

Item #22 Amended

TO: KAREN CONARD, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN AT THE PORTSMOUTH CITY COUNCIL MEETING HELD IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS ON MONDAY, MARCH 4, 2024

PRESENT: MAYOR McEACHERN, ASSISTANT MAYOR KELLEY, COUNCILORS TABOR, COOK, DENTON, BLALOCK, BAGLEY, MOREAU AND LOMBARDI

1. Mayor McEachern recognized Tammy Joslyn, USA Today Network Woman of the Year for New Hampshire. He said Tammy is a highly respected figure in New Hampshire social services realm. He noted that Tammy was a former Operation Blessing client, and named the community recovery and assistance organization's executive director in April 2017. Mayor McEachern said we are delighted that USA Today Network saw what we see every day, her door is always open. Because, as she says, "there's a little bit of me in everyone I serve."
2. Mayor's Award to Portsmouth High School Boys Ski Team Division I State Champions – Mayor McEachern provided Mayor's Awards to all members of the team and congratulated them on this achievement. He said after coming in 2nd place last year, the boys team worked hard in the off-season to finally attain the first boys alpine ski championship in Portsmouth High School's history!
3. Mayor's Award to Elijah Josey 190 lbs. Wrestling Division II State Champion – Mayor McEachern provided Elijah with a Mayor's Award in recognition of his accomplishment of being 190 lbs. Division II State Champion. He said Elijah also won the Division II championship last year as a sophomore as well. He said that Elijah won first place at the Meet of Champions for the 190 lbs. division. The Meet the Champions consists of the top five wrestlers from Division I, Division II, and Division III, so for Elijah to finish in 1st place is an incredible accomplishment that he can add to his high school career resume. He went on to say that Elijah competed in New England's held in Rhode Island recently and finished as the runner-up in the 190 lbs. division. And to top things off, Elijah picked up his 100th career victory by his junior year, which is an incredible accomplishment. We all look forward to seeing what his senior year brings!
4. Acceptance of Minutes – January 2, 2024 and January 16, 2024 – **Voted** to approve and accept the minutes of the January 2, 2024 and January 16, 2024 City Council meeting.
5. Written Progress Report of the Cemetery Committee – **Voted** to accept the Cemetery Committee Progress Report.
6. **Voted** to suspend the rules to take up Item XV. B.2. – Cultural Plan.
7. Cultural Plan - **Voted** to approve and adopt the 2023 City of Portsmouth Cultural Plan presented in your packet.
8. Public Comment Session – There were 24 speakers: Ari Alexenberg, Seth Levine, Yusra Ebrahim, Yasmin Alani, Jeffrey Cooper, Leslie Allen, Mark Kaplan, Andrea Stein Goldsworthy, Mike Schwartz (via Zoom), Larry Booz (via Zoom), Ellen Quaadgras (via Zoom), Nicole Benoit, Bradley Conway (Manchester), Ken Kowalchek (Hampton), Caroline Stemonia (Kittery, ME),

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Salamat Harake (Hampton), Alexia Goodwin (Stowe, VT), Mary Grace Allen, Dawn Persyckin, (Resolution, Israel, Cease Fire); Cynthia Harriman (Solar Panels in HDC); Irish Mike (Policies); and Cliff Hodgdon, Chris Brodeur, Jeff Dorrow (South Meeting House).

9. On a roll call vote 3-6, motion to suspend the rules to bring forward Item XV. C.1. – Israel and Gaza Resolution **failed** to pass. Councilors Cook, Denton and Mayor McEachern voted in favor. Assistant Mayor Kelley, Councilors Tabor, Blalock Bagley, Moreau and Lombardi voted opposed.
10. **Voted** to suspend the rules to bring forward Item XV. E.1. – Chairman Chellman and Chairwoman Ruedig, plan to give a brief update to council on the joint meeting and be available to answer any questions the council might have about the plan moving forward. Councilors Denton and Bagley voted opposed.
11. Chairman Chellman and Chairwoman Ruedig, plan to give a brief update to council on the joint meeting and be available to answer any questions the council might have about the plan moving forward – Planning Board Chair Chellman and Historic District Commission Chair Ruedig requested that the City Council allow the Planning Board & HDC to work together over the next two months on bringing forward amendments to the zoning ordinance regarding solar panels.

Moved to hold First Reading on April 1, 2024, to amend Chapter 10, Article 6, Section 10.633.20 by adding a new numbered paragraph 28 “Solar Energy Panels flush mounted to rooftops of existing structures which do not require other alternations to existing structures” and by adding a new numbered paragraph 29 “Accessory Elements to Solar Energy Panels which do not require other alternations to existing structures”.

Moved a friendly amendment for first reading to be held at the May 6, 2024 City Council meeting.

Voted to hold First Reading on May 6, 2024, to amend Chapter 10, Article 6, Section 10.633.20 by adding a new numbered paragraph 28 “Solar Energy Panels flush mounted to rooftops of existing structures which do not require other alternations to existing structures” and by adding a new numbered paragraph 29 “Accessory Elements to Solar Energy Panels which do not require other alternations to existing structures.” Councilor Cook voted opposed.

12. Continued Public Hearing – Capital Improvement Plan (CIP) / Adoption of CIP FY 2025-2030 – Continued the public hearing. There were two speakers for the remainder of the public hearing and with no further speakers, Mayor McEachern closed the public hearing.

Voted to suspend the rules to bring forward XI. A.1. – Amendments to Capital Improvement Plan FY 2025-2030.

On a roll call vote 1-8, motion to remove CIP Page 83 – Sheltering and Public Health Resources (\$250,000.00 – Suggested use of ARPA) from the CIP or pushed to an out-year **failed** to pass. Councilor Bagley voted in favor. Assistant Mayor Kelley, Councilors Tabor, Cook, Denton, Blalock, Moreau, Lombardi and Mayor McEachern voted opposed.

Voted to move CIP Page 87 – City of Portsmouth Master Plan Update - \$150,000.00 out one year in the CIP.

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Voted to approve the remainder of the City Manager's recommended reductions as outlined.

- CIP Page 78 – Permanent Records Storage Facilities - \$25,000.00
- CIP Page 90 – Existing Outdoor Recreation Field and Facility Improvements - \$25,000.00
- CIP Page 95 – Peirce Island Recreation Improvements - \$150,000.00
- CIP Page 102 – City Hall HVAC Improvements - \$200,000.00
- CIP Page 107 – Sound Barriers in Residential Area Along I-95 - \$50,000.00
- CIP Page 116 – Citywide Information Technology Upgrades & Equipment Replacements - \$261,858.00

13. **Voted** to push out to FY2030 the \$1,300,000.00 for CIP Page 112 – Mechanic Street Wharf/Pier.

14. **Voted** to push out for one year the \$350,000.00 for CIP Page 135 – Wayfinding System.

15. On a voice vote 1-8, motion to push out for one year the \$150,000.00 for CIP Page 70 – Fire Station Security Upgrade **failed** to pass. Councilor Bagley voted in favor. Assistant Mayor Kelley, Councilors Tabor, Cook, Denton, Blalock, Bagley, Moreau, Lombardi and Mayor McEachern voted opposed.

16. The City Council requested that CIP Page 94 – Leary Field – Bleachers/Grandstands - \$50,000.00 be directed for upgrades to the bathroom facilities that was agreed upon by Public Works Director Rice.

17. On a roll call vote 2-6, motion to push out for one year the \$4,500,000.00 for CIP Page 100 – Prescott Park Master Plan Implementation **failed** to pass. Councilor Tabor recused from voting. Councilors Denton and Bagley voted in favor. Assistant Mayor Kelley, Councilor Cook, Blalock, Moreau, Lombardi and Mayor McEachern voted opposed.

18. **Voted** to suspend the rules to continue the meeting beyond 10:30 p.m. Assistant Mayor Kelley voted opposed.

19. **Voted** to suspend the rules to bring forward Item XV. F.1. – Verbal Report out on our Tour of the Dover NH Police Department.

20. Councilors Cook, Bagley and Moreau provided a report back regarding the Tour of the Dover NH Police Department. Discussion followed regarding the size of the building and the number of service calls per year.

21. **Voted** to suspend the rules to bring forward State Street Two-Way Redesign project.

22. State Street Two-Way Redesign project – **Voted** to add State Street Two-Way Redesign to the Capital Improvement Plan and with funding of \$500,000.00 in FY26 and \$1,500,000.00 in FY27.

23. **Voted** to adopt the Capital Improvement Plan as amended. Councilors Cook and Bagley voted opposed.

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24. First reading of Ordinance amending Chapter 7, Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.102 – Parking Meter Zones and Parking Meter Rates – **Voted** to pass first reading and schedule a public hearing and second reading at the March 18, 2024 City Council meeting to amend Chapter 7, Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.102 – Parking Meter Zones and Parking Meter Rates.
25. Sewer line and Grading and Sightline Easements for Property Located at 375 Banfield Road – **Voted** to authorize the City Manager to accept and record a grading and sightline easement, and to grant and record a sewer line easement in substantially similar form to the easement deeds from Banfield Realty, LLC contained in the agenda packets.
26. Drainage Easements for Property at Shearwater Drive – **Voted** to authorize the City Manager to accept and record drainage line easements in substantially similar form to the easement deed from Chinburg Development, LLC contained in the agenda packet. Councilor Denton recused from voting on this matter.
27. Waterline License Agreement for Property Located at 569 Submarine Way and 214 Leslie Drive – **Voted** to authorize the City Manager to accept and record a license agreement in substantially similar form to the license agreement from the Portsmouth Submarine Memorial Association contained in the agenda packet.
28. Request to Postpone Public Necessity Hearing for Property Located at 90 Maplewood Avenue – **Voted** to postpone the public necessity hearing to 5:00 p.m. on Monday, April 29, 2024 in the Eileen Dondero Foley Council Chambers.
29. Consent Agenda – **Voted** to adopt the Consent Agenda.
 - A. Letter from Heidi Carrington Heath, Seacoast Outright, requesting permission to hold the 10th Portsmouth PRIDE Celebration on Saturday, June 22, 2024 (**Councilor Blalock moved to refer to the City Manager with Authority to Act. Seconded by Councilor Moreau**)
30. Email Correspondence – **Voted** to accept and place on file.
31. Letter from Chet Schrader, Lithermans Brewing Company, requesting permission to hold a one-time special event with Andrew North performing on their outdoor patio Saturday, July 20, 2024 from 4:00 p.m. – 7:00 p.m. – **Voted** to refer to the City Manager with Authority to Act.
32. Planning Board recommendations for Rockingham Planning Commission Transportation Advisory Committee representatives – **Voted** to appoint Eric Eby to the Rockingham Planning Commission Transportation Advisory Committee as the Portsmouth representative and Jillian Harris, as an alternate.
33. Letter from Josh Denton, Commander and Jonathan Day, Senior Vice Commander, VFW, regarding Meeting House License Agreement Letter of Intent – Councilor Denton stepped down off the Dias while this item was being acted upon. **Voted** to refer to the City Manager for report back on a process by which the City would consider a lease or sale of the property. Councilor Denton recused from voting on this matter.

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34. Appointments to be Voted – **Voted** appoint Chuck Raye to the Citywide Neighborhood Committee until December 31, 2025, Betsy Blaisdell, Tracey Cameron, and Herb Llyod to the Energy Advisory Committee until December 31, 2025 and Thomas Nies to the Zoning Board of Adjustment filling the unexpired term of David MacDonald until December 1, 2025.
- Appointment of Chuck Raye to the Citywide Neighborhood Committee
 - Appointment of Elisabeth “Betsy” Blaisdell to the Energy Advisory Committee
 - Appointment of Tracey Cameron to the Energy Advisory Committee
 - Appointment of Herb Lloyd to the Energy Advisory Committee
 - Appointment of Thomas Nies to the Zoning Board of Adjustment
35. Thank you to Study Circle Participants – Councilor Tabor thanked all the participants of the Study Circles for their work and said he is excited for input on the new Housing Committee.
36. Governance Report Back and Further Actions – **Voted** to approve the draft explanatory note to be placed on the cover page of the City Charter. **Voted** to request the Governance Committee work with the staff to review current training processes for City volunteers and develop a more robust training program targeted towards all City volunteers including elected officials.
37. Israel and Gaza Resolution – On a roll call 7-2, **voted** to request with objection to the consideration of the question on this item being that we do not have authority to make a decision. Assistant Mayor Kelley, Councilors Tabor, Blalock, Bagley, Moreau, Lombardi and Mayor McEachern voted in favor. Councilors Cook and Denton voted opposed.
38. Acceptance of Donation from Service Credit Union to Support Refreshments at Veterans Coffee Afternoons - \$1,500.00 – **Voted** to accept and approve the donation from the Service Credit Union in the amount of \$1,500.00.
39. City Manager’s Informational Item – Coalition Communities 2.0 Update on Rand Decision Regarding Excess Swept – Senior Assistant City Attorney Ferrini reported that the CC2 Board will be meeting on Tuesday, March 5, 2024 to discuss appealing the Rand decision to the New Hampshire Supreme Court and how the Court’s Order denial of its Motion to Stay will impact CC2 communities pending appeal. She stated she would report back to the Council after the CC2 meeting and will continue to update the Council on the status of CC2’s appeal to the Supreme Court, any advice CC2 receives from State agencies and any legislation filed in response to the recent decisions in education funding lawsuits.
40. Adjournment – At 12:10 a.m., **voted** to adjourn the meeting.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk