downtown area ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Letter from Chris Carragher, Seacoast Paddleboard Club (SPC), requesting permission to hold the 6th Annual Seacoast Paddleboard event on Sunday, October 29, 2023, from 10:00 a.m. to Noon at the Peirce Island Boat Ramp ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

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

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- B. Email Correspondence

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

- C. Letter from Eric Gold, requesting for exhibition of artwork at City Hall “Growing up Portsmouth”.

Councilor Cook moved to refer to the City Manager with Authority to Act. Seconded by Councilor Lombardi and voted.

- D. Letter from Phil Von Hemert, Sail Portsmouth, requesting the City Split the cost of the Police Department invoice in the amount of \$2,619.95 for their traffic detail.

Councilor Bagley moved for the city to split the cost of the Police Department invoice in the amount of \$2,619.95 for their traffic detail. Seconded by Councilor Tabor and voted.

XIV. MAYOR McEACHERN

- 1. McIntyre Update

Mayor McEachern confirmed there has been no movement with the GSA. Senator Shaheen met with the GSA Administrator Callahan which prompted a letter saying the GSA continues to interpret the law in which as they did not build a building, they will not transfer the building to the City of Portsmouth. Mayor McEachern had sent two letters requesting for a meeting with a new political appointee GSA region one, Region General Administrator Fran Thompson as he had originally scheduled and then cancelled the meeting twice and then refused to meet with no reason.

2. Reappointment to be Considered:
 - Kelly Delekta to the Board of Library Trustees.

The City Council considered the reappoint of Kelly Delekta to the Board of Library Trustees which will be acted upon at the October 16, 2023 City Council meeting.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

1. City Council Work Session on Proposed Police Facility prior to City Council meeting on Monday, November 13, 2023.

Councilor Tabor moved to schedule a Work Session on Proposed Police Facility prior to City Council meeting on Monday, November 13, 2023. Seconded by Assistant Mayor Kelley and voted.

Councilor Tabor briefly spoke to the design team and locations efforts on the Proposed Police Facility.

Councilor Tabor moved to request a report back from City Manager Conard and the Finance Department of year-end financials for FY 2023, and parking revenue. Seconded by Councilor Bagley and voted.

B. COUNCILOR BAGLEY

1. **Action Items Needing Approval by City Council**
 - Portwalk Place, request for renewal of parking licenses, by business owners

Councilor Bagley moved to authorize valet license agreement for Portwalk HI, LLC for a term of 1 year. Seconded by Councilor Blalock and voted.

Councilor Bagley moved to authorize valet license agreement for Parade Resident Hotel, LLC for a term of 1 year. Seconded by Assistant Mayor Kelley and voted.

- Mechanic Street, request for additional parking restrictions between Pickering Street and Hunking Street, by residents

Councilor Bagley briefly spoke to the request for an increase in prohibited parking stating that the city has a parking ordinance for this location that has not been strongly enforced. Recently, complaints have surfaced that Portsmouth Fire Department and Department of Public Works trucks have not been able to maneuver this location easily due to vehicle congestion.

Councilor Tabor has received emails from residents expressing their concern for this enforcement. He said vehicles have been seen parking outside of the marked areas.

Councilor Bagley said the parking enforcement will eliminate the current vehicle markings. The entire stretch of street from either side would be a no parking zone.

Councilor Cook thanked the Parking & Traffic Safety Committee for the work that was put into this.

Councilor Bagley moved to prohibit parking on the land side of Mechanic Street between Hunking Street and Pickering Street. Seconded by Assistant Mayor Kelley and voted.

- Snow Emergency parking ban, request for ordinance updates by Department of Public Works

Councilor Bagley moved to approve recommended changes to Chapter 7 as presented. Seconded by Councilor Blalock and voted.

- Sagamore Avenue, request for bicycle lanes and No Parking from Shaw Road to Wentworth House Road

Councilor Bagley moved to prohibit parking along both sides of Sagamore Avenue between Shaw Road and Wentworth House Road, contingent on no issues with businesses in this location. Seconded by Assistant Mayor Kelley and voted.

Councilor Bagley briefly spoke to the request for prohibited parking along both sides of Sagamore Avenue stating the location is a dangerous area for pedestrians and bicyclists and feels this would aid in making it safer.

Mayor McEachern asked what the contingent to no problems with businesses is.

Councilor Bagley stated the businesses at the lower level of the condominium complex have not yet been asked if this would impact their consumer traffic. He said there is a plan to ask them. If businesses confirm this would not impact their revenue then this will move forward, if the businesses show opposition, than Parking & Traffic Safety Committee will revisit it.

- Parking & Traffic Safety Committee Action Sheet and Minutes of the September 7, 2023 meeting.

Councilor Bagley moved to approve and accept the action sheet and minutes fo the September 7, 2023 Parking & Traffic Safety Committee meeting. Seconded by Councilor Tabor and voted.

C. COUNCILOR BLALOCK

1. Recreation Board Update

Councilor Blalock gave a brief update on the meeting with the Recreation Board and operation guidelines and a mission statement has been established. He discussed the progress of the skate park, and encouraging people not to walk through the premises as it is still an active construction site. Councilor Blalock spoke of the individual light transformers for the skate park which saved the City of Portsmouth an estimated \$7,000.00 and donations for the Skateboard Park are still being accepted through the city website. He also spoke to the Site Selection Committee that the City Council voted to create for the sports complex, in which an RFQ process has been completed and both firms were deemed qualified and requested Deputy City Manager Woodland to speak briefly on this subject.

Deputy City Manager Woodland stated that the Site Investigation Committee is a working group still being formed with their first meeting scheduled for mid-October in which representatives from surrounding communities and Pease Development Authority and others to determine public sites and potential private sites which will cost money. Deputy City Manager Woodland is hopeful if the representatives can convene by mid-October, there should hopefully be an update to share with City Council by early November.

Assistant Mayor Kelley asked if the Recreation Board has discussed what other uses for the Skateboard Park location as the park itself only makes up for half of the property.

Councilor Blalock confirmed that discussion on other uses such as a community splash pad has been discussed.

Deputy City Manager Woodland confirmed that the rear of the Skateboard Park property will continue to be used as a lay down area for city projects.

XVI. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Donation to the Senior Activity Center for the Luncheon Fund - \$500.00

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

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Consolidated Rail Infrastructure & Safety Improvements (CRISI) Grant Accountment

Deputy City Manager Woodland announced the City has received \$460,000.00 in Grant funds for the Consolidated Rail Infrastructure & Safety Improvements.

2. Pease Development Authority Update

Deputy City Manager Woodland provided a brief update to the September 21, 2023, PDA meeting that City Manager Conard attended. She stated no substantial vote took place and no information on projects or information to share. Deputy City Manager Woodland did confirm that there are two new positions: Environmental Compliance Specialist and Greenskeeper.

3. Outdoor Dining Update

Deputy City Manager Woodland reminded residents and restaurant owners that the outdoor dining season closes on October 9, 2023, concurrent with Indigenous Peoples' Day, outdoor dining set ups need be removed no later than October 10, 2023.

4. Report Back on the Dock Request of Paul and Alison Dunne

Deputy City Manager Woodland advised that Paul and Alison Dunner determined Peirce Island is not an ideal location and will be searching elsewhere for their docking needs.

5. Municipal Alliance for Adaptive Management

Deputy City Manager Woodland said the City of Portsmouth is participating along with other surrounding communities, as it grants an opportunity for communities to discuss issues collectively and efficiently on the topic of water quality. She said the memorandum provided to the Council provides details.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Lombardi announced the month of October is America Archive Month.

Councilor Moreau thanked all the sponsors and volunteers for the Portsmouth 400th – Community Picnic On October 1, 2023.

Assistant Mayor Kelley thanked all the sponsors, volunteers, emergency personnel, and community that attended the 2023 BIPOC Festival on September 24, 2023.

XIX. ADJOURNMENT

At 8:38 p.m., Assistant Mayor Kelley moved to adjourn. Seconded by Councilor Bagley.

Respectfully submitted by:

Administrative Assistant, City Clerk