

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 5, 2024

PORTSMOUTH, NH
TIME: 7:00PM

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

V. INVOCATION

Mayor McEachern asked for a moment of silent prayer.

VI. PLEDGE OF ALLEGIANCE

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

IX. PUBLIC COMMENT SESSION

Lucille Therrien spoke to the proposed location of the new police station and how the residents of Connors Cottage will lose their view and be blocked in by the proposed size of the building.

Erik Anderson said he would not like to see the building demolished, there needs to be reasonable consideration to the neighborhood and their opinions.

Patricia Robinson spoke to living at Connors Cottage and wants to not lose their view. She said it is important to put thought into the aesthetics with such a development here at the Municipal Complex.

Robin Husslage spoke on 361 Hanover development. She said the Islington Street residents reached out to the Planning Director Walker at the time regarding the zoning of 361 Hanover Street. She spoke about having the lot rezoned and discussed that matter with the Planning Director Walker at the Planning Board meeting in 2020. She indicated that the Planning Department agreed that the area should be rezoned, and Planner Cracknell took over and the proposal for zoning is high density. She urged that the area be rezoned.

Nicole LaPierre said she is not antidevelopment but needs assistance from the city. She feels that the neighborhood is not being listened to regarding 361 Hanover Street. At the July Planning Board meeting the developer said that this was already happening.

Marcy Vaughn spoke opposed to the 361 Hanover Street development. She expressed concern regarding the license agreement and the impact it has had on parking at the lot. She asked why the Planning Board did not hold a work session on this matter. She asked why the amendment was removed and who made the decision. She said that the city needs to be more transparent on this matter.

Bill Downey spoke regarding the Times building and asked about whether inspections have taken place and where the reports would be located. He expressed the importance of preserving both sides of the building.

Elizabeth Bratter, Dover, NH said a public hearing and a notice to abutters should take place for any development.

Councilor Blalock moved to suspend the rules to bring forward the Community Policing Facility Update. Seconded by Assistant Mayor Kelley and voted.

City Manager Conard requested Facilities Manager Almeida to provide an update on the Community Policing Facility.

Facilities Manager Almeida provided a brief update on the Community Policing Facility. He reported that a smaller plan is currently being considered. He stated an update with a view of the plans would be provided at an upcoming City Council meeting in September. He stated that the previous design has been moved to the side and we are staying within budget.

Councilor Cook asked how much space is needed per staff member. Facilities Manager Almeida said he would provide information at a future update and follow up with an answer.

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

Public Hearings/Second Reading of Ordinances

- A. Public Hearing/Second 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

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

Planning Manager Stith reviewed the zoning amendments in the Character Districts to require both workforce housing and community space through a Conditional Use Permit (CUP) in exchange for certain incentives. He stated parcels over one acre in size and not located in an incentive overlay district, the incentive is an additional story up to 15 feet, a house or duplex building type and/or a mixed-use building in exchange for 50% community space and workforce housing. He said to clarify, incentive applies to a mix of residential and non-residential uses. He stated that these are minor non-substantive edits.

The City Council spoke in support of moving the ordinance forward.

Jim Smalley said 50% open space requirement makes housing more affordable. He stated right now residents are being priced out because it is driving costs up. He said if there was more supply the housing costs would go down.

Elizabeth Bratter, Dover, NH said she feels a developer would only have to pick one building to create affordable units. She stated a developer could pick the smaller building so they would only have to put in a small number of workforce housing units. She urged the City Council to review the definitions and make community space more clearly defined.

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

Councilor Moreau moved to pass second reading of the proposed zoning amendment to Chapter 10, Article 5A, Section 10.5A43.33 and to schedule third and final reading at the August 19, 2024 City Council meeting. Seconded by Councilor Tabor.

Councilor Bagley said the developer would need to conform with the definition in the zoning ordinance for community space.

Councilor Moreau said the comments made about the “any” under Section B would mean any building in the development. Planner Manager Stith said that is correct.

Assistant Mayor Kelley said this was not an “or”, we were getting open space but not any of the workforce housing. She stated a developer must do both to build that kind of density. She said the open space concept works but we were not getting the housing we wanted.

Councilor Blalock said supply and demand have an impact. He said this is a small step to give some affordable units and below market rate without the additional floor.

Motion passed.

- B. Public Hearing/Second Reading of proposed Parking Omnibus Ordinance amending Chapter 7, Article III – Traffic Ordinance, Section 7.330 A. - No Parking; Article III – Traffic Ordinance, Section 7.341 - Driving on Sidewalk; and Article XI, Section 7.1100 E., Speed Limits: 25 mph – Middle Street

- **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.

Parking & Transportation City Engineer Eby provided a brief presentation on the ordinance. He said there are three sections on the changes and deals with no parking in the city.

Councilor Lombardi spoke in support of the 25-mph speed limit for Middle Street but feels there needs to be added enforcement.

Councilor Cook thanked Councilor Bagley for moving quickly on this ordinance. She said that the neighborhood was pleased to see the ordinance moving through the process of the Council to be put in place.

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

Councilor Bagley moved to pass second reading and schedule third and final reading at the August 19, 2024 City Council meeting. Seconded by Councilor Lombardi.

Councilor Bagley said to change a speed limit in NH below 30 mph you would need to conduct an engineering study.

Councilor Blalock said that this ordinance deals with Middle Street and not Middle Road.

Councilor Moreau moved to postpone the ordinance and make an adjustment of Middle Street to *Middle Road*. Seconded by Councilor Blalock and voted.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Request to Schedule Work Session on Revaluation – Thursday, September 5, 2024

Assistant Mayor Kelley moved to schedule a work session on the topic of Revaluation on Thursday, September 5, 2024 at 5:00 p.m. Seconded by Councilor Moreau.

Councilor Blalock said he will be unable to attend the work session.

Motion passed.

2. Request to Adopt Local Emergency Operations Plan

City Manager Conard said Fire Chief McQuillen took the initiative to update the Emergency Operations Plan for the City which had not been done since 2017. She thanked Chief McQuillen for his hard work on updating the plan.

Councilor Cook moved to adopt the proposed Local Emergency Operations Plan as presented. Seconded by Councilor Denton.

Councilor Bagley applauded Chief McQuillen's efforts.

Motion passed.

3. Request to Appoint a Motor Vehicle Agent

Councilor Tabor moved to approve the appointment of Deputy Tax Collector Edward Gioioso as the Municipal Registration Agent for Motor Vehicles in the City of Portsmouth and voted.

4. RFQ #52-24 Municipal Property at 35 Sherburne Road Status Update – Recommendations for Next Steps and Policy Decision Guidance Sought

City Manager Conard explained that the City issued a Request for Letters of Interest and Statements of Qualifications from real estate developers and other entities regarding their capacity to design and construct permanent, below-market rate housing on municipally owned property at 35 Sherburne Road. She reported that 8 development firms responded to this Request and scored using the criteria established in the RFQ which included, among other criteria, experience with below market rate housing and professional qualifications. City Manager Conard said the four highest scoring firms were invited to participate in interviews:

- Avesta Housing
- Pennrose
- Portsmouth Housing Authority
- Preservation of Affordable Housing

She stated that the interviews yielded purposeful content and dialogue. She spoke to A Request for Proposals (RFP) to be issued to the four interviewed entities in August.

Assistant Mayor Kelley moved to authorize the City Manager to prepare and issue a Request for Proposals to the four entities interviewed which encompasses the feedback received this evening. Seconded by Councilor Bagley and voted.

5. South Meeting House Next Steps

City Manager Conard reported the city received a single proposal in response to RFP 58-24 – South Meeting House Reuse. She stated the proposal is from the Schleyer Foundation and includes Chinburg Builders, ARCoVe Architects, and the Portsmouth Music and Arts Center (PMAC). She said the Foundation proposes a significant investment in the historic structure along with an ongoing maintenance program.

Councilor Lombardi moved to authorize the City Manager to begin the negotiation of documents necessary to implement the proposal and to schedule a public meeting for the Schleyer Foundation to share its concept with the public and gather input. Seconded by Councilor Moreau and voted.

6. Request to Schedule a Public Hearing Regarding Supplemental Appropriation for the Hanover Street Garage Project

City Manager Conard requested that the City Council conduct a public hearing for approval of a supplemental appropriation for the Hanover Garage project. She stated we are in year three of a three-year construction project which is scheduled to be complete in August of 2025. She advised the City Council that an additional \$1 million in funding is needed to complete the project, due to material and labor prices which per contract are adjusted annually, unforeseen conditions encountered during construction, and additional work in support of pedestrian access and traffic flow improvements requested.

Councilor Bagley moved to schedule a public hearing and vote to authorize a supplemental appropriation of \$1 million from the Parking Division fund balance. Seconded by Councilor Cook and voted.

7. Request to Establish Polling Hours for State Primary & Presidential General Elections

City Clerk Barnaby outlined her request for the polling hours for the State Primary and the Presidential General Elections.

Councilor Blalock moved to approve the polling hours as presented: September 10th State Primary Election be established from 8:00 a.m. – 7:00 p.m.; and polling hours be expanded for the Presidential General Election on November 5th from 8:00 a.m. – 8:00 p.m. Seconded by Assistant Mayor Kelley and voted.

Councilors Denton and Blalock spoke in support of expanding the polling hours.

Councilor Blalock moved to suspend the rules to take up the Traffic Ordinance that was previously postponed because the ordinance was correctly written for Middle Street. Seconded by Councilor Bagley and voted.

Councilor Bagley moved to pass second reading and schedule third and final reading at the August 19, 2024 City Council meeting. Seconded by Councilor Lombardi and voted.

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

Councilor Bagley moved to pass third and final reading of the ordinance. Seconded by Councilor Lombardi and voted.

XII. CONSENT AGENDA

- A. Request from Adam, Dean, Joe Leddy, & Jamieson Duston, 48 Maplewood LLC, to install a Projecting Sign at 48 Maplewood Avenue (*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*

Councilor Denton moved 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. Seconded by Councilor Tabor and voted.

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***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

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

- B. Letter from James Knudsen, Knudsen Burbridge, P.C. regarding Estate of Star C. Johnson, Parcel at Map 232, Lot 25 on Marjorie Street, expressing their intention to donate the parcel to the City

Councilor Moreau moved to refer to the Planning Board for a report back. Seconded by Councilor Cook and voted.

- C. Letter from Derek R. Durbin, Esq., regarding Release of Interest in Map 236, Lot 74 for area of former Longmeadow Lane

Councilor Bagley moved to refer to the Planning Board for a recommendation. Seconded by Councilor Moreau and voted.

- D. Letter from residents of Islington Creek regarding zoning of 361 Hanover Street

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

Councilor Moreau moved to refer to the Planning Board for review and recommendation for the consideration of a zoning change. Seconded by Assistant Mayor Kelley.

Councilor Blalock rescinds his motion and Councilor Lombardi's second to the motion.

- E. Letter from Eleanor Bird regarding the loud noises created by the fireworks

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

- F. Letter and Petitions from Lucille Therrien and residents of Connors Cottage regarding the proposed expansion of the Police Station

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

- G. Letter from Abigail Gindele requesting the city eliminate mosquito spraying

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

XIV. MAYOR McEACHERN

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

The City Council considered the appointments listed above with action to be taken at the August 19, 2024 meeting.

2. Resignations:
 - Robin Albert from the Arts and Culture Commission
 - MaryLiz Geffert as an alternate to the Zoning Board of Adjustment

Councilor Cook moved to accept with regret the resignations of Robin Albert and MaryLiz Geffert with a letter of thanks and appreciation for their service to the city. Seconded by Councilor Bagley and voted.

3. Status of Indoor Sports Complex

Mayor McEachern said he would like to receive a report back from the Recreation Board regarding this matter.

Councilor Blalock moved to refer to the Recreation Board for a report back. Seconded by Councilor Denton and voted.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Great Bay Resource Protection Partnership Stewardship Grant - \$10,000.00

Assistant Mayor Kelley moved to authorize the City Manager to enter into a grant agreement to accept and expend funds in the amount of \$10,000.00 from the Great Bay Resource Protection Partnership to conduct the Buffer Revival: Enhancing Freshwater Wetland Health and Community Awareness project. Seconded by Councilor Moreau and voted.

B. Acceptance of NHDES Coastal Program Coastal Resilience Grant - \$9,486.00

Councilor Denton moved to authorize the City Manager to enter into a grant agreement to accept and expend funds in the amount of \$9,486.00 from the NHDES Coastal Program to conduct the Resilience of Wetlands: Enhancing Coastal Protection and Water Quality project. Seconded by Councilor Cook and voted.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Blalock announced that the Portsmouth Booma Post 8 is in the State Championship.

Assistant Mayor Kelley wished Mayor McEachern Happy Birthday.

Councilor Tabor said the Seacoast Green Energy Challenge is taking place between Dover, Newmarket, Durham and Exeter to see which community's residents can do the most to fight climate change.

XIX. ADJOURNMENT

At 9:10 p.m., Assistant Mayor Kelley moved to adjourn the meeting. Seconded by Councilor Moreau and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK