

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: DECEMBER 4, 2023

PORTSMOUTH, NH
TIME: 7:00PM

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

ABSENT: Councilor Blalock

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.

Assistant Mayor McEachern moved to suspend the rules to take up Item XIII. B. – Letter from Cody Bureau requesting the city alternate every other year between white and colored lights on the Christmas Tree in Market Square. Seconded by Councilor Tabor and voted.

Mayor McEachern accepted an \$1,100.00 donation from the Bureau Family to the City for the colored lights for the Christmas Tree.

VII. ACCEPTANCE OF MINUTES

There are no minutes on for acceptance this evening.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

A. Presentation of the Blue Ribbon Committee on Historical Archive – Tom Watson

Tom Watson provided a detailed review of the final report and recommendations regarding Historical Archives.

Recommndations:

1. City Council vote to continue the Blue Ribbon Task Force on Historical Archives to pursue the following recommendations;
2. The city and participating institutions jointly pursue a conservation assessment in 2024 to quantify the number of archives to be stored from each participating institution and the space required to properly steward them. The estimated cost is \$150,000.00;

3. The Task Force develop and recommend to the City Council the most appropriate legal entity under which the Archive will operate;
4. The Task Force review and recommend which organizations will make up the consortium and how they will be represented in the operations of the Archive;
5. The Task Force develop and recommend a funding plan that includes the city and participating organizations, as well as the availability of public and private resources;
6. The Task Force recommend suitable locations to house the Archive and the City Council earmark the preferred location for future development as the Archive;
7. The Task Force pursue such other issues and make other recommendations that are related to the establishment of the Archive.

In closing, Tom requested the City Council support the work of the Committee and the recommendations as outlined.

Councilor Cook asked what the costs relate to in number 2 of the recommendations. Tom said it is an estimate on assignments for all organizations.

Assistant Mayor Kelley asked if the Committee has reached out to other organizations such as the African Burial Ground, Friends of the South End, etc. Tom said it is early in the process and it was more appropriate to look at major organizations first. He said other organizations would be part of the process.

Councilor Lombardi moved to continue the Blue Ribbon Committee on Historical Archives to pursue the recommendations outlined in their report of November 30, 2023. Seconded by Councilor Cook and voted.

IX. PUBLIC COMMENT SESSION

Kevin Lafond spoke in support of the Blue Ribbon Committee on Historical Archives and their recommendations.

Tom Ferrini said it was unanimous that the city needs to build work force housing. He said it is rare that so many people agree on a topic.

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

First Reading of Ordinance:

- A. First Reading of Ordinance amending Chapter 1, Article IV – Commission and Authorities – Public Art Review Committee

Councilor Cook moved to pass first reading and hold a public hearing and second reading at the December 18, 2023 City Council meeting. Seconded by Assistant Mayor Kelley.

Councilor Cook said the amendment is to add a City Councilor as a non-voting member.

Motion passed.

Public Hearings/Second Reading of Ordinances:

- B. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article III, Section 1.304 – Recreation Board Membership

Assistant Mayor Kelley moved to pass second reading and hold third and final reading at the December 18, 2023 City Council meeting. Seconded by Councilor Moreau.

- **PRESENTATION**

There was no presentation on the ordinance change.

- **CITY COUNCIL QUESTIONS**

Councilor Cook said the Governance Committee reviewed the changes to this ordinance and recommend the Council pass this as presented.

- **PUBLIC HEARING SPEAKERS**

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

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Motion passed.

Councilor Cook moved to suspend the rules to take up third and final reading at this time. Seconded by Assistant Mayor Kelley and voted.

Assistant Mayor Kelley moved to pass third and final reading as presented. Seconded by Councilor Moreau and voted.

- C. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article IX, Section 1.901 – Municipal Officials Disclosure

- **PRESENTATION**

There was no presentation on the ordinance change.

- **CITY COUNCIL QUESTIONS**

There were no City Council questions.

- **PUBLIC HEARING SPEAKERS**

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

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Cook moved to pass second reading. Seconded by Councilor Bagley and voted.

Councilor Moreau moved to suspend the rules in order to take up third and final reading at this time. Seconded by Councilor Tabor and voted.

Councilor Moreau moved to pass third and final reading as presented. Seconded by Councilor Bagley and voted.

- D. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure

- **PRESENTATION**

There was no presentation on the ordinance change.

- **CITY COUNCIL QUESTIONS**

There were no City Council questions.

Councilor Cook moved to amend Article IX, Section 1.902 published in the City Council packet to reflect the changes in the document that were approved on November 13, 2023. Seconded by Councilor Moreau and voted.

- **PUBLIC HEARING SPEAKERS**

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

Tom Nies said he is in favor of changing the election disclosure. He said that the reports should be on the website for viewing by the public, but addresses should not be publicized. He stated there were no reports filed by the organization that supported the Keno Question. He indicated that follow-up on the reports needs to take place to make sure they are being filed accordingly.

After three calls and no further speakers, Mayor McEachern declared the public hearing closed.

Assistant Mayor Kelley said she would like to remove addresses and just include city/town where the donor resides in and asked if that would cause a delay in moving the ordinance forward.

Councilor Moreau said we removed it from the website to make sure addresses were not readily searchable.

Councilor Cook moved to amend Section I – Public Records to read all election financial disclosures shall be public records and that names, towns and amounts of donors shall be published on the City website. Seconded by Assistant Mayor Kelley and voted.

Councilor Cook moved to pass second reading as amended. Seconded by Assistant Mayor Kelley and voted.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Bagley moved to suspend the rules to take up third and final reading of the ordinance. Seconded by Assistant Mayor Kelley and voted.

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

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

5. Portsmouth Indoor Pool Liquidating Charitable Trust

City Manager Conard reported that SIPP would like to discontinue its existence as a nonprofit corporation and place its remaining funds, approximately \$185,000.00, in a trust to benefit the Pool.

Assistant Mayor Kelley moved to authorize the City Manager to execute the Portsmouth Indoor Pool Liquidating Trust with a correction of a typographical error. Seconded by Councilor Moreau and voted.

1. Supplemental Appropriation for Outside Counsel Litigation Fees

City Manager Conard said that the City is engaged in two complex litigation matters that are being handled by outside counsel and require additional funds. She stated based on estimates the Legal Department is requesting an additional \$450,000.00.

Councilor Lombardi moved to schedule a Public Hearing on the Proposed Supplemental Appropriation from Unassigned Fund Balance of \$450,000.00 for Outside Counsel Legal Fees at the December 18, 2023 City Council meeting. Seconded by Councilor Moreau.

Councilor Cook said she would like to see such funds be budgeted for next year.

Motion passed.

2. Approval of Memorandum of Agreement for Portsmouth School Clerical Employees

Assistant Mayor Kelley moved to approve and accept the proposed MOA as presented. Seconded by Councilor Lombardi and voted.

3. Approval of Memorandum of Agreement for Association of Portsmouth School Teachers

Assistant Mayor Kelley to approve and accept the proposed MOA as presented. Seconded by Councilor Lombardi and voted.

4. Approval of Memorandum of Agreement for Portsmouth City Employees – AFSCME Local #1386A

Assistant Mayor Kelley to approve and accept the proposed MOA as presented. Seconded by Councilor Lombardi and voted.

XII. CONSENT AGENDA

- A. Request from Ellen Bruton, Terpsichore, LLC, to install a Projecting Sign at 9 Commercial Alley (***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 Michaela Kneuer, Big Brothers Big Sisters of New Hampshire, requesting permission to close Pleasant Street on Saturday, September 21, 2024 from 1:00 p.m. to 4:00 p.m. for the 16th Annual Stiletto Sprint (rain date September 22, 2024) (***Anticipated action – move to refer to the City Manager with Authority to Act***)

Assistant Mayor Kelley moved to adopt the Consent Agenda. Seconded by Councilor Moreau and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Presentation regarding Housing Navigator Update by Howard Snyder

Howard provided an overview presentation regarding the Housing Navigator Update. He spoke regarding the outreach that will be taking place over the next 4 to 5 weeks with a public facilitator leading the outreach. Kyle Talente representing RKG spoke regarding the financial perspective and how that would affect the city.

Councilor Moreau said she would like the city to create housing trusts to help homeowners. Kyle spoke regarding market rates and values in the city.

Councilor Cook asked if the analysis assumes parking requirements. Kyle said yes, it values zoning and not requiring parking would lower the costs and would increase the return.

Howard spoke to there being study circles for reviewing information with data.

Assistant Mayor Kelley asked if this is repetitive to what was done in 2017 and are we spending time repeating to gather the same information. Howard stated that the needs and challenges have shifted since 2017.

Mayor McEachern said there are broad things considered with the work being done and our master plan kicks off this year. He said we need more affordable housing for all areas of income in the city.

C. Email Correspondence

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

At 9:10 p.m., Mayor McEachern called a brief recess. At 9:20 p.m., Mayor McEachern called the meeting back to order.

XIV. MAYOR McEACHERN

1. Holiday Parking

Assistant Mayor Kelley moved to authorize the City Manager to establish free holiday parking from December 16th to December 24th. Seconded by Councilor Lombardi.

Councilor Moreau said she would like to see free parking in the downtown.

Councilor Bagley said short time parkers can't find parking. He stated 90% of park mobile users are from outside the city.

Assistant Mayor Kelley said she would like a report back on the ability to validate parking. City Manager Conard said when you drive in the parking garage you have a 15-minute grace period and that would be changed to 3 hours for the garage.

Parking Director Fletcher joined the meeting via zoom and stated that creating this for parking downtown would require the chalking of tires of every vehicle and after three hours the task is performed again. He said we need to maintain a three-hour limit.

Mayor McEachern said business owners need to say we want a change. He would like to see this for small businesses. He feels we should create free parking at the garages.

Councilor Cook said she is concerned with parking not turning over downtown. She said the intent of a parking program is to have adequate parking downtown.

Councilor Bagley said short term turn over is the most ideal and what drives revenue, is people on the streets.

Councilor Tabor said we have a great system we developed. He said he supports free parking in the garages.

Councilor Denton moved to amend the motion to authorize the City Manager to establish 3 hours of free holiday parking in the garages from December 16th through December 24th. Seconded by Councilor Bagley.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said it is not wise to make decisions on what we think the businesses need. He stated we are governed by the people, and it leads, instead of meeting the needs. He said this is about taking a break and doing by following the data and following our hearts.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

Councilor Lombardi said the residents expect free parking during this time of year.

Mayor McEachern asked how much revenue we lose and could we start this sooner. City Manager Conard said we lost \$300,000.00 and we could extend it to January 1st.

Councilor Bagley suggested we have the period from December 11th through January 1st.

Assistant Mayor Kelley said she offers the following friendly amendment to start December 11th through January 2nd for 3 hours of free parking in both parking garages. Councilors Denton and Bagley accepted the friendly amendment by Assistant Mayor Kelley.

Motion passed as amended.

On a roll call 6-2, voted to pass the main motion as amended to establish 3 hours of free holiday parking in the garages from December 11, 2023 through January 2, 2024. Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley and Cook voted in favor. Councilor Lombardi and Mayor McEachern voted opposed.

2. Resignation
 - Abigail Gindele from the Conservation Commission

Assistant Mayor Kelley moved to accept the resignation of Abigail Gindele from the Conservation Commission with a letter of thanks to be sent acknowledging her service to the city. Seconded by Councilor Lombardi and voted.

3. Appointments to be Considered:
 - Stephen Buzzell to the Cemetery Committee
 - Kelly DeCourcy to the Citizen Advisory Committee
 - Susan Durling to the Citizen Advisory Committee
 - Alice Carey to the Conservation Commission

- Maria Peppas to the Library Board of Trustees
- Tyler McLaughlin to the Library Board of Trustees
- Rick Chellman to the Planning Board
- Paul Giuliano to the Planning Board
- Peter Weeks to the Trustees of the Trust Fund
- Emma Stratton to the Arts & Cultural Commission
- Courtney Perkins to the Arts & Cultural Commission
- Karen Rosania to the Arts & Cultural Commission
- Robin Albert Lehman to the Arts & Cultural Commission
- Linnea Grim to the Arts and Cultural Commission
- John Elias “Eli” Kaynor to the Arts and Cultural Commission
- Kenneth Goldman to the Arts and Cultural Commission
- Jason Goodrich to the Arts and Cultural Commission
- Genevieve Aichele to the Arts and Cultural Commission
- Jeffrey Cooper to the Arts and Cultural Commission
- Catherine Saarela to the Arts and Cultural Commission
- Theresa MacDowell to the Arts and Cultural Commission
- Lennie Mullaney to the Public Art Review Commission

The City Council considered the appointments outlined above to be voted upon at the December 18, 2023 City Council meeting.

4. Appointments to be Voted:
 - Herb Lloyd to the Sustainability Committee
 - Aubrey Gewehr to the Sustainability Committee
 - Effie Malley to the Sustainability Committee
 - Jessica Blasko to the Sustainability Committee
 - Steve De Trolio to the Sustainability Committee
 - Bert Cohen to the Sustainability Committee
 - Torey Brooks to the Sustainability Committee
 - William Lyons to the Sustainability Committee
 - Chas Sullivan to the Sustainability Committee

Councilor Denton moved to appoint Herb Lloyd, Aubrey Gewehr, Effie Malley, Jessica Blasko, Steve De Trolio, Bert Cohen, Torey Brooks, William Lyons and Chas Sullivan to the Sustainability Committee. Seconded by Councilor Lombardi and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR, COUNCILOR MOREAU AND COUNCILOR BLALOCK

1. Report Back on the CIP Citizen Request Meeting

Councilor Moreau provided a report back on the Capital Improvement Plan Citizen Request Meeting. She said that these are projects that are not high priority. She said we are looking to see if LCHP grants may be available for replacing park equipment at Little Harbour School.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of ARPA Funds for the Fleet Street Roadway Reconstruction - \$519,500.00

Councilor Moreau moved to authorize the City Manager to enter into an ARPA Grant Amendment No. 1 with the New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion to the existing grant agreement. Seconded by Councilor Bagley and voted.

- B. Acceptance of Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant - \$460,000.00

Councilor Moreau moved to authorize the City Manager to enter into a Grant Agreement with the United States Department of Transportation to accept \$460,000.00 from the CRISI Grant Program. This funding will be used to perform preliminary engineering and development of specifications and cost estimates to replace the Bartlett Street bridge near the intersection of Bartlett and Cate Street. Seconded by Councilor Bagley and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Jones Avenue Scrap Yard Report Back to City Council

City Manager Conard reported that the property has recently faced complaints regarding the operation of the scrap metal yard and increased truck traffic on Jones Avenue. She stated that the increased traffic stems both from the operations of the scrap yard and the city project of the Union Street Sewer Separation. She advised the Council that City staff are working with the owner of the property to identify alternative properties within the City to use as laydown when the Union Street Project resumes in the Spring. In addition, the staff continues to be willing to work generally with property owners to bring properties into compliance with the current zoning scheme.

2. Disposition of the McIntyre Property

City Manager Conard advised the City Council that on Friday the GSA closed on the property which terminates the license agreement between GSA and the City. She stated that Mr. DiLorenzo will monetize the parking he owns privately, with a separate private vendor operating the parking.

Assistant Mayor Kelley requested a report back from the Legal Department on content for signage adjacent or close to the parking lots.

3. Pease Development Authority Board Meeting Update

City Manager Conard provided an update of the Pease Development Authority Board Meeting that was held on November 16, 2023.

- The arrivals hall project will begin shortly.
- The fulfillment center lease was approved, and they broke ground in November.
- Pease Gulf Course was named the Small Business of the Month by the Collaborative Greater Chamber of Commerce.

- Allegiant will be discontinuing its Nashville flights.
- Miles Greenway was named the Assistant Port Director.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

The City Council requested that City Attorney Morrell and City Clerk Barnaby investigate whether the City Council needs to take quick action in order to hold a Special Election by the end of March, 2024 to fill the vacant State Representative seat for District 21.

XIX. ADJOURNMENT

At 10:15 p.m., Councilor Moreau moved to adjourn. Seconded by Assistant Mayor Kelley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK