

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 18, 2024
PRESENT: MAYOR McEACHERN, ASSISTANT MAYOR KELLEY, COUNCILORS TABOR, COOK, DENTON, BLALOCK, BAGLEY, MOREAU AND LOMBARDI

1. **Voted** to come out of Non-Public Session and seal the minutes.
2. Mayor McEachern asked for a moment of silent prayer in memory of former City Manager Calvin Canney who recently passed away.
3. Acceptance of Minutes – February 5, 2024 – **Voted** to approve and accept the minutes of the February 5, 2024 City Council meeting.
4. Public Art Review Committee (PARC) Recommendation of Public Art for Bohenko Gateway Park – **Voted** to accept the proposed plan for artwork, including support from the Department of Public works for the painting and preparation of the site.
5. Public Comment Session – There were 9 speakers: Shawn Muske, Genevieve Becksted Muske, Ruben Yzaguirre, (Sherburne); Jeff Dorow (South Meeting House); Irish Mike (Respect); Robin Schnell (Gateway Zones to G1); Erik Anderson (Portsmouth Housing Authority); Manny Garganta (Portsmouth Housing Authority Letter); and Elizabeth Bratter, Dover, NH (G1 – Rezoning).
6. First Reading of Ordinance amending Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map, be amended to change the zoning designation of the following parcels pursuant to Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 of the Zoning Ordinance. That the Zoning Map be amended so that the described parcels within the ordinance are rezoned from Office Research (OR) to Gateway Neighborhood Business (G1) – **Voted** to pass first reading and schedule public hearing and second reading for April 15, 2024 City Council meeting of the proposed Zoning Map Amendments.
7. Public Hearing/Second Reading of Ordinance amending Chapter 7, Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.102 – Parking Meter Zones and Parking Meter Rates – Held a public hearing. **Voted** to pass second reading and schedule a third and final reading at the April 1, 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, to remove the standard Occupancy Zone (Zone B) and increase the parking rate discount for residents using the ParkMobile App.

Voted to suspend the rules to take up third and final reading this evening.

Voted to pass third and final reading of the ordinance as presented.

8. Request for Work Session Regarding South Meeting House – **Voted** to schedule a work session on April 15th at 6:00 p.m. regarding the South Meeting House property. Councilor Denton recused from the vote.
9. License Agreement for Seacoast Eat Local Farmers’ Market 2024 – **Voted** to authorize the City Manager to execute the License Agreement as presented, which is in substantially similar form as the License Agreement from 2023, allowing SEL to operate a Farmers’ Market at the Municipal Complex on Saturday mornings from May 4, 2024, through October 26, 2024, and that the City Manager is further authorized to negotiate and execute any amendments to the Agreement that she deems consistent with its purpose.
10. Authorization for Disbursement of \$2,350.00 from Trust for Administrative Costs for First Time Homebuyer Program – **Voted** to authorize the City Manager to disburse \$2,350.00 from the Portsmouth Housing Endowment Fund to be expended in FY24 on Community Development staff salaries and benefits associated with administering the City’s first-time homebuyer loan program.
11. Consent Agenda – **Voted** to adopt the Consent Agenda.
 - A. Request from Emily-Anne Boone, LIIV Medical Aesthetics, to install a Projecting Sign at 24 Ladd 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 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 Julia Johnson, Alliance for Greater Good, requesting permission to hold the Lantern Festival on Saturday, September 28, 2024 at the South Mill Pond from 5:00 p.m. to 7:30 p.m. (Rain date of Sunday, September 29th) (***Anticipated action – move to refer to the City Manager with Authority to Act***)
 - C. Letter from Evan Dolecki, Loco Sports, LLC & Ventures Endurance, requesting permission to conduct the 8th Annual Margarita Half Marathon & 5K on Sunday, May 12, 2024 at 8:15 a.m. (***Anticipated action – move to refer to the City Manager with Authority to Act***)
12. Email Correspondence – **Voted** to accept and place on file.

13. Letter from Chris Maden, Portsmouth Maritime Folk Festival, requesting the following:
- Use of spaces in Prescott Park on Saturday, September 28th, 11:00 a.m. to 3:00 p.m., and Sunday, September 29th, 1:00 p.m. to 5:00 p.m.
 - Use of space in front of North Church
 - Motorcycle Parking Ban in Market Square on Sunday, September 29th and some parking passes for their performers and volunteers
- Voted** to refer to the City Manager with Authority to Act.
14. Letter from Russ Grazier, PMAC, requesting permission to hold a one-time small parade for Jazz Appreciation Month on Friday, April 12, 2024 at 12:00 p.m. – **Voted** to refer to the City Manager with Authority to Act.
15. Letter from Craig Welch, Executive Director, Portsmouth Housing Authority, requesting a letter of support to accompany their request for congressionally directed spending funds from our congressional delegation for potential workforce housing at the Sherburne School property – **Voted** to send a letter of support for an application to request federal funding as contemplated by Portsmouth Housing Authority to the Housing Blue Ribbon Committee with Authority to Act and the Housing Committee can determine whether to send the letter based on their conversation with PHA and the application they would receive at that time. Councilor Blalock voted opposed.
16. Appointments to be Considered – The City Council considered the reappointments that will be voted upon at the April 1, 2024 City Council meeting.
- Reappointment of Samantha Collins to the Conservation Commission
 - Reappointment of Kathleen Bergeron to the Portsmouth Housing Authority
 - Reappointment of Kathryn Lynch to the Recreation Board
17. **Voted** to suspend the rules to put an item that is not on the agenda under Councilor Tabor's name.
18. Litigation with Redgate Kane (Not on agenda) – Councilor Tabor said as we know there is a lawsuit in process, and he feels he needs to make a disclosure. During the lawsuit discovery process, an email emerged in which he advised a friend after a McIntyre conversation, “best to delete all the McIntyre jottings in case of subpoenas” because the developer, who is very litigious, might find them...

I want to disclose this because it was an error in judgement on my part even though no litigation was underway at the time.

There is an extra layer of complication in that this friend had just become a volunteer on a city committee.

For my own part, it's my absolute belief that I never deleted or destroyed any of my own emails, texts, social media post, or printed documents about McIntyre. I knew that deleting any of these would be worse than keeping them. But I erred in what I advised my friend to do. For that I apologize to my friend, my fellow councilors, and to the public.

I only learned of this last Monday, and I am disclosing this as quickly as I can in the interest of transparency. I believe transparency counts the most when we as elected officials must acknowledge our mistakes.

Finally, upon the advice of the City Attorney in this matter, I hired my own counsel and we have confirmed that every piece of correspondence between me and others concerning McIntyre has been produced in discovery. I am willing to prove that by submitting to a forensic audit on all my devices, email and correspondence.

19. Historic Preservation Grants and Sustainability – **Voted** to request a report back to the Council by May 6th on federal and state grant programs in historic districts and the impact of not following Certified Local Government National Park Service guidelines and state guidelines in historic districts on grant eligibility, including eligibility for sustainability grant addressing sea-level rise and reservation of historic structures and neighborhoods.
20. Police Facility Process – **Voted** to request a report back on the needs assessment process for the proposed Police Facility in advance of the work session of the Council with the committee.
21. **Voted** to suspend the rules to bring forward City Manager’s Informational Item 6 – Community Policing Facility Update.
22. City Manager’s Informational Item 6 – Community Policing Facility Update – Public Works Director Rice advised the City Council that regular meetings are taking place regarding this matter. He spoke about the cost and level of renovations and stated that the footprint has been reduced and we are working to stretch the dollars more.

Deputy City Manager Woodland said before we come back to the Council, we need to see how much we can get in the current section of the building. She stated we want to continue working before coming back with a report to the Council in a work session to be held in May.
23. Market Square bus bay parking, voted to change the two 15-minute spaces in the bus bay to Zone A spaces – **Voted** to change the two 15-minute spaces in the bus bay to Zone A spaces.
24. Parking & Traffic Safety Committee Action Sheet and Minutes of March 7, 2024 – **Voted** to approve and accept the action sheet and minutes of the March 7, 2024 Parking & Traffic Safety Committee meeting.
25. Approval of Victims of Crime Act Grant Award to the Police Department to fund the Legal Department Victim Witness Advocate - \$24,739.00 – **Voted** to approve and accept the Grant as presented.
26. Approval of Source Water Protection Grant Extension – **Voted** to authorize the City Manager to enter into Amendment No. 1 of the Grant Agreement to extend the completion date of the \$25,000.00 grant from the State of New Hampshire Department of Environmental Services Local Source Water Protection Program by one year, to a completion date of May 31, 2025.
27. Approval of Grant Contract in the amount of \$1,000,000.00 for Community Campus Upgrades Project – **Voted** to approve and accept the Grant as presented.

28. City Manager's Informational Items:

- Report Back on Salter Street Rezoning – City Manager Conard reported the Planning Board considered this request and voted to unanimously leave the existing zoning for Salter Street as Waterfront Business and to evaluate this and other waterfront designations through the Master Plan process.
- Hanover Renovation Update – Hanover Street Entry/Exit Wait Times – City Manager Conard reported that this is a major renovation project, and the work will continue until early fall. She spoke of exit times being experienced by patrons. She spoke of the mitigation being done by the Parking Division to address this and other matters. She advised that repair work on the Hanover entry/exit area will extend to the elevator area in the coming weeks. City Manager Conard said the improvements presently underway will extend the useful life of the facility and enhance the overall experience for garage users.
- Green Building Policy – City Manager Conard said the policy requires all new building construction or renovations over \$2,000,000.00 to be LEED Silver or equivalent.
- Update on “Skip the Stuff” Ordinance – City Attorney Morrell said work needs to be done on the enforcement aspect of the ordinance. She said she hopes to have information back for the April 1st City Council meeting when the students participating in Student Government Day will be in attendance.
- Pease Development Authority Update – City Manager Conard announced that the driving range at Pease is open. She reported that PDA is looking into a design to build an Event Center to accommodate 220 people. She reported that Geno Marconi updated the PDA on the storm damage at the Port Authority and he advised that the Port will be bringing forth a Capital Improvement Plan for the first time.
- FlashVote Survey Status Update – City Manager Conard advised the City Council that the last FlashVote Survey was on “Better Engagement.” She reported that 387 participated in the survey and people are looking for social media services to keep updated on matters in Portsmouth.

29. Adjournment – At 9:30 p.m., **voted** to adjourn the meeting.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk