

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 21, 2024

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, Cook, Denton, Blalock, Moreau and Lombardi

ABSENT: Councilor Bagley

PROCLAMATIONS

1. Move It or Lose It Day in Portsmouth on behalf of Student Mayor Maxwell Cyr

Mayor McEachern read the Proclamation from Student Mayor Maxwell Cyr urging members of the community to use and value the outdoor activities we have and work to bring more opportunities forward together.

MAYOR'S AWARD

1. Laurie Mantegari

Mayor McEachern presented a Mayor's Award to Laurie Mantegari for her attention to the "Everyday Details" that make Portsmouth a better place to live.

2. Ristorante Massimo 30th Anniversary Proclamation

Mayor McEachern presented a Proclamation to Massimo Morgia celebrating the 30th Anniversary of Ristorante Massimo. Massimo accepted the Proclamation with thanks and appreciation and said it is an honor to be recognized. He said he loves Portsmouth and is pleased to be a part of the community.

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

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

(There are no recognitions and volunteer committee reports this evening)

IX. PUBLIC COMMENT SESSION

Kevin Schultz spoke about the dangers on Deer Street due to the large construction project. He said that there is no line of sight coming out onto Deer Street. He asked the Council to make that section of the road less hazardous.

Mary Lou McElwain asked why a presentation for the Police Facility would take place before the needs assessment is prepared. She requested that the meeting be rescheduled until the information is completed.

Dick Bagley spoke regarding Massimo and what he brings to the community. Mr. Bagley addressed the urban renewal project for the construction of the parking garage. He spoke regarding the North End.

Esther Kennedy questioned the sewage plant. She said some of the City Council don't feel the sewage plant is broken. She said that the smell is out of control and spoke regarding the pump station and the need for the system to be fixed. She said that the system could not handle any new developments at this time and feels that this will continue to be a problem.

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

First Reading of Ordinance:

- A. First 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

Assistant Mayor Kelley moved to pass first reading and schedule a public hearing and second reading for the November 18, 2024 City Council meeting. Seconded by Councilor Lombardi.

Councilor Cook said these changes are coming forward after several meetings in the Governance Committee and they are in compliance.

Councilor Lombardi said the software being implemented will take time to understand and when it is in full roll out it may require further amendments.

Motion passed.

Public Hearing/Second Reading of Ordinances:

- B. PUBLIC HEARING/SECOND READING of Ordinance amendment to Chapter 7, Vehicles, Traffic and Parking, Article X, Towing, Section 7.1004, Towing or Immobilization of Motor Vehicles for Non-Payment of Parking Fines by amending the ordinance to reflect current procedures, delete and revise outdated language, change notice provision and increase fine for violation for removing immobilization device
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Parking Director Fletcher explained the accounting system used with the requirement of a certified letter which fails 80% of the time. He said the primary change allows that the red tag sticker on the vehicle becomes the official notification. He stated the remainder of the changes are clerical in nature.

Councilor Lombardi asked if there is a process in this if someone can't pay the tickets, could there be a payment system over time created. Parking Director Fletcher said that a person would need to make arrangements before the tickets reach \$250.00.

Councilor Denton thanked Parking Director Fletcher and Public Works Director Rice for installing the electrical vehicle station.

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

Assistant Mayor Kelley moved to pass second reading of the ordinance. Seconded by Councilor Tabor and voted.

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

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

- C. PUBLIC HEARING AND SECOND READING of Ordinance amendment to Chapter 10, Article 6 – Overlay Districts, Section 10.680 – Gateway Neighborhood Overlay District by Establishing a New Incentive Overlay District Allowing for Higher Density Housing
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Planning Manager Stith provided a presentation on the Gateway Neighborhood Overlay District (GNOD) and said it is an innovative overlay district that will allow for higher density housing and additional workforce housing in targeted areas. He reported the initial area includes parcels along Commerce Way and Portsmouth Boulevard. He reviewed the proposed amendments under the GNOD as follows:

Building Length	400 feet
Setbacks	10 feet minimum – all setbacks
Building Coverage	75% max
Open Space	10% min
Community Space	10% min
Dwelling Units per Acre	No requirement
WFH Requirement	20% units Payment in lieu Land Transfer

Planning Manager Stith addressed sections that shall not apply to developments within the GNOD:

- Building Stepback – requirement to step building height back from ROW
- Building Setbacks and Separation – requires 10 ft. setback between buildings (will still need to comply with building code)
- Special Setback Requirements on Lafayette Road – developments of Lafayette Road setback 70 – 90 ft. from centerline; on Route 1 Bypass – min. setback of 30 ft. – max. 50 ft. from sideline
- Building Placement and Orientation – section relates to front lot line buildout and façade orientation
- Residential Density – specifies dwelling units per acre
- Location of Vehicular Use Facilities – specifies setbacks from lot lines and location of parking facilities on a lot
- Shared parking on separate lots allowed without CUP

Planning Manager Stith reviewed the use of a table Optional Density Bonus Incentives. He reported that the Planning Board voted on October 17, 2024, to recommend the Council to hold second reading and add Day Care as a permitted use in the GNOD.

Councilor Tabor spoke regarding a piece of land that abuts up against Osprey Landing and there is approximately 10 ft buffer and asked if that could fit the requirements. Planning Manager Stith said it would require a 75 ft buffer.

Councilor Moreau moved to suspend the rules to bring forward Item C.1. – Gateway Neighborhood Overlay District Update from the Planning Board. Seconded by Councilor Denton and voted.

Councilor Moreau spoke regarding adding childcare to the ordinance and shorter lower buildings. She said that we should continue that conversation at the planning board, but moving it forward would be the recommendation as written, with some corrections to typographical errors.

Councilor Lombardi pointed out some minor typographical changes that need to be corrected.

Councilor Cook asked if the setback would allow for sidewalks. Planning Manager Stith responded affirmatively. Councilor Cook said that is a key to creating neighborhoods.

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

Marcio Von Muhlen said he has a family member with a good job and lives in a one-bedroom apartment. He said that they have looked for houses for over two years, looking at over one hundred places and are priced out of the market. He said they are looking outside the city now. He said it is important for us to support the next generation so that they can live in this community.

Elizabeth Bratter spoke against moving the ordinance to third reading and sending it back to the Planning Board. She said there were open questions regarding the 75 ft. buffer and how far can a building be located from the lot line. She expressed concern regarding the allowance of bigger lots and more units as well as how much height can be allowed at these sites. Ms. Bratter requested the City Council send the ordinance back to the Planning Department for clarification of exemptions.

Petra Huda said she does not feel the ordinance is ready for third reading and asked if this is spot zoning. She said the ordinance affects all residents, the density, height, water/sewer and Police and Fire Departments. She said the proposal needs impact fees. She asked what the value or cost to the taxpayer is.

Esther Kennedy said she understands the concern of not being able to find places to live in the city because you can't afford the prices. She addressed our infrastructure and asked if we have enough water for future developments. She stated that this kind of development will affect our police, fire and hospitals. Ms. Kennedy asked why this is not part of the master plan and why is this zoning being rushed through.

Tom Nies said all these comments were presented at the Planning Board. He said you need to make sure the ordinance is clear in what you want to do. He expressed concern that there are no requirements for minimum houses for a developer to meet. He said there should be minimum numbers to achieve incentives from the ordinance. He expressed concern regarding the land transfer. Mr. Nies said the City Council needs to spend time on these issues.

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

Discussion followed regarding incentives and the kind of notifications that would apply to property owners or abutters. Planning Manager Stith said just to property owners.

Assistant Mayor Kelley said she would support moving this to third reading. She said housing needs to be on the forefront of what we need in our master plan and she feels we are in line with that.

Councilor Tabor said if second reading is passed this evening does the Planning Board take another look at this. Planning Manager Stith said no, they have already reviewed this.

Councilor Denton said there were comments made concerning sewer going out to Pease, is that correct. Planning Manager Stith said that sewer would go to Peirce Island.

Councilor Blalock said we can't limit houses, and we need to move forward.

Councilor Moreau moved to pass second reading as amended with the correction of typographical errors and hold third and final reading of the ordinance at the November 18, 2024 City Council meeting. Seconded by Councilor Cook.

Councilor Tabor said this will allow us to boost the city housing stock. He said we have a goal of over 500 of below market value houses and we will need 1,500 units in the next year. He stated the land transfer option allows the city to reach the goal for housing.

Councilor Moreau said two years ago this idea was spoken about at the Planning Board. She said the request has been on our radar for some time. She stated that this is a step forward to getting more housing.

Councilor Lombardi said that this has been part of the City Council charge for three years now. He said it was on the agenda before this City Council was in place. He said this is an ideal property.

Mayor McEachern spoke in support of the ordinance. He said the Planning Board recommended to us what was not in the ordinance, such as childcare. He said we are getting the transfer once it reaches a certain point. He spoke regarding this being part of the master plan and apply for housing.

Motion passed.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Request for Public Hearing to Repurpose Transmission Main Funds

City Manager Conard spoke to the work on the two mains and additional funds would be needed for a new line. She requested that the City Council vote to hold a public hearing on this matter.

Councilor Denton moved to establish a Public Hearing at the November 18, 2024 City Council meeting for consideration and vote on a resolution authorizing a bond issue and/or notes of up to four million three hundred thousand dollars (\$4,300,000.00) for water system improvements, and rescinding a like amount of funds authorized to be borrowed for the replacement of water transmission mains beneath Little Bay, which is not ready to be undertaken at this time. Seconded by Councilor Blalock and voted.

2. Request for NH DOT US Route 1 Corridor Improvement Project Work Session

City Manager Conard said that the NH DOT would like to have a work session with the City Council to discuss the Route 1 Corridor Improvement Project.

Councilor Lombardi moved to schedule a NH DOT US Route 1 Corridor Improvement Project Work Session on November 18, 2024 at 6:00 p.m. Seconded by Councilor Moreau and voted.

3. Approval of Memorandum of Agreement for AFSCME 1386A

City Manager Conard said that this agreement has value in this realm.

Councilor Blalock moved to approve the Memorandum of Agreement between the City and AFSCME 1386A as presented. Seconded by Assistant Mayor Kelley.

Councilor Lombardi said that this is a good opportunity for employees driving the trucks and comes with a commitment to work for the city for a long time.

Motion passed.

4. Request for Public Hearing on ARPA Funding for Climate Action Plan
Recommendations Mobile Library Resources, Community Health Needs Assessments
Recommendations and Maplewood Avenue Waterline Upgrades

City Manager Conard spoke to the projects and the balance of the projects. She addressed a section of the Maplewood Avenue bridge that are in need of water and sewer improvements.

Councilor Cook moved to schedule a public hearing at the November 18, 2024, City Council meeting for the use of ARPA funds for Climate Action Plan Recommendations and Maplewood Avenue Waterline Upgrades. Seconded by Councilor Denton.

Councilor Cook said in looking at the draft community health plan there was funding for areas of need to help with homelessness.

Councilor Denton said the Sustainability Committee is in support of this funding.

Motion passed.

5. Extension of Ceres Street Compactor License

City Manager Conard said that this is a new license for the Ceres Street Compactor and the first of others that would be coming forward at future meetings. She stated there is an annual licenses fee and will go before the Fee Committee.

Councilor Blalock said he would recuse voting on this matter.

Councilor Tabor moved that the City Manager be authorized to execute and accept the extension of the Ceres Street Compactor License as presented. Seconded by Councilor Moreau and voted. Councilor Blalock abstained from the vote.

6. Temporary Construction License Agreement for Cedar & Salt, LLC 439 Lincoln Avenue, Unit 2

City Manager Conard said the temporary license would be for 83 days.

Councilor Blalock moved that the City Manager be authorized to execute and accept the temporary construction license to encumber the Lincoln Avenue right-of-way that abuts 439 Lincoln Avenue, Unit 2 as requested. Seconded by Councilor Denton and voted.

XII. CONSENT AGENDA

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

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Email Correspondence

Councilor Moreau moved to accept and place on file. Seconded by Councilor Tabor and voted.

- B. Letter from Reverend Ellen Quaadgras, South Church Unitarian Universalist, requesting permission to hold a “Held in One Spirit: An Interfaith Election Day Gathering”, at the African Burying Ground on Tuesday, November 5, 2024, from 7:00 p.m. to 7:30 p.m.

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

XIV. MAYOR McEACHERN

1. Appointment to be Considered:
 - Ronald Baisden to the African Burying Ground

The City Council considered the appointment of Ronald Baisden to the African Burying Ground that will be acted upon at the November 18, 2024, City Council meeting.

XV. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR KELLEY & COUNCILOR LOMBARDI

1. Economic Development Commission Memorandum on City Inspections

Assistant Mayor Kelley said the Economic Development Commission felt inspections were a big part of the city and they met with Building Inspector Wolph regarding providing some assistance.

Councilor Lombardi said there is a new permitting software system that is fully transparent for staff and the public. He spoke about the implementation of office hours which allow people to come in and work with staff.

Mayor McEachern said that Building Inspector Wolph has done a great deal of work, and the department is more approachable. He would like to review some of the ordinances to see if they could be reduced.

B. COUNCILOR TABOR, COUNCILOR BLALOCK & COUNCILOR MOREAU

1. Report to Council on Citizen CIP requests from Council Subcommittee

Councilor Tabor said over the last two weeks we have met regarding citizen requests for CIP projects. He reported that 15 requests were reviewed and 5 we currently have in the pipeline. He spoke about some of the projects from sidewalks, micro transit, and playground upgrades. He stated that Superintendent McLaughlin would be putting element sheets in his CIP adding playgrounds as part of the school CIP requests.

Councilor Lombardi said that micro transit is needed.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Draft Community Health Improvement Plan

Health Director McNamara spoke briefly regarding the Community Health Improvement Plan. She said a needs assessment was developed and creates a starting point. She said the draft plan provides some recommendations.

City Manager Conard said we are seeking final acceptance at the next City Council meeting.

2. Pease Development Authority Board Meeting Updates

City Manager Conard said an Audit Report was completed for the PDA and it was a clean audit with no findings. She spoke regarding the airport and the anticipation of numbers increasing by 20%.

3. Update on Sherburne Property

City Manager Conard spoke to the report on the Sherburne Property received on October 11th. She said the Committee charge was to receive guidance and read through the reports and have careful time to review. She asked if the City Council would like to set up a work session in late to mid-November on recommendations from the Committee. She said a stand-alone meeting may make more sense.

Assistant Mayor Kelley said we should have a work session to hear back from senior staff and after that send the report to the Housing Committee for review and make recommendations.

The City Council agreed to hold a meeting on November 14th. City Manager Conard said a review of proposals will be presented by the Committee.

Councilor Tabor said he would like to see a ranking of the proposals. City Manager Conard said there would be a matrix with their rankings.

Assistant Mayor Kelley moved to host a Joint Work Session with presentations on the Sherburne Property at 6:00 p.m. on November 14th. Seconded by Councilor Cook and voted.

4. Revaluation Update

City Manager Conard said commercial hearings are still being held and less than 10% scheduled a hearing. She reported that 65 properties cancelled their appointments and two-thirds have been held for internal review of properties.

Deputy City Manager/Finance and Administration Director Lunney said that they are not recommending further changes to assessment limits. He reported that 45 will have no tax implications this year. He stated exemptions have provided help in \$68.6 million of value which translates to \$626,000.00 or equals \$.6 of the tax rate. He said if there is no change 74% will be exempt.

XIX. ADJOURNMENT

At 9:25 p.m., Councilor Moreau moved to adjourn the meeting. Seconded by Councilor Blalock and voted.

A handwritten signature in black ink, reading "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK