

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, NOVEMBER 18, 2024

PORTSMOUTH, NH
TIME: 7:00 PM

I. CALL TO ORDER

Mayor McEachern called the City Council meeting to order at 7:16 PM.

Assistant Mayor Kelley moved to exit the non-public session and to seal the minutes thereof. Councilor Lombardi seconded the motion. The motion passed by a unanimous voice vote.

II. ROLL CALL

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

Mayor McEachern thanked the City Clerk and staff as well as the election workers and volunteers for their hard work during the recent elections.

III. INVOCATION

Mayor McEachern announced the passing of longtime Portsmouth resident Mark Brighton and extended condolences to Mr. Brighton's family. He asked for a moment of silence in remembrance of Mark Brighton.

IV. PLEDGE OF ALLEGIANCE

Mayor McEachern led the Council and all those present in the Pledge of Allegiance.

PROCLAMATIONS

1. Small Business Saturday

Mayor McEachern read a Proclamation declaring Saturday, November 30, 2024 "Small Business Saturday" and encouraged the public to support small businesses on the 30th and throughout the year.

2. Vernis Jackson Day

Assistant Mayor Kelley read a Proclamation declaring November 18, 2024 as Vernis Jackson Day in the City of Portsmouth.

V. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)*

VI. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

VII. PUBLIC COMMENT SESSION (*This session shall not exceed 45 minutes*) – (*participation may be in person or via Zoom*)

Donna Smith – Ms. Smith, the manager of Appledore Family Practice, requested that Council consider the waiver or reduction of false alarm fees which appears on this evening's agenda.

Patricia Martine – Addressed Council regarding the Sherburne property, emphasized the importance of affordable housing and advocated for the project to be awarded to the Portsmouth Housing Authority.

Dave Cosgrove – Spoke to City Council about extending the lighting at the Skate Park by one hour in the evening during the peak season.

Peter Somssich – Spoke about concerns regarding the Gateway Neighborhood Overlay District ordinance and the perception of favor being given to developers. He also spoke in support of the potential of a solar array being installed on the Jones Avenue landfill.

Molly Wilson – Spoke in support of the CIP request for traffic calming in the Lafayette Park neighborhood.

Jim Hewitt – Inquired if City Council had received a copy of the letter from his attorney to the City attorney requesting reimbursement of his attorney fees.

Petra Huda – Requested that the verbal update on revaluations be moved forward on the agenda. She also requested the results of the FY24 unaudited financial statements. Ms. Huda spoke in support of the winter farmer's market, but questioned where the vendors would park and unload during winter conditions with parking bans.

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

Public Hearing of Capital Improvement Plan (CIP):

- A. CAPITAL IMPROVEMENT PLAN (CIP) FY 2026-2031
 - **PRESENTATION** (*Presentation was held at the November 12, 2024 Work Session*)
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Cook referenced two recommendations from the Sustainability Committee which were brought up at the presentation, one of which was a city-wide micro transit feasibility study. She noted that the comments indicated that the reason this proposal had not been moved forward was because there had not yet been communication established between Rockingham Planning Commission and COAST and asked if it was possible to make those contacts so the proposal could be included with the CIP. City Manager Conard responded that given the timeline on the current CIP process, it was unlikely that the information could be included during the current fiscal year. However, the City could facilitate this communication and have the recommendations included with the FY26 or FY27 CIP.

Mayor McEachern opened the public hearing.

Kate Needham – Spoke in support of the CIP request from the School Board to upgrade the school playgrounds.

Nancy Novelline Clayburgh – Supported the CIP request for the renovation of the school playgrounds and spoke about the increasing costs associated with delaying the project.

Dave Cosgrove – Questioned why the funding for future Greenland Road Recreational facility projects is not in the CIP until FY29-FY30. He suggested the Mayor form a Blue Ribbon Committee to investigate the potential use of land in this area.

Steve Sacks – Spoke in support of funding the renovation of the school playgrounds in the current CIP.

Lee Hudson – Spoke about the importance of safe, accessible playgrounds and supported the playground CIP request.

Megan Leonard – Spoke in favor of the playground CIP project for safe, accessible play for all children.

Meg Aldrich - Spoke in support of a CIP allocation for playground improvements.

Ashley Blackington - Spoke in support of the reallocation of funds for the South Mill pond playground to the Little Harbor playground.

Councilor Cook moved to extend the Public Hearing until the December 2, 2024 City Council meeting. Councilor Denton seconded the motion. The motion passed by a unanimous voice vote.

Councilor Bagley cautioned against adding projects to the current CIP when considering impending high-cost projects such as the community policing facility. He also speculated that even if CIP money was reallocated for the Little Harbor playground, the project itself would not be initiated any sooner due to the time needed for design and permitting.

Councilor Denton indicated that he would be bringing forward proposals for increased funding to the Trees and Greenery program as well as funding for a Fleet Decarbonization study.

Councilor Blalock spoke in support of the playground renovations and inquired if some of the money previously allocated to the South Playground could be redirected toward the Little Harbor School playground.

Councilor Cook stated that reallocating funds from the South Mill Pond playground to the Little Harbor playground would not result in a faster timeline for the school playground completion and would reduce the opportunity to increase accessibility to the South Mill Pond playground. She recommended leaving the proposed funding as it currently stands.

Mayor McEachern explained the CIP process and how projects can be delayed or removed over multiple years. He stated that the CIP projects would go to the Planning Board for review and recommendation before coming back to Council on December 2nd for an additional public hearing and vote.

Councilor Denton moved to suspend the rules and move item XVII.1, City Manager's Verbal Revaluation Update, forward on the agenda. Councilor Blalock seconded the motion. The motion passed by a unanimous voice vote.

1. Verbal Revaluation Update

City Assessor Rosann Lentz, via Zoom, gave a final update on the 2024 revaluation and a presented a comparison of last year's assessed values versus the current year. She explained that the preliminary hearing process is complete, and second notices will be mailed to property owners who had a change in their preliminary assessment due to hearing, a change in their assessment due to further review, and those who had a hearing but no change to their preliminary assessment.

Assessor Lentz stated that updated reports for commercial and residential properties are on the City's Assessing web page with final values for the 2024 revaluation, field cards and property record information. Vision Government Solutions website is updated to reflect final values for the 2024 reassessment. Assessor Lentz discussed the process for property owners to request abatements following the receipt of their tax bill and discussed the timeline to do so. Taxpayers who wish to appeal the decision made by the Assessor's office with either the State of New Hampshire Board of tax and land appeals or the Rockingham County Superior Court may do so no later than September 1st of 2025.

She explained that she does not expect the tax rate to change from the estimated rate, however the City will not know definitively until the New Hampshire Department of Revenue completes the review and calculates the tax rate.

Public Hearing/Second Reading of Ordinances:

- B. PUBLIC HEARING AND SECOND READING of Ordinance amendment to Chapter 1, Article V, Purchasing Procedures, Sections 1.500-1.504 to be deleted in its entirety and replaced with a new Article V, retitled Procurement Procedures, inclusive of new Sections 1.500-1.504
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Deputy City Manager Woodland summarized the City's current procurement process.

City Charter article 7 section 7.2 has a provision which tasks the City Council with setting up a procedure and then designating that there should be an individual responsible for handling said process. Additionally, Chapter 1, Article 5 of the Ordinances details a procurement purchasing manual which gets updated regularly. She explained that there are also State and Federal laws

which drive the policy, with additional considerations if federal money is being used in a purchase.

Deputy City Manager Woodland explained that the current process is very paper intensive and detailed the steps of the current process.

The bid limit as listed in the ordinance is \$10,000, annually adjusted by the CPI, bringing the current limit to \$20,900. However, since 2019, the City has only received eight bids under \$50,000. Most bidding is for larger construction projects. She further explained that when the City needs to dispose of a property valued at greater than \$500, City Council approval is required.

Deputy City Manager Woodland announced that the City is implementing an e-procurement system through OpenGov, aiming to improve vendor participation and administrative efficiency. The new system will remove paper-based bidding, shift bid openings online and increase vendor outreach. The proposed ordinance changes include raising the bid limit to \$50,000 and updating property disposition procedures, with more flexibility for the City Manager in handling lower-value items.

The ordinance changes have been reviewed by the Governance Committee and auditors. The rollout of the new platform is underway, with ongoing updates to the purchasing manual. The City Manager will oversee the updated process, which will now involve multiple staff roles within the new system.

Council discussion clarified that the update does not alter the process for City Council approvals for easements, licenses, leases, or property disposals. The requirement for soliciting three quotes for items under \$50,000 will remain in most cases.

Mayor McEachern opened the Public Hearing for speakers.

Petra Huda – Questioned who would be the purchasing manager under the new procedure and emphasized separation of duties. She also suggested language requiring a public hearing for purchases over \$50,000.

Assistant Mayor Kelley moved to pass second reading and schedule a third and final reading for the December 2, 2024 City Council meeting. Councilor Moreau seconded the motion. The motion passed by a unanimous voice vote.

C. Public Hearing/Adoption of Resolutions:

PUBLIC HEARING AND ADOPTION of Resolution Appropriating Four Hundred Fifty-Five Thousand Nine Hundred Ninety-Four Dollars and Sixty Three Cents (\$455,994.63) from American Rescue Plan Act (ARPA) Grant to Pay Costs Associated with Climate Action Plan recommendations, Mobile Library Resources, Community Health Needs Assessment recommendations, and Maplewood Avenue Waterline Upgrades (Items Listed in Exhibit A) and for the Payment of Costs Incidental and related thereto

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

City Manager Conard stated that the City is nearing the December 31 deadline for obligation of the remaining ARPA (American Rescue Plan Act) funds on hand. Three projects were previously authorized and approved by the City Council, which have remaining fund balances. She summarized the remaining balances.

The City is requesting to reprogram the funds as follows:

The unexpended balance of \$19,745.90 for the climate action plan would be reprogrammed for implementation items within the plan; the funding for a web-based community engagement platform and financial support for the continuation of said platform for an additional year. There would also be funding for an E-bike charging station. There would be \$70,000 added to the mobile library resources project to procure an electric vehicle outfitted for this purpose. The third request would add \$100,000 to the already approved \$253,000 for a community health needs assessment.

City Manager Conard stated that there has been notice issued of funding availability for nonprofits and the City has received 16 applicants so far.

City Manager Conard reported that there is an imminent need for additional funding to support the Maplewood Avenue bridge repair project, specifically for a section of water main identified as needing replacement. This was not included in the original scope of work or budget. The remaining ARPA funds totaling \$266,248.73 are being proposed to support this project.

Mayor McEachern opened the public hearing.

Seeing no speakers, the Mayor closed the public hearing.

Councilor Tabor moved to adopt the resolution to appropriate the remaining ARPA funds as detailed. Councilor Lombardi seconded the motion. The motion carried by a unanimous voice vote.

- D. PUBLIC HEARING AND ADOPTION of Resolution Authorizing a Bond Issue and/or Notes of up to Four Million Three Hundred Thousand Dollars (\$4,300,000.00), and Rescinding a like amount of Funds Authorized to be Borrowed for the Replacement of Water Transmission Mains Beneath Little Bay, which Project is not ready to be undertaken at this time

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

Al Pratt, Water Resources Manager, summarized that the recommendation is to repurpose funds from the Little Bay Water transmission main project to a number of projects associated with water system Improvements.

The project to install a new transmission main under Little Bay was funded in FY22 for \$7.3 million. The project received one bidder in 2023 for \$26 million. The project was then split into two phases, with the first phase associated with all the work on land, and phase two with the installation of the water main across Little Bay. Phase one was completed in 2024 for approximately \$2.2 million. He gave details of the benefits experienced following the completion of this project.

Additionally, following the high bid, the City engineers were asked to work with the contractor to determine a better approach that would be more cost effective and still meet all permitting requirements and other goals for this project. The engineers are still drafting plans and permitting is still being worked out with the State, so the project is being pushed to FY 27.

Mr. Pratt stated that there is \$4.3 million remaining in this transmission main project which they are requesting to repurpose for some other priority projects. He gave an overview of how this funding would be utilized if authorized.

Mayor McEachern opened the Public Hearing.

Petra Huda – Inquired about the remaining balance of the allocated funds and questioned the discrepancy with the amount spent versus the amount remaining based upon the original allocation. She questioned the design and cost of two of the projects listed and what the timeline would be in relation to other already scheduled projects.

Mayor McEachern closed the public hearing.

Councilor Bagley asked Peter Rice, Director of Public Works, to give a brief summary of impending projects and the timelines thereof. Director Stith gave an overview of the Vaughan Mall, Fleet Street, and North Mill Pond drainage projects and spoke about the associated timelines.

Councilor Bagley asked if it would be possible to quantify the money spent on water main breaks, both for staff overtime and repair costs. Director Rice stated he could report back with an example of costs.

City Manager Conard referenced Ms. Huda's question during public comment and responded that the \$800,000 discrepancy noted in the project cost was to cover design and permitting fees.

Councilor Blalock moved to adopt the Resolution as presented. Councilor Bagley seconded the motion. The motion passed by a unanimous voice vote.

Third and Final Reading of Ordinance:

- E. Third and Final Reading of Ordinance amending Chapter 10, Zoning Ordinance, Article 6, Overlay Districts, be amended by adding Section 10.680 – Gateway Neighborhood Overlay District by Establishing a New Incentive Overlay District Allowing for Higher Density Housing

Councilor Moreau moved to pass third and final reading of the ordinance. Councilor Tabor seconded the motion. The motion passed by a unanimous voice vote.

Mayor McEachern called for a recess at 9:04 PM. The meeting was reconvened at 9:14 PM.

Mayor McEachern announced that Assistant Mayor Kelley had exited the meeting due to illness.

Councilor Cook moved to suspend the Rules and move agenda item XIII "Presentations and Written Communications" forward on the agenda. Councilor Denton seconded the motion. The motion passed by a unanimous voice vote.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Email Correspondence

Councilor Moreau moved to accept and place on file. Councilor Denton seconded the motion. The motion passed by an 8 – 0 voice vote.

B. Letter from Attorney R. Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, PLLC., regarding Request for Easement for Joshua Wentworth House located at 27 Hancock Street

Councilor Moreau moved to authorize the City Manager to negotiate and execute an easement to Jonathan and Susan Paige Trace, owners of 27 Hancock Street, for the portion of the house located within the public right of way if the Planning Board votes to waive the referral and report requirement pursuant to Ordinance Section 11.602 (C)). Councilor Blalock seconded the motion.

Councilor Bagley explained that the Parking and Traffic Safety Committee had reviewed this site as a request for a 4-way stop at the neighboring intersection due to difficult sight lines. The committee had elected not to make recommendations at that time, acknowledging that the situation is expected due to the age of the housing stock and encroachment of fences and houses in this area. However, he stated that this easement request was reasonable. Councilor Moreau agreed that there are many older properties within the City that have lot lines contrary to how they are perceived, potentially encroaching on City property and not discovered until a survey is performed. She agreed that the easement request was reasonable given the situation. Councilor Cook acknowledged the complicated nature and challenges encountered with historic homes.

The motion passed by an 8 – 0 voice vote.

C. Letter from Donna Smith, Appledore Medical Group, requesting the consideration of discounting and/or waiving alarm billing invoice

Councilor Denton moved to refer the matter to the Legal and Finance Departments to establish a payment plan, with or without a discount. Councilor Bagley seconded the motion.

Councilor Moreau asked if there was any past precedent for reducing or waiving fees for false alarm calls. Deputy City Manager Woodland clarified that the current fee schedule allows for three false alarms per year without charge, and any reductions would require City Council approval. Deputy Police Chief Mike Maloney confirmed that billing for repeated false alarms is common, but he was unaware of any previous discounts granted.

Councilor Denton inquired whether the revenue from these false alarm fees goes to the Police Department, and if reduction of these rates would affect Police Department funds. Councilor Bagley asked if the significant bill was due to gaps in billing or if the charges were applied immediately after each alarm. Deputy City Manager Woodland explained that the billing is not monthly, and the records could be redacted and provided for review if desired.

Councilor Bagley proposed a 50% discount of the bill, suggesting it would be a fair solution without additional city staff time spent researching. Councilor Tabor expressed reluctance with a reduction to the bill and questioned whether the charges were due to administrative oversight or negligence. Mayor McEachern expressed concerns about setting a precedent for future discounts, compliance, and the administrative burden it would create. Councilor Blalock agreed that business owners should bear the cost of false alarms, not taxpayers, and discounts could discourage owners from addressing alarm issues.

Councilor Cook suggested offering a lenient payment plan instead of a discount, since the business is addressing the issue moving forward. Councilor Bagley and Councilor Denton rescinded their amendments after further discussion.

It was revealed that the bill in question was the result 36 false alarms between October 2, 2023, and March 25, 2024. City Manager Conard also mentioned that alarm fee revenue goes into the General Fund and averages about \$25,000 per year.

Councilor Denton moved to amend his original motion to refer the matter to the Legal and Finance Departments to establish a payment plan, with or without a discount. Councilor Bagley seconded the motion. The motion passed by an 8 – 0 voice vote.

- D. Letter from Portsmouth Hospitality Team, requesting permission to hold an Outside Beer Garden Event at Hearth Market on Saturday, December 7, 2024 from 2:00 p.m. to 8:00 p.m.

Councilor Blalock moved to send to the City Manager with authority to act. Councilor Lombardi seconded the motion. The motion passed by an 8 – 0 voice vote.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

Temporary Construction License for 2 Congress Street, the North Church of Portsmouth

City Manager Conard explained that in September, the City Council had a waiver of the fees associated with construction on the North Church. The current encumbrance license extends through December 11. They are seeking an extension of the encumbrance from December 12 – April 15. The work being undertaken is to make ADA accessibility and functionality improvements to the North Church.

Councilor Lombardi moved to authorize the City Manager to execute and accept the temporary construction license to encumber the sidewalk area along 2 Congress Street that abuts the North Church, as requested. Councilor Moreau seconded the motion. The motion passed by an 8 – 0 voice vote.

Approval of 2025 City Council Calendar

Councilor Moreau moved to approve the City Council Calendar as presented. Councilor Tabor seconded the motion.

Councilor Cook referenced the budget hearings in prior years which have been combined into one day instead of separate hearings; she inquired if this same schedule would be followed this year. City Manager Conard stated that there had been previous discussion that the budget schedule would alternate between single day hearings as occurred in the current fiscal year, then switching back to multiple evening sessions the subsequent year.

Councilor Denton expressed a preference for maintaining the single day budget session to minimize the impact on Councilors' work schedules. Mayor McEachern stated that if the Council chose to adhere to a single day budget session, there be more opportunities created for public comment.

The Council continued to discuss alternative options for the budget schedule and what would work best for both the Council and the public. City Manager Conard suggested that the Council approve the budget Council excluding the budget sessions.

Councilor Moreau moved to approve the 2025 City Council Calendar with the exception of the budget sessions. Councilor Blalock seconded the motion. The motion passed by an 8 – 0 voice vote.

City Manager Conard stated there would be clarifications on the specifics at a future meeting.

Second Extension of Temporary Construction License for EightKPH, LLC at 70 Maplewood Avenue

City Manager Conard reported that, in order to construct the foundation for this property, install conduit under the sidewalk, and maintain a safe buffer zone, the owner sought a license to encumber the sidewalk abutting the property along Maplewood Avenue. There was a prior 150-day extension approved in June 2024 which is set to expire on December 5, 2024. The owner is requesting a 6-month extension from December 6 – April 1 due to receiving an inferior product which has delayed the brick façade being erected and therefore delayed the sidewalk improvements.

Councilor Bagley moved to authorize the City Manager to execute and accept the second extension of the temporary construction license to encumber the sidewalk along Maplewood Avenue and Deer Street, which abut 70 Maplewood Avenue as requested. Councilor Cook seconded the motion. The motion passed by an 8 – 0 voice vote.

Temporary Construction License for 93 Market Street

City Manager Conard explained that in order to make improvements on the exterior of 93 Market Street, East Coast Masonry is requesting to use 368 square feet of sidewalk on the corner of Market and Bow Streets. Pass-through staging has been erected in this area to accommodate the improvements. The owner is requesting an extension to last from December 5 – January 30 in order to complete the project. City Manager Conard stated that associated license fees are typically waived when a project utilizes pass-through staging.

Councilor Blalock moved to authorize the City Manager to execute and accept the temporary construction license for 93 Market Street to encumber the sidewalk with pass-through staging at Market and Bow Street and to waive the License Fee as requested. Councilor Bagley seconded the motion. The motion passed by an 8 – 0 voice vote.

Temporary Construction License for 50 South School Street

The licensee is making improvements to one of the units on the property and has an existing encumbrance permit for a dumpster being kept in one of the parking spaces abutting the South School Street playground. The owner is requesting an extension of the license through March 3, 2025 to continue using the dumpster for the duration of the project.

Councilor Lombardi moved to authorize the City Manager to execute and accept the temporary construction license to encumber a parking space in the parking lot that abuts the South School Street Park as requested. Councilor Moreau seconded the motion. The motion passed by an 8 – 0 voice vote.

Acceptance of Community Health Improvement Plan

City Manager Conard reviewed the Health Improvement plan, which was developed utilizing American Rescue Plan Act (ARPA) funding collaboratively with local social service agencies and other stakeholders to help define a vision and a starting point for future Community Health Improvement planning. The draft has been circulated for comment and the proposed action is for Council to formally accept the current version.

Councilor Tabor moved to accept the Community Health Improvement Plan as presented. Councilor Moreau seconded the motion. The motion passed by a unanimous voice vote.

Haven Court Land Swap

City Manager Conard reported that Mark McNabb, principal of One Market Square LLC, has approached the City regarding a potential land swap in the area of Haven Court. This would provide the City with the deed for a small portion of the Hanover Garage encroaching on private property. In exchange, One Market Square LLC is requesting that the City convey a parcel of land adjacent to Fleet Street which would provide One Market Square with the title to Haven Court. This would facilitate private improvements with public approval to the entirety of Haven Court and in exchange the City would receive rights for public access to install utilities and to conduct regular maintenance on the Hanover Garage. At a prior Council meeting, this potential land swap was referred to the Planning Board for a recommendation and report back. The City and One Market Square LLC have now entered into an agreement regarding proposed improvements to Haven Court, High Street, and Ladd Street at the expense of One Market Square. One Market Square LLC is requesting an amendment to the agreement by proposing a land swap as drafted by the legal department. The proposed agreement provides the City Manager with the authority to complete the land transfers as described and would provide the ability for the City to review and approve modifications to Haven Court. The conveyance of land One Market Square would convey a public access easement to the City and a utility easement over the entirety of Haven Court; One Market Square LLC would be responsible for the improvements to Haven Court at its sole expense and as approved by the City Manager's office and/or the Public Art Review Committee. The remaining terms of the agreement would remain in full force and effect.

Councilor Denton moved to authorize the City Manager to execute and deliver an Addendum 1 to the 2023 Memorandum of Agreement with One Market Square, LLC in substantially similar form to the document contained in the agenda packet. Councilor Bagley seconded the motion.

Councilor Bagley stated that this agreement is a good opportunity to improve the area and open it up to pedestrians without a cost to the City.

Mayor McEachern stated that Mr. McNabb owns the Gilly's lot, and the proposed action would make a large contiguous piece of land between Fleet Street and Haven Court. Mayor McEachern suggested there be a better understanding of the value of this land to ensure the decision being made is for the City's financial benefit.

The Council continued to discuss the benefit to the City of a Haven Court revitalization versus potential drawbacks of the amendment. There was additional discussion regarding the placement of the existing dumpsters if the area if opened to foot traffic.

Councilor Bagley called the question and the City Council agreed by voice vote, ending discussion.

Mayor McEachern called for a roll call vote on the motion. The motion passed by a 6 - 2 roll call vote with Councilors, Cook, Denton, Blalock, Bagley, Moreau, and Lombardi voting in favor and Mayor McEachern and Councilor Tabor voting opposed.

Community Space Easement and Access Easement for Water Services for Property Located at 815 Lafayette Road

At the January Planning Board meeting, there was site plan approval granted at the iHeart Radio property for the demolition of an existing building and tower and the construction of three 4-story 24-unit multifamily buildings with associated site improvements. The Planning Board also granted a conditional use permit allowing work within the 100-foot wetlands buffer. As part of this vote, the Planning Board recommended that the City accept the easements referenced.

Councilor Blalock moved to authorize the City Manager to accept and record a community space easement and an access easement for water services from Prospect North 815, LLC in substantially similar form to the easements contained in the agenda packet. Councilor Cook seconded the motion. The motion passed by a unanimous voice vote.

Street Naming for 815 Lafayette Road – Waterford Place

City Manager Conard explained that the street name request is related to the same property just discussed and clarified that State E911 did not have any objections to the name, nor are there any duplicate street names in the City.

Councilor Blalock moved to authorize the use of Waterford Place as the private street name for the development at 815 Lafayette Road once the required easements, site review agreement and bonding are in place for the project. Councilor Moreau seconded the motion. The motion passed by a unanimous voice vote.

Lease Agreement Amendment with AIDS Response at Community Campus

Councilor Denton moved to authorize the City Manager to finalize and execute an Amendment to the Lease Agreement with AIDS Response in a form similar to what is proposed in the agenda packet. Councilor Blalock seconded the motion. The motion passed by a unanimous voice vote.

Lease Agreement with Krempels Center, Seacoast Outright and Child Advocacy Center of Rockingham County at Community Campus

City Manager Conard explained that the City has negotiated new lease agreements with the referenced tenants that correspond to the City's fiscal cycle as well as the fiscal cycle for each of the nonprofits, creating approximately 5-year [4 ½ year] terms with an option to renew with different rent rates or tiers for each of the tenants in relation to their overall impact on the premises.

Councilor Lombardi moved that the City Manager be authorized to amend any Exhibit and to finalize and execute the Lease Agreement with Seacoast Outright in a form similar to what is proposed in the agenda packet. Councilor Moreau seconded the motion. The motion passed by a unanimous voice vote.

Councilor Moreau moved that the City Manager be authorized to amend any Exhibit and to finalize and execute the Lease Agreement with Krempels Center in a form similar to what is proposed in the agenda packet. Councilor Cook seconded the motion. The motion passed by a unanimous voice vote.

Councilor Moreau moved that the City Manager be authorized to amend any Exhibit and to finalize and execute the Lease Agreement with Child Advocacy Center of Rockingham County in a form similar to what is proposed in the agenda packet. Councilor Lombardi seconded the motion. The motion passed by a unanimous voice vote.

XII. CONSENT AGENDA

Councilor Blalock moved to accept the consent agenda. Councilor Bagley seconded the motion. The motion passed by a unanimous voice vote.

- A. Request from Bryan Granese, N. Granese & Sons Inc., to install a Projecting Sign at 28 Deer 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 no cost 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. Letter from Michaela Kneuer, Big Brothers Big Sisters of New Hampshire, requesting permission to hold the 17th Annual Stiletto Sprint on Saturday, September 20, 2025 (rain date September 21, 2025) (***Sample motion – move to refer to the City Manager with Authority to Act***)

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. **The items under this section of the agenda were taken up earlier in the meeting.*

XIV. MAYOR McEACHERN

1. Appointments to be Considered:
 - Reappointment of Philip Cohen to the Economic Development Commission
 - Appointment of Ethan Underhill to the Board of Library Trustees
 - Appointment of Jane Mitchell-Pate to the Parking & Traffic Safety Committee
 - Appointment of Colleen Spear to the Sustainability Committee
 - Appointment of Maxson Ward to the Sustainability Committee
 - Appointment of Scott McDermott to the Trees and Public Greenery Committee
 - Reappointment of Beth Margeson to the Zoning Board of Adjustment**(These appointments will be voted on the December 2, 2025 City Council Meeting.)**
2. Appointment to be Voted:
 - Ronald Baisden to the African Burying Ground

Councilor Blalock moved to appoint Ronald Baisden as a member of the African Burying Ground. Councilor Lombardi seconded the motion. The motion passed by a unanimous voice vote.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR, COUNCILOR COOK & COUNCILOR DENTON

1. Feasibility of a 1-2 megawatt Municipal Solar Array on Jones Avenue Landfill

Councilor Tabor moved that the city explore the feasibility, built through contractors, of a large-scale solar array at the Jones Avenue Landfill to offset municipal utility costs and substantially reduce carbon emissions. Councilor Denton seconded the motion.

Councilor Tabor explained that the Energy Advisory Committee had identified a large-scale solar project as one of their top priorities. He summarized other communities throughout the state who have already placed solar arrays on decommissioned landfill sites, and he discussed the financial benefit experienced to the communities.

The motion passed by a unanimous voice vote.

B. COUNCILOR COOK

1. Encumbrance Ordinance Clean-up

Councilor Cook moved to ask the Governance Committee to review the encumbrance ordinances and policies, per a request from City staff, in order to remove inconsistencies. Councilor Lombardi seconded the motion.

Councilor Cook explained that the Governance Committee was approached by City staff to review the ordinances that regulate sidewalk obstructions and licenses. Some of the staff-supported suggestions have come from local business owners who identified inconsistency in the ordinance and opportunities for improvement. The recommendation is to refer the matter to staff.

Mayor McEachern suggested that the verbiage of the ordinance be reduced when possible and suggested an amendment to indicate that “policies no longer applicable” would also be removed from the ordinance. **Councilor Cook accepted the friendly amendment. Councilor Lombardi seconded. The amended motion passed by a unanimous voice vote.**

C. COUNCILOR DENTON & COUNCILOR COOK

1. Draft Solar Array Overlay District

Councilor Denton explained that this was an update on a motion passed on November 13, 2023. The ordinance would aim to make it easier for commercial property owners to place solar arrays on their property, identify appropriate locations for ground mounted arrays and help allow for their installations.

Councilor Denton moved that the City Manager report back on the best way to pursue the creation of a Solar Array Overlay District in our zoning ordinance. Councilor Cook seconded the motion. The motion passed by a unanimous voice vote.

There was a brief discussion on whether the solar array ordinance would go to the planning board and whether it should be a part of the Master Plan process.

D. COUNCILOR BAGLEY

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the October 3, 2024 and November 7, 2024 meetings

Councilor Bagley moved to approve and accept the action sheets and minutes of the October 3rd and November 7th, Parking & Traffic Safety Committee meetings. Councilor Moreau seconded the motion. The motion passed by a unanimous voice vote.

Councilor Bagley stated that the City is going to be placing a stop sign on Marston Avenue where it enters South Street; however, there may be legal action initiated toward the City from a resident who does not agree with the installation of said sign.

2. **Action Item Needing Approval by City Council:**

- Middle Street

Councilor Bagley moved to temporarily remove one space to the northeast of the intersection with Cass Street. Councilor Blalock seconded the motion. The motion passed by a unanimous voice vote.

- Hanover Street at the One Hundred Club

Councilor Bagley recused himself from the discussion on the above listed matter. Councilor Blalock moved to approve the annual renewal of the valet license for the One Hundred Club. Councilor Moreau seconded the motion. The motion passed by a majority voice vote. Councilor Bagley abstained.

Establish Holiday Parking Incentive

Councilor Bagley moved to establish a holiday parking incentive from Monday, December 16th through Wednesday, January 1st, offering the first three hours of parking free at both the High Hanover and Foundry garages. Councilor Lombardi seconded the motion. The motion passed by a unanimous voice vote.

XVI. APPROVAL OF GRANTS/DONATIONS

A. Moose License Plate Conservation Grant

Councilor Denton moved to approve and accept the Moose License Plate Conservation Grant. Councilor Cook seconded the motion.

It was clarified that the total of the grant is \$8,999. Mayor McEachern inquired about the maximum grant allotment.

It was stated that the maximum grant is \$10,000, however a municipality cannot request more than will be spent for the designated purpose, causing the fluctuation in grant amounts.

The motion passed by a unanimous voice vote.

B. Acceptance of Donation to the Cemetery Committee

Councilor Tabor moved to approve and accept the \$200.00 donation for the Cemetery Committee to continue to support maintenance of Cotton and historic cemeteries. Councilor Cook seconded the motion. The motion passed by a unanimous voice vote.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Verbal Revaluation Update

This item was discussed earlier in the meeting.

2. Winter Farmers' Market Request

City Manager Conard stated that the City fee schedule lists a permit fee for summer outdoor farmers' markets, but it does not include verbiage for such a market to be held during winter months. Hearth Market's owner has requested to hold a winter market at their location from December through April, pending vendor availability. A formal MOU will be created by staff to include logistics for vendor set up and break down. The proposed action will amend the fee schedule to allow for winter markets and to list that the fee charged is the same rate as the summer markets.

There was a brief discussion regarding the scheduling of said farmers market and potential conflicts with other local markets. It was determined that the City cannot dictate when a farmers market is held on private property.

3. Report Back on Outdoor Dining – End of Season Summary

City Manager Conard reported that the outdoor dining season ran from May 1st through October 15th, with 31 outdoor dining and encumbrance permits granted. The City collected \$53,000 in fees. She gave a brief overview of the data on parking spaces temporarily removed and the number of fees waived.

Councilor Bagley moved to extend the meeting beyond 10:30 PM. Councilor Blalock seconded the motion. The motion passed by a unanimous voice vote.

4. Report Back on Water and Sewer Capacity

City Manager Conard stated that the report back from DPW is contained in the packet for Council and the public.

5. Verbal Update on FlashVote Survey Regarding Capital Priorities

City Manager Conard gave a brief overview of the results received from the capital priorities survey and the less-than-average number of respondents.

6. Pease Development Authority Board Meeting Update

City Manager Conard announced that the Pease Development Authority Board met last Thursday. ThermoFisher is looking to establish a stronger presence on site with a proposal for a new airplane hangar and office. Regarding the Division of Ports and Harbors, four bids were received for the Fish Pier building, and replacement work may begin in December or January. There will also be a request for the Market Street Terminal to replace the old warehouse and office building.

Councilor Bagley moved to establish a procedure for asking written questions to the top two ranked firms for the Sherburne RFP (PHA and POAH) in order to gather additional information. Councilor Moreau seconded the motion.

Councilor Bagley gave an overview of the timeline for submission of questions in anticipation of vote on December 2, 2024.

The motion passed by a unanimous voice vote.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XIX. ADJOURNMENT [at 10:30 p.m. or earlier]

At 10:42 p.m., Councilor Moreau moved to adjourn the meeting. Seconded by Councilor Bagley and voted.

Respectfully submitted,

Cassie Givara
Deputy City Clerk