

TO: KAREN CONARD, CITY MANAGER
FROM: CASSIE GIVARA, DEPUTY CITY CLERK
RE: ACTIONS TAKEN AT THE PORTSMOUTH CITY COUNCIL MEETING HELD IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS ON MONDAY, NOVEMBER 18, 2024
PRESENT: MAYOR McEACHERN, ASSISTANT MAYOR KELLEY, COUNCILORS TABOR, COOK, DENTON, BLALOCK, BAGLEY, MOREAU AND LOMBARDI

1. **On a unanimous roll call 9-0, voted** to close the Non-Public Sessions and seal the minutes.
2. Proclamation – 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.
3. Proclamation – Vernis Jackson Day – Assistant Mayor Kelley read a Proclamation declaring November 18, 2024 as Vernis Jackson Day in the City of Portsmouth.
4. Public Comment Session – There were seven speakers; Donna Smith of Appledore Family Practice (False Alarm charges), Patricia Martine (Sherburne Property proposals), Dave Cosgrove (Skate Park Lighting), Peter Somssich (Commerce Way GNOD), Molly Wilson (Sidewalks/Traffic Calming on South Street), Jim Hewitt (Letter to Council regarding legal fees), and Petra Huda (Status of FY24 Financial Reports).
5. Public Hearing of Capital Improvement Plan (CIP) – *The presentation on the CIP had been given at the November 12 Work Session. A public hearing was held with eight speakers: Kate Needham, Nancy Novelline Clayburgh, Dave Cosgrove, Steve Saks, Lee Hudson, Megan Leonard, Meg Aldrich, and Ashley Blackington. **Voted** to extend the Public Hearing until the December 2, 2024 City Council meeting.
6. **Voted** to suspend the rules and move Agenda item XVII - City Manager’s Informational Items forward on the agenda.
7. Rosann Lentz, City Assessor, gave a brief presentation on City Manager’s Information item XVII #1 “Revaluation Update.”
8. 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 - There was one speaker at the public hearing (Petra Huda). **Voted** to pass second reading and schedule a third and final reading for the December 2, 2024, City Council meeting.

9. 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 - There were no speakers at the public hearing. **Voted** to adopt the Resolution as presented.
10. 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 - There was one speaker at the public hearing (Petra Huda). **Voted** to adopt the Resolution as presented.
11. 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 - **Voted** to pass third and final reading of the ordinance.
12. Mayor McEachern called for a recess at 9:04 PM. The meeting was reconvened at 9:14 PM.
13. **Voted** to suspend the Rules and move agenda item XIII “Presentations and Written Communications” forward on the agenda.
14. Email Correspondence **Voted** to accept and place on file.
15. Letter from Attorney R. Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, PLLC., regarding Request for Easement for Joshua Wentworth House located at 27 Hancock Street - **Voted** 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).
16. Letter from Donna Smith, Appledore Medical Group, requesting the consideration of discounting and/or waiving alarm billing invoice - **Voted** to refer to the legal and finance departments to establish a payment plan.
17. 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. - **Voted** to refer to the City Manager with authority to act.

18. Temporary Construction License for 2 Congress Street, the North Church of Portsmouth - **Voted** to authorize the City Manager to execute and accept a temporary construction license to encumber the sidewalk area along 2 Congress Street that abuts the North Church as requested.
19. Approval of 2025 City Council Calendar – **Voted** to approve and accept the calendar with the exception of the budget work sessions.
20. Second Extension of Temporary Construction License for EightKPH, LLC at 70 Maplewood Avenue - Voted to authorize the City Manager to execute and accept a second extension of the temporary construction license to encumber the sidewalks along Maplewood Avenue and Deer Street that abut 70 Maplewood Avenue as requested.
21. Temporary Construction License for 93 Market Street – **Voted** to execute and accept a temporary construction license to encumber the sidewalk with pass-through staging at Market and Bow Street and to waive the License Fee as requested.
22. Temporary Construction License for 50 South School Street – **Voted** 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.
23. Acceptance of Community Health Improvement Plan – **Voted** to accept the Community Health Improvement Plan as presented.
24. Haven Court Land Swap – **Voted** 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.
25. Community Space Easement and Access Easement for Water Services for Property Located at 815 Lafayette Road – **Voted** 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.
26. Street Naming for 815 Lafayette Road – Waterford Place - **Voted** 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.
27. Lease Agreement Amendment with AIDS Response at Community Campus - **Voted** 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.
28. Lease Agreement with Krempels Center, Seacoast Outright and Child Advocacy Center of Rockingham County at Community Campus - **Voted** to authorize the City Manager 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.

29. Consent Agenda – **Voted** to adopt the Consent Agenda.

- A. Request from Bryan Granese, N. Granese & Sons Inc., to install a Projecting Sign at 28 Deer Street **Voted** 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) - **Voted** to refer to the City Manager with authority to act.

30. Appointment to be Voted – **Voted** to appoint the following:

- Ronald Baisden to the African Burying Ground

31. Feasibility of a 1-2 megawatt Municipal Solar Array on Jones Avenue Landfill - 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 emission - **Voted** 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.

32. Encumbrance Ordinance Clean-up - **Voted** to ask the Governance Committee to review the encumbrance ordinances and policies, per a request from City staff, in order to remove inconsistencies.

33. Draft Solar Array Overlay District - **Voted** that the City Manager report back on the best way to pursue the creation of a Solar Array Overlay District in our zoning ordinance.

34. Parking and Traffic Safety Committee Action Sheet and Minutes of the October 3, 2024 and November 7, 2024 meetings - **Voted** to approve and accept the action sheets and minutes of the October 3rd and November 7th, Parking & Traffic Safety Committee meetings.

35. Middle Street - **Voted** to temporarily remove one space to the northeast of the intersection with Cass Street.

36. Hanover Street at the One Hundred Club - **Voted** to approve the annual renewal of the valet license for the One Hundred Club.
37. Establish Holiday Parking Incentive - Voted 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.
38. Moose License Plate Conservation Grant - **Voted** to approve and accept the Moose License Plate Conservation Grant.
39. Acceptance of Donation to the Cemetery Committee - **Voted** to approve and accept the \$200.00 donation for the Cemetery Committee to continue to support maintenance of Cotton and historic cemeteries.
40. City Manager's Information Items

Winter Farmers' Market Request - City Manager Conard stated that there had been a request to host a winter's farmer's Market at the Hearth Market space on Penhallow Street from December through April. If approved, City staff would work on a formal MOU which would include logistics such as load-in and load-out for vendors. Currently the fee schedule only includes language for summer farmer's markets; The City's intention is to charge the same fee for the winter market and to work on updating the fee schedule to reflect the allowance of winter markets.

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. There were 31 outdoor dining encumbrance permits issued totaling \$53,000 in fees. Of the 31 permits, 4 had fees waived due to their location in Portwalk Place where fees, and 12 used parking spaces for their outdoor dining setup which resulted in 21 parking spaces being temporarily inaccessible.

41. **Voted** to extend the City Council meeting past 10:30 PM.

Report Back on Water and Sewer Capacity - The City Manager indicated that the report back from Department of Public Work staff was in the packet.

Verbal Update on FlashVote Survey Regarding Capital Priorities - City Manager Conard stated that there had been 435 respondents to the survey; the average for such a survey is 444. She indicated that the responses indicated that the respondents were aligned on the issues of access to recreation, open space, and parks, as well as physical safety of the downtown and other issues. The results are publicly available on the City website.

Pease Development Authority Board Meeting Update- The PDA Board met last Thursday and discussed the following: Thermo Fisher is proposing a new airplane hanger and office. The last day for golf at the Pease Course this season is December 1. Sarasota, Florida will be the newest

destination offered through Allegiant Air. The fish pier building received four bids and the City will be moving on this project as early as December or January to replace the building.

42. **Voted** to establish a procedure for asking questions of the top two ranked firms for the Sherburne RFP:

- 11/21/24 at 12:00 PM - Deadline for City Councilors to submit written questions to City Manager
- 11/21/24 at 5:30 PM - The Housing Blue Ribbon Committee will work to develop written questions to submit to the top two ranked firms.
- 11/22/24 by 1:00 PM – City staff will submit the written questions to the top two ranked firms.
- 11/27/24 by 12:00 PM – The top two ranked firms submit written responses, which will then be published in the City Council packet.
- 12/2/24 City Council Meeting – City Council reviews responses and determines next steps. PHA (Portsmouth Housing Authority) and POAH (Preservation of Affordable Housing) are both invited to attend this meeting.

43. Adjournment – At 10:39 p.m., **voted** to adjourn the meeting.

Respectfully submitted by:

Cassie Givara
Deputy City Clerk