

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, JUNE 3, 2024 TIME: 7:00PM

*Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser*  
[https://us06web.zoom.us/webinar/register/WN\\_wa7Xpr5MTmq8E7oTFadZbq](https://us06web.zoom.us/webinar/register/WN_wa7Xpr5MTmq8E7oTFadZbq)

5:30 PM – Anticipated Non-Public Session is being held in Conference Room A

1. CONSIDERATION OF LEGAL ADVICE IN ACCORDANCE WITH RSA 91-A:3 II (I)

## AGENDA

- I. WORK SESSION
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – **N/A**
- III. CALL TO ORDER [7:00 p.m. or thereafter]
- IV. ROLL CALL
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE
- VII. ACCEPTANCE OF MINUTES – *(There are no minutes on for acceptance this evening)*
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
- IX. PUBLIC COMMENT SESSION *(This session shall not exceed 45 minutes) – (participation may be in person or via Zoom)*
- X. PUBLIC HEARING AND VOTE ON ORDINANCES AND/OR RESOLUTIONS
  - A. \*CONTINUATION OF PUBLIC HEARING REGARDING FY25 BUDGET *(Continuation of Budget Public Hearing held on May 13, 2024)*

### Adoption of Proposed Budget Resolutions:

- B. Adoption of Budget Resolutions for Fiscal Year July 1, 2024 through June 30, 2025 (FY25)
  - Resolution No. 5-2024 – Municipal Fees *(Sample motion – move to adopt Resolution #5-2024 – Municipal Fees)*
  - Resolution No. 6-2024 – General Fund Expenditures *(Sample motion – move to adopt Resolution #6-2024 – General Fund Expenditures)*
  - Resolution No. 7-2024 – Water Fund Expenditures *(Sample motion – move to adopt Resolution #7-2024 - Water Fund Expenditures)*
  - Resolution No. 8-2024 – Sewer Fund Expenditures *(Sample motion – move to adopt Resolution #8-2024 – Sewer Fund Expenditures)*

- Resolution No. 9-2024 – Special Revenues, Debt Service Fund, Portsmouth Housing Endowment Trust, and Committed Fund Balances for Necessary Expenditures (**Sample motion – move to adopt Resolution #9-2024 – Special Revenues Debt Service Fund, Portsmouth Housing Endowment Trust and Committee Fund Balance for Necessary Expenditures**)
- Resolution No. 10-2024 – Investment Policy (**Sample motion – move to adopt Resolution #10-2024 - Investment Policy**)

**(Roll call votes are required for Adoption of each Resolution)**

### **First Reading of Ordinance:**

- C. First Reading of Ordinance amending 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 alterations to existing structures” and by adding a new numbered paragraph 29 “Accessory Elements to Solar Energy Panels which do not require other alterations to existing structures” (**The first reading of this ordinance as amended was postponed at the May 6, 2024 Council meeting**) (**Sample motion – move to pass first reading and schedule public hearing and second reading at the July 15, 2024 City Council meeting**)

## **XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER CONARD**

#### **City Manager’s Items Which Require Action:**

1. Community Policing Facility – Affirmation of Location
2. Character-Based Zoning Ordinance Clarification

## **XII. CONSENT AGENDA**

- A. Request from Friends of the Music Hall dba The Music Hall Members Club, to install a Projecting Sign at 104 Congress 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. Request from Lisa Venn, Opal Luxe Salon, to install a Projecting Sign at 206 Market 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***
- C. Letter from Sandy Clark Kaddy, Seacoast African American Cultural Center, requesting permission to hold the 3<sup>rd</sup> Juneteenth Freedom Walk, Wednesday, June 19, 2024 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- D. Letter from Annie Zampitella, Wentworth-Douglass Hospital and Conventures, Inc., requesting permission to hold 2024 Seacoast Cancer 5K, Sunday, September 15, 2024. (***Anticipated action – move to refer to the City Manager with Authority to Act***)

**XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. "Accessory Dwelling Unit (ADU) Handbook" as presented by Paige Trace at May 20, 2024 City Council meeting (***Sample motion – move to accept and place on file***)

**XIV. MAYOR McEACHERN**

1. Appointments to be Considered:
  - Appointment of Ben Van Camp to the Mayor's Blue Ribbon Sister City Committee
  - Appointment of Robert Sullivan to the Mayor's Blue Ribbon Sister City Committee
2. \*Appointment to be Voted:
  - Appointment of Amy-Mae Court to Recreation Board
3. \*Request for a report back from Legal regarding ordinance consolidation

**XV. CITY COUNCIL MEMBERS**

**A. COUNCILOR BLALOCK**

1. \*Update from the Mayor's Blue Ribbon Sister City Committee

**B. COUNCILOR MOREAU**

1. Planning Board's recommendation to City Council regarding revised Solar Panel Amendments

**XVI. APPROVAL OF GRANTS/DONATIONS**

*(There are no grants or donations on for approval this evening)*

**XVII. CITY MANAGER'S INFORMATIONAL ITEMS**

1. \*Pease Development Authority Update

**X VIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

**XIX. ADJOURNMENT [at 10:30 p.m. or earlier]**

*\*Indicates verbal report*

**KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK**



## CITY OF PORTSMOUTH

City Hall, One Junkins Avenue  
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(603) 610-7201

Karen S. Conard  
City Manager

**Date:** May 30, 2024

**To:** Honorable Mayor McEachern and City Council Members

**From:** Karen S. Conard, City Manager *KSC*

**Re:** City Manager's Comments on City Council Agenda of June 3, 2024

### ***X. Public Hearing and Vote on Ordinances and/or Resolutions:***

#### **A. Continuation of Public Hearing Regarding FY25 Budget:**

I recommend that the City Council continue the Budget Public Hearing held on May 13, 2024.

#### **B. Adoption of Budget Resolutions for Fiscal Year July 1, 2024 through June 30, 2025 (FY25):**

At this evening's meeting, I seek the adoption of the Fiscal Year 2025 budget. The City Council must adopt six (6) resolutions. [A pro forma or draft of each resolution is attached](#) for informational purposes. These draft resolutions will be adjusted as may be required by City Council action at the time of budget adoption.

- [Resolution No. 5-2024](#) adopts Municipal Fees that have been recommended by the Fee Committee. Councilors Tabor, Denton and Moreau sit on the Fee Committee. The total revenue generated from these fees is estimated at \$2,474,600 and makes up approximately 1.7% of the total FY25 General Fund Revenues. These fees and recommendations for changes are also found in Appendix III of the budget document. Changes to any fees for FY25 are highlighted in gray.
- [Resolution No. 6-2024](#) is pertinent to General Fund expenditures. In this Resolution the proposed appropriations for the General Government, Police, Fire, School, Collective Bargaining, Transfer to Indoor Pool, Prescott Park, and Community Campus, as well as non-operating appropriations are listed separately.
- [Resolution No. 7-2024](#) is for the Water Fund. Likewise with the Sewer Fund, the Water Fund is also an Enterprise Fund and the budget must be prepared based on a full accrual basis of accounting and to establishes user rates, the resolution includes the cash requirements necessary to fund expenses for the operations of the water system. The resolution also includes the proposed water rates which represents a 6.0% increase over FY24. The rate is a two-step, inclining block rate structure. The first 10 units of water

consumed per month is charged at \$5.02 per unit and consumption thereafter is charged at \$6.04 per unit. The resolution also includes a three-step, inclining block rate structure for metered irrigation water usage. The irrigation water usage is not subject to sewer charges. The rates are \$6.04 per unit (1 unit equals 100 cubic feet or 748 gallons) for the first 10 units of water consumed per month, \$11.41 for consumption over 10 and up to 20 units consumed, and \$14.08 per unit for all units consumed thereafter.

- [Resolution No. 8-2024](#) is for the Sewer Fund. Because the Sewer Fund is an Enterprise Fund, the budget must be prepared based on a full accrual basis of accounting and to establishes user rates, the resolution includes the cash requirements necessary to fund expenses for the operations of the sewer system. The resolution also includes the proposed sewer rates which reflect an increase of 5.0% over FY24. Sewer rates are based on water consumption. The rate is a two-step, inclining block rate structure with the first 10 units of water consumed per month charged at \$17.32 per unit consumption and at \$19.05 per unit thereafter.
- [Resolution No. 9-2024](#) allows for the expenditure of Special Revenues funds, the Debt Service Fund associated with Betterment Assessments, the Housing Endowment Trust, and expenditures from Committed Fund Balance such as Leave at Termination and the Health Insurance Stabilization Fund. Special Revenues Funds are sums received to pay for specific purposes such as federal, including ARPA funds, and State Grants and donations. Prior to spending these funds, grants and donations are accepted by the City Council.
- [Resolution No. 10-2024](#) consists of the adoption of an annual investment policy which by State statute is required annually for every city and town. The policy sets forth cash management and investment procedures. By state law, municipal money can only be invested in 100% collateralized vehicles such as CDs, money market accounts and Treasury notes.

I request that the City Council move to adopt each Resolution separately by a roll call vote.

- C. **First Reading of Ordinance Amending 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 alterations to existing structures” and by adding a new numbered paragraph 29 “Accessory Elements to Solar Energy Panels which do not require other alterations to existing structures”:**

On May 6, 2024 the City Council voted to bring forward amendments to [Chapter 10, Article 6, Section 10.633.20](#) for first reading at this evening’s meeting.

## *XI. City Manager’s Items Which Require Action:*

### **1. Community Policing Facility – Affirmation of Location:**

As follow up to the May 20, 2024, City Council work session regarding the Community Policing Facility, I seek the City Council’s affirmation to continue with the design effort for a new community policing facility at the municipal campus adjacent to the South Mill pond with a total estimated budget not to exceed \$42.2 million dollars. Staff needs additional direction and assurance before proceeding with additional design efforts and initiating permitting efforts. At the work session, there was significant dialogue regarding International Building Code (IBC) IV and its applicability to the new structure. [An updated memorandum on this topic is provided here as an attachment.](#)

In addition, staff heard subsequently some questions about the size of the space for patrol. The space designated for patrol consists of many items in addition to workstations for patrol officers such as office space for the crime analyst, sergeant, and shift commander as well as weapons storage, and K-9 officer support spaces. See section 5, pages 12-14, of the Space Needs Assessment found in the link below:

[https://www.cityofportsmouth.com/sites/default/files/2024-05/2024.04.08.Portsouth-PDSNA\\_DRAFT-002-REV.pdf](https://www.cityofportsmouth.com/sites/default/files/2024-05/2024.04.08.Portsouth-PDSNA_DRAFT-002-REV.pdf)

With approval to move forward at this location, we can now drill down to better understand opportunities to true up allocation of space and maximize efficiencies. We will continue to refine the Space Needs Assessment and therefore the total project budget. The opinion of cost shared at the work session is based on construction beginning in the second quarter of 2025. Costs are anticipated to escalate by 4-6% per year if construction begins after the current schedule.

[See attached letter from Jobin Construction Consultants.](#)

*Proposed Motion: I recommend that the City Council affirm the municipal campus as the preferred site for the community policing facility, with the understanding that staff will present firmer cost and schedule estimates at the 30% design stage.*

### **2. Character-Based Zoning Ordinance Clarification:**

[Please find attached a memorandum from the City’s Legal and Planning and Sustainability Departments](#) regarding a request for clarification from the City Council relative to a [Zoning Ordinance amendment](#) passed in August of 2023.

If the Council agrees that the current text of the ordinance reflects the intention of the City Council vote in August of 2023, then no action is required. However, if the City Council would like to consider the alternative language proposed, then the appropriate action would be a referral to the Planning Board.

Proposed motion:

A.) *Take no action; or*

B.) *Move to refer the [attached zoning ordinance amendment](#) to the Planning Board for a recommendation at its June 20, 2024 meeting, report a report back at the City Council meeting on July 15, 2024.*

## ***XII. Consent Agenda:***

### **A. Projecting Sign Request for 104 Congress Street:**

Permission is being sought to install a projecting sign at [104 Congress Street](#) that extends over the public right of way, as follows:

Sign dimensions: 36” x 48”

Sign area: 12 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) The license shall be approved by the Legal Department as to content and form;*
- 2) Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- 3) Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, 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. Projecting Sign Request for 206 Market Street:**

Permission is being sought to install a projecting sign at [206 Market Street](#) that extends over the public right of way, as follows:

Sign dimensions: 24” x 48”

Sign area: 8 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) The license shall be approved by the Legal Department as to content and form;*
- 2) Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- 3) Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, 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.*

## ***XVII. City Manager's Informational Items:***

### **1. Pease Development Authority (PDA) Update:**

Following the most recent PDA Board Meeting held on May 23<sup>rd</sup>, I will provide a verbal update on the topics discussed.