

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 19, 2024

PORTSMOUTH, NH
TIME: 7:00PM

Councilor Moreau moved to close the Non-Public Session and seal the minutes. Seconded by Assistant Mayor Kelley 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 Cook, Denton, Blalock, Bagley, Moreau and Lombardi

ABSENT: Councilor Tabor

V. INVOCATION

Mayor McEachern asked for a moment of silent prayer in memory of Ruth Griffin.

VI. PLEDGE OF ALLEGIANCE

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

VII. ACCEPTANCE OF MINUTES – JULY 15, 2024

Assistant Mayor Kelley moved to approve and accept the minutes of the July 15, 2024, City Council meeting. Seconded by Councilor Moreau and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

Chair Chris Dwyer provided a brief presentation for the Public Art Review Committee regarding the public art piece for Peirce Island. She reported that the Committee has selected DiBari & Associates for the creation of the artwork. She explained this artwork aims to blend the beauty of natural patterns with the natural settings of the park, to welcome the community and create an engaging connection with the space and it will be entitled Spiraling Serenity. She said the artwork's wall will showcase a leaf pattern, giving the impression of a colossal leaf folded inwards to form a spiral shape. In its final version, the artwork will feature multiple leaf patterns, representing the various types of trees on site.

Councilor Cook moved that the City Council accept the recommendation of PARC Committee and vote to empower the City Manager to enter into a contract for \$140,000.00 with DiBari & Associates of Miami, Florida to design, construct, and install its proposed public artwork on Peirce Island. Seconded by Councilor Denton and voted.

IX. PUBLIC COMMENT SESSION

Jameson French spoke in support of the easement for the Cavaretta property. He said that this is the last largest piece of land that is undeveloped. He spoke to the national land trust and its accreditation process and SELT has been members for years. He urged the City Council to move forward with this as soon as possible.

Robin Nagar spoke in support of the Cavaretta project and to the development of the land trust. She spoke about the conservation of land within Rockingham County. She said when such an opportunity comes along you must act, and the land trust is well suited to take the easement on for this property.

Sam Reid said that this is an exciting project and we're asking for the city to provide \$1,000,000.00. He said it is 100 acres of land, and the easement is forever. He asked the City Council to allocate the funds towards this property.

Samantha Collins, Conservation Commission Chair, spoke in support of the easement. She said this is the largest remaining undeveloped land and it is crucial to maintain community balance, and this provides for preservation. She stated the Conservation Commission feels it would provide lasting benefits for years to come.

Mike Daigle said NH HB 1014 was passed and signed into law by Governor Sununu which requires to call holidays by their state name. He said an example would be Columbus Day honors all immigrants and is not an attack on Indigenous' Peoples Day.

Barbara McMillan spoke in support of the Cavaretta easement. She said this is an opportunity to protect 100 acres of land and it is a priority. She spoke of this being a natural resource and a balance between development and recreation. She stated that this is a lifetime opportunity and urged the City Council to support the easement.

Jessica Blasko urged the City Council to adopt the Climate Action Plan and spoke to the current warming trends. She also expressed support for the Cavaretta easement and said it is in line with our master plan.

Lynn Vaccaro spoke in support of the easement for the Cavaretta property. She said that this is a natural resource that is critically important to preserve. She stated this property ranks highly in this region and that SELT would be a tremendous partner with the city.

Barbara Ward spoke in support of the resource the easement will be for the city. She said that PPMTV is also an incredible resource for the city. She encouraged the City Council to allow for a presentation by PPMTV at the next City Council meeting.

Betsy Blaisdell spoke in support of the Cavaretta easement. She said that this is a great opportunity for the city. She stated that SELT has put in a tremendous amount of work for this easement and the family is offering this up to the city, which will leave a legacy. She urged the City Council to support this and vote in favor of the easement.

Stewart Sheppard spoke in support of the easement and spoke to the community benefits to the city.

Peter Bielagus spoke in support of PPMTV and said it is a way for people to tell their stories. He asked the City Council to allow PPMTV to make a presentation at the next meeting.

Jake Webb spoke in support of PPMTV and allowing for a presentation to speak to its value to the community. He said if PPMTV does not continue it would be a tremendous loss to the community.

Assistant Mayor Kelley moved to suspend the rules to bring forward Item XIII. – Presentations and Written Communications.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Email Correspondence

Councilor Lombardi moved to accept and place on file. Seconded by Councilor Bagley and voted.

B. Letter from Alexis Mason, Portsmouth Public Media Television, Inc. requesting to re-evaluate the Cable Franchise Fee Policy

Councilor Blalock moved to request a presentation for the September 3rd City Council meeting. Seconded by Councilor Bagley and voted.

C. Request and Presentation from Brian Hart, Southeast Land Trust of New Hampshire regarding Proposed Conservation Easement on the 100-Acre Woods, “Cavaretta Property”

Councilor Cook moved to schedule a date for a site walk at the property on August 22nd, August 23rd, August 26th, August 27th, or August 28th. Seconded by Assistant Mayor Kelley.

Brian Hart of SELT spoke in support of the Cavaretta easement and its importance to the City of Portsmouth. He said this is a 100-acre parcel that is the largest undeveloped piece of land in the city. He spoke about the diverse wildlife and resources of the property. Mr. Hart announced that there will be a Public Informational Session being held on Tuesday, August 27th at 7:00 p.m. at the Urban Forestry Center urging the public attend and learn more about this incredible piece of land.

Motion passed.

- D. Letter from Ashleigh Tucker Pollock, The Music Hall, requesting permission to close off a portion of Portwalk Place on Saturday, October 19, 2024, for the New Hampshire Film Festival

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

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

Public Hearing/Adoption of Resolution:

- A. Public Hearing/Adoption of Proposed Resolution Authorizing a Supplemental Appropriation from the Parking and Transportation Fund of \$1,000,000.00 for the High Hanover Parking Garage Project
 - **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.

City Manager Conard said the High Hanover Parking Garage is in need of funds to complete the project due to projecting costs for construction.

Discussion followed regarding the completion of work and life span for the building. Public Works Director Rice said the projected date for completion would be August of 2025 and the life span of the building is 25 years.

Petra Huda said she has questions on the process and contract. She said the original request was for \$600,000.00 and asked what is the balance of the contingency fund.

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

Councilor Bagley moved to authorize a supplemental appropriation of \$1 million from the Parking Division to adopt the Resolution as presented. Seconded by Councilor Blalock.

Councilor Blalock said that these are much needed improvements.

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

Third and Final Reading of Ordinance:

- B. Third and Final Reading of Proposed Ordinance Amending Chapter 10, Article 5A – Character-Based Zoning, Section 10.5A43.33 regarding Building and Story Heights of the Zoning Ordinance

Councilor Cook moved to pass third and final reading of the proposed zoning amendment to Chapter 10, Article 5A, Section 10.5A43.33. Seconded by Councilor Moreau and voted.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

- 1. Update on McIntyre Litigation

City Attorney Morrell provided a lengthy update regarding the McIntyre Litigation and reported that the parties have agreed to a Stay Agreement on all proceedings. She spoke to looking at an OR District in the Commerce Way area. She stated a proposed ordinance to rezone that section of the city would permit mixed use residential development in that zone. City Attorney Morrell said by 2025 the City of Portsmouth will need 1,500 housing units and this ordinance would go a long way to provide the housing units.

Councilor Moreau moved to authorize the City Manager to enter into a Stay Agreement with SOBO Square and to request the proposed GNOD ordinance be referred to both the Planning Board and the Housing Committee for review and provide recommendations back to the City Council and bring the ordinance back for first reading. Seconded by Councilor Lombardi and voted. Councilor Bagley voted opposed.

Mayor McEachern said that this is an opportunity for us to add much needed housing in the future for the city.

At 8:43 p.m., Mayor McEachern declared a brief recess. Mayor McEachern called the meeting back to order at 8:55 p.m.

2. Adoption of Hazard Mitigation Plan

City Manager Conard said that many departments were involved in the process of this plan.

Councilor Bagley moved to adopt the Hazard Mitigation Plan as presented. Seconded by Councilor Lombardi.

Councilor Blalock said that this is a very thorough plan and that he feels safer having it in place.

Motion passed.

3. Adoption of Climate Action Plan

Kate Homet, Planning Department spoke to the RFP's and consulting team which developed the first iteration of the plan. She said our plan is to be net zero by 2040 in the city.

Councilor Denton moved to adopt Portsmouth's Climate Future: A Roadmap to Net Zero Emissions and Climate Resilience as the City's Climate Action Plan and commit to the goals and strategies set forth within this document as presented. Seconded by Councilor Blalock.

Councilor Denton thanked the Planning Department and the consulting team for their work on this plan. He said now the City Council will need to work to put the plan in place.

Councilor Blalock said he looks forward to adding more projects and meeting net zero for the city.

Mayor McEachern recognized Councilor Denton for pushing the envelope and voicing his support for the plan and leading the way.

Motion passed.

4. Request for Approval of Memorandum of Agreement with Firefighters Association of Portsmouth, New Hampshire, Local #1313

Councilor Lombardi moved to approve and accept the proposed MOA with the Firefighters Association of Portsmouth, New Hampshire – Local #1313 as presented. Seconded by Councilor Cook and voted.

5. Request for Approval of Reclassification of Assistant Fire Chief Gionet's Current Contract

Councilor Moreau moved to approve and accept the proposed reclassification as presented. Seconded by Assistant Mayor Kelley and voted.

6. FY2025/TY2024 Elderly and Disabled Recommended Exemption Levels

City Manager Conard announced that the Assessor will be making a presentation at the September 3, 2024, City Council meeting. She indicated that this looks to exemption levels for assessments for April 1, 2024.

Assistant Mayor Kelley moved to schedule a Public Hearing and adoption at the September 3, 2024, City Council meeting on the elderly and disabled exemptions recommended exemption levels for FY2025 / TY 2024 pursuant to RSA 72:37-b and RSA 72:39-b. Seconded by Councilor Bagley and voted.

7. Temporary Construction License for the B.P. Auger Building Company, LLC at 70 Pleasant Point Drive

City Manager Conard advised the City Council that the encumbrance would be extended for 120 days.

Councilor Lombardi moved that the City Manager be authorized to execute and accept the temporary construction license to encumber the dead-end portion of Pleasant Point Drive as requested. Seconded by Councilor Denton and voted.

8. Lease Extension for Community Campus Tenants

City Manager Conard said that this extension is being requested by three tenants.

Councilor Cook moved to accept the Second Extension of Amendment to Lease Agreements with Seacoast Outright, the Krempels Center and Child Advocacy Center of Rockingham County, Inc., to extend the lease terms through November 30, 2024, as presented. Seconded by Councilor Blalock and voted.

9. Street Naming for 686 Maplewood Avenue

City Manager Conard advised the City Council that the Department of Public Works has reviewed and has no objection to the naming being requested.

Councilor Blalock moved to authorize the use of Eden Lane as the private Street name for the development at 686 Maplewood Avenue. Seconded by Councilor Moreau and voted.

10. Middle Street Baptist Church Parking Lot Usage/Maintenance Agreement

City Manager Conard reported to the Council that this is an agreement for 20 parking spaces.

Assistant Mayor Kelley moved to approve the Middle Street Baptist Church Parking Lot Usage/Maintenance Agreement as presented. Seconded by Councilor Moreau and voted.

XIV. MAYOR McEACHERN

1. Appointments to be Voted:
 - Appointment of Schott Chaudoin to the Recreation Board
 - Reappointment of Deborah Chag to the Trees and Public Greenery Committee

Councilor Bagley moved to appoint Scott Chaudoin to the Recreation Board and reappoint Deborah Chag to the Trees and Public Greenery Committee. Seconded by Assistant Mayor Kelley and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR COOK

1. Public Art Ordinance

Councilor Cook moved to schedule first reading at the September 3rd City Council meeting of the ordinance changes combining the Public Art Policy, Public Art Review Committee Ordinance, and the Funding for Public Art Ordinance. Seconded by Councilor Moreau.

Councilor Cook said you have several documents before you, one is a clean copy with changes and a redline version of the ordinance.

Councilor Moreau said she understands the combining of the ordinance and this will trigger the review requirements.

Motion passed.

B. COUNCILOR BAGLEY

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the August 1, 2024, meeting

Councilor Bagley moved to approve and accept the action sheet and minutes of the July 15, 2024, Parking & Traffic Safety Committee meeting. Seconded by Councilor Blalock and voted.

C. COUNCILOR LOMBARDI

1. Blue Ribbon Committee for Historical Archives Memorandum of Understanding

Councilor Lombardi said the committee has been working to understand the ability to create a non-profit to facilitate and fundraise for this project.

Councilor Lombardi moved to authorize the City Manager to execute a Historical Archives Memorandum of Understanding in substantially similar form to the draft included in the City Council packet. Seconded by Councilor Moreau.

Councilor Bagley said we are blessed to have a wealth of historic documents in the city, and this is a great path forward.

Motion passed.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

Community Policing Facility Update – Public Works Director Rice reported that significant progress has been made and they anticipate coming back on September 23, 2024, with a presentation and a more robust update.

Update on the Sherburne Property Request for Proposals – City Manager Conard reported that staff and the Housing Committee met and discussed feedback received by the City Council. She announced that the RFP for the Sherburne property will be going out before August 30th.

Legislation Regarding HB1014 and State Holidays – City Manager Conard reported that HB1014 was recently passed by the Legislature effective September 10, 2024, which creates a new statute that addresses holiday designation and requires all schools and municipalities that adopt a holiday described in RSA 288:1 shall use the name in that statute in official communication, publication, document or calendar and would define the holiday on the 2nd Monday in October as Columbus Day.

Pease Development Authority Board Meeting Verbal Update – City Manager Conard reported the recent board meeting had a large turnout regarding the ARPA funding for the Rye Harbor Marine Facility Retail Platform and support for the proposed Portsmouth fish pier building replacement project. She stated that she will serve as Chair of the Airport Committee and the Capital Improvement and Land Committee. She announced in FY25 there will be a slight increase in fuel flowage fees from \$.6 to \$.8 which is significant but keeps us competitive. She announced that Pease is hosting the trials for Portsmouth High School Varsity and JV Golf Teams and will host the JV meet. She spoke to the robust turnout for the Eagle Coast Guard Cutter that had close to 10,000 visitors and that the long-awaited salt vessel is set to arrive on August 26th.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Blalock congratulated PHS Girls Track Coach Stan Lyford who is being inducted into the NHIA Hall of Fame. He said that Coach Lyford has been coaching the Girls Track team since 1974.

Assistant Mayor Kelley thanked all residents and businesses that celebrated the 4th Annual New England BiPOC Festival on Sunday which had over 5,000 people in attendance. She also expressed thanks to the Police Department, Strawberry Banke Museum, and all sponsors.

XIX. ADJOURNMENT

At 9:40 p.m., Assistant Mayor Kelley moved to adjourn. Seconded by Councilor Blalock 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