

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, APRIL 15, 2024 TIME: 6:00PM

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

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AGENDA

I. 6:00PM - WORK SESSION – SOUTH MEETING HOUSE

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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

MAYOR'S AWARD

1. Recognition of Alexander Maillet for life saving event

VII. ACCEPTANCE OF MINUTES – FEBRUARY 12, 2024; FEBRUARY 13, 2024; FEBRUARY 20, 2024; MARCH 4, 2024; MARCH 18, 2024 AND APRIL 1, 2024

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Joanne Grasso, Former Assistant Mayor and City Councilor
2. Recognition of High School Future Business Leaders of America

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

First Reading of Ordinance:

- A. First Reading of Ordinance amending Chapter 10, Article 4 – Zoning Districts and Use Regulations, Section 10.440, Article 8 – Supplemental Use Standards, Sections 10.810 and 10.843, Article 11 – Site Development Standards, Section 10.1112.32, and Article 15 – Site Development Standards, Section 10.1530 – Various amendments relative to Electric Vehicle Charging Stations (**Sample motion – move to pass first reading and schedule public hearing and second reading for May 6, 2024 City Council meeting**)

Public Hearing/Second Reading of Ordinance:

- B. Public Hearing/Second Reading of Ordinance amending Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map, be amended to change the zoning designation of the following parcels described within the ordinance 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) ***(Sample motion – move to pass second reading and schedule a third and final reading at the May 6, 2024 City Council meeting)***

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Approval of Renewal of Chief of Police Newport’s Employment Agreement
2. Request for 3-Month Extension of Existing Franchise Agreement with Comcast

XII. CONSENT AGENDA

- A. Letter from Michelle James, Yoga in Action, requesting permission to use Prescott Park for the annual series, “Yoga in the Park” Tuesday at Noon for the months of June, July, and August ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Allan Scholtz, Portsmouth Professional Firefighters Local 1313, requesting permission to hold Fill-the-Boot Drive on Saturday, August 3, 2024 from 8:00 a.m. to 4:00 p.m. for Muscular Dystrophy Association ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Debra Smith, Friends of the South End, requesting permission to hold the 20th Annual Fairy House Tour on Saturday, September 21, 2024 and Sunday, September 22, 2024 from 10:00 a.m. to 3:00 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Letter from Tina Sawtelle, The Music Hall, requesting permission to close Chestnut Street to vehicular traffic for outdoor live music, special events, and festivals taking place in 2024 ***(Anticipate action – move to refer to the City Manager for development and execution of a License Agreement)***
- E. Letter from Bruce Hurley, Seacoast Half Marathon, requesting permission to hold the 19th Annual Seacoast Half Marathon on Sunday, October 27, 2024 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

- F. Letter from Mike Effenberger, Seacoast Jazz Society, requesting permission to hold Jazz In The Streets on six Saturdays this summer with street performances in three locations (Vaughan Mall stage, Tugboat open area, Market Square in front of North Church) and to set up musicians on the Vaughan Mall stage and allow light-volume percussion and light amplifications (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- G. Letter from Mike Peabody, Millennium Running, requesting permission to hold Eastern States 20 Miler & Half Marathon on Sunday, March 16, 2025 (***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. Letter from Mark Gianniny, McHenry Architecture, requesting the City Council consider a full refund of the building permit fee associated with permit number BLDG-220961

XIV. MAYOR McEACHERN

- 1. Appointment to be Considered:
 - Anthony Coviello as a Regular member of the Planning Board
- 2. *Appointments to be Voted:
 - 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

(Sample motion – move to accept and approve the reappointments of Samantha Collins to the Conservation Commission, Kathleen Bergeron to the Portsmouth Housing Authority and Kathryn Lynch to the Recreation Board)
- 3. Approval of Tom Rooney and Peter Britz as Primary and Alternate Member Representatives to the Community Power Coalition of New Hampshire to replace Kevin Charrette and Peter Rice (***Sample motion – move to approve Tom Rooney as Portsmouth’s Primary Member Representative to the Community Power Coalition of New Hampshire, along with Peter Britz, Portsmouth Planning and Sustainability Director, as Alternate Member Representative and to write a letter of thanks to Kevin Charrette and Peter Rice for outstanding work as outgoing CPCNH board members***)

XV. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR KELLEY & COUNCILOR TABOR

- 1. *Housing Committee Update/Requests (***Sample motion – move to recommend that the City Council works towards the official disposition and land lease of the Sherburne School property for the creation of permanent below market rate housing***)

B. COUNCILOR COOK

1. Changes to Public Art Ordinances (**Sample motion – move to request that the Governance Committee, in conjunction with the Legal Department, review the City ordinances and policies related to public art based on the memorandum presented to the City Council from the Public Art Review Committee (PARC), and combine the ordinances and policies, where possible, to create an ordinance related to public art**)

C. COUNCILOR DENTON

1. Amendments for First Reading Regarding Electric Vehicle Charging Station Ordinance (**Sample motion 1. – move to add a Section 10.1112.23 to Section 10.1112.20 “Calculation of Number of Required Spaces” that reads, “10.1112.23 Parking spaces occupied by EV chargers and supporting equipment shall be deducted from the number of parking spaces required by Article 11”**)

(Sample motion 2. – move to delete “(including, but not limited to, generators and transformers)” from Section 10.843.34 that now reads, “Except for EV fueling space A, all above ground EV charging support equipment (including, but not limited to, generators and transformers) shall be set back 10 feet from all lot lines)

(Sample motion 3. – move to add Section 10.450 “Table of Uses – Pease/Airport Districts” the following “21. Electric Vehicle Charging Stations” table:

21. Electric Vehicle Charging Stations	AIR	AI	PI	ABC
EV fueling Space A as an accessory use	Permitted			
EV fueling Space B as an accessory use	Permitted			
Motor vehicle service station as a principal use	Permitted			

D. COUNCILOR BAGLEY

1. Parking & Traffic Safety Committee Action Sheet and Minutes of April 4, 2024 (**Sample motion – move to approve and accept the action sheet and minutes of the April 4, 2024 Parking & Traffic Safety Committee meeting**)

XVI. APPROVAL OF GRANTS/DONATIONS

(There are no grants/donations on the agenda)

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

1. *Update on Community Policing Facility

XVIII. 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
Portsmouth, New Hampshire 03801
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Karen S. Conard
City Manager

Date: April 11, 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 April 15, 2024

I. Work Session – South Meeting House:

Before the regular City Council Meeting this evening, staff will provide a brief presentation relative to the status of the South Meeting House at 6 pm in a Work Session. Please find below [and attached pertinent information relative to the site](#). With the recent relocation of Portsmouth Public Media (PPMtv), the City is once again in a position to evaluate how to best maintain, preserve and utilize the South Meetinghouse.

Located at 280 Marcy Street, the first building was known as the Old South Meeting House, built in 1731 for the South Parish/Church. In 1826, the congregation moved to a new granite meeting house that still stands today along State Street. The old building enjoyed various uses until 1863, when the first building was demolished and a new structure was completed in 1866 as a true meeting house and has since been used as a ward hall for the Third Ward, school, church, meeting space and room rental by Strawberry Banke, until 1980 when the City put the property up for lease or sale. Portsmouth Advocates commissioned a study that evaluated three (3) different options for reuse: a community arts center, a combination home and occupation, and two (2) residential condominiums along with a draft application for the building's inclusion in the National Registry of Historic Places. That application was submitted by the newly formed Children's Museum which opened in 1983 and remains an important protection for the building.

In 2008, the Museum relocated to larger space in Dover. In FY2010, after the formation of a subcommittee by the Friends of the South End, the City allocated \$203,000 in Urban Development Action Grant (UDAG) funding to renovate the building, a project which entailed work to the bell tower, weathervane and clock as well as roof, paint and siding work. In June 2010, the Friends of the South End supported the renovation efforts with a contribution of \$2,283 specifically for the removal of the storm windows and the restoration of the frames to match the window trim. In the spring of 2010, Portsmouth Public Media (PPMtv) moved into the building.

Existing Site Conditions and List of Current Needs:

Per the property card, the property is valued at \$1,779,900 (2023) - \$765,400 for the land and \$1,014,500 for the building which includes 4,120 square feet of usable area and 20 parking spaces. [Please see attached a site map of the property.](#)

The historic nature of this building and its materials require a much higher level of attention than most buildings. Based on our experience in caring for this building and others like it, as well as actual proposals from contractors, the following cost estimate would stabilize this building for further renovations for its next use.

- \$65,000 for window restoration - 30 very large historic windows, including historic glass replacement, re-paint and new storm windows (includes consideration of lead paint)
- \$225,000 for painting of entire building (includes consideration of lead paint)
- \$7,500 for gutter and downspout repairs
- \$75,000 for miscellaneous carpentry items on siding and doors
- \$50,000 for HVAC repairs and upgrades
- \$20,000 for ADA compliance - repairs /replacement to de-commissioned chair lift
- \$50,000 for slate roofing repairs - active leaks during severe wind driven storms

Total: \$492,500

Zoning Considerations:

The property is in the Municipal Zoning District. Per Section 10.433 of the City's Zoning Ordinance, if the property is owned or leased by the City, the property could be used for whatever the City Council determines is in the best interest of the City, therefore it is ultimately a policy decision by the City Council as to how to treat the property as long as the City continues to own it.

If the Council were to sell the property, the zoning designation would likely default to General Residence B (GRB), as it is surrounded by that district. For residential use, the GRB requires 5,000 square feet per dwelling (the lot size is 10,018 square feet). A duplex is allowed by right, so this could accommodate two units. A Special Exception would allow 3-4 multifamily units, but there is not enough lot area per dwelling to allow for three units. A boarding house is not permitted. Staff has determined that this use could include a club, fraternal or service organization without lodging.

Recommendation:

The City is fortunate to have this opportunity to weigh all possible options for appropriate reuse of this historic property. It should be noted that City management does not have an identified municipal use in mind. When considering options for this site, the City wishes to emphasize from the outset that any user will value the restoration and historic preservation of the property, contemplate a use that is compatible with the surrounding adjacencies and neighborhood, provide financial stability, take care of operation and maintenance needs, and in short be an appropriate fit.

Staff recommends that the City issue a Request for Proposals to solicit interest and elicit conceptual proposals, which would identify desired end use. Additional submittal information that may be requested of interested parties would evolve out of the work session and ensuing decision-making, to include such considerations as lease or sale of property, long-term or short-term in duration, residential or other use, parking needs, and the plan for long-term preservation and maintenance. The process for review of any proposals received should also be part of the City Council conversation. Ultimately the nature of the reuse of the South Meeting house is a policy decision by the City Council.

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

A. First Reading of Ordinance Amending Chapter 10 – Various Articles Relative to Electric Vehicle Charging Stations:

At its May 2, 2022 meeting, the City Council referred draft zoning ordinance amendments submitted by Councilor Denton relative to electric vehicle charging stations to the Planning Board for review and recommendation.

Currently, an electric vehicle charging station, as a principal use, is allowed by special exception in the GB, G1, B, CD4-W and I zones under the motor vehicle service station classification. An EV charging station is currently allowed as an accessory use to any permitted principal use on any Citywide lot.

The Planning Board began discussion of these amendments in November 2023 and has been working on revisions since then. The original referral included adding specific charging levels (1, 2 & 3) to the use tables in the Ordinance. With the speed of change in the industry, having broad definitions that will not become obsolete is the best approach. For example, when the Board began discussion of this topic there were Level 1, 2 and 3 chargers and now there are level 4 chargers, fully automated battery exchange stations and soon there may be wireless charging for EVs. The Planning Board took a broad approach during the course of its work on these amendments so the Ordinance would not be quickly outdated once adopted. The proposed amendments capture EV charging and infrastructure that should remain relevant with the future technology anticipated.

At its February 29, 2024 meeting, the Planning Board voted to schedule a public hearing on the amendments after legal review. Legal reviewed the draft with staff and the Chair and made edits to simplify and condense [the attached amendments](#).

The Planning Board held a public hearing at their March 21, 2024 meeting and considered the revised amendments. The Board voted to recommend the City Council hold first reading on the zoning amendments dated 3/14/24 with the following edits:

- To change EV fueling space 1 and 2 to EV fueling space A and B; and
- To change Use 19.70 EV fueling space B as an accessory use from Permitted to Conditional Use Permit in the G1, G2, B, and CD4-W districts.

The motion passed unanimously.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the May 6, 2024 City Council meeting.

B. Public Hearing and Second Reading of Ordinance Amending Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map:

At the January 16, 2024 meeting, the City Council referred proposed zoning map amendments to the Planning Board for a report back and recommendation. Prior to the Planning Board's February 15 and February 29, 2024 public hearing on the zoning map amendments, staff reviewed the parcel list referred by Council and made the corrections listed below. The ordinance presented tonight for second reading reflects those edits.

The Planning Board considered the map amendments at their February 29, 2024 meeting and voted to recommend to City Council the approval of the map amendments as presented with the following:

- Remove Map 233 Lot 145 because it is municipally owned.
- Include the following lots that were considered by the Land Use Committee but not included in the referral from City Council: Map 175 Lot 5, Map 236 Lot 36, Map 174 Lot 13 and Map 217-2A.
- Correct the following map and lot numbers for three parcels: Map 273 Lot 5, Map 252 Lot 1-7 and Map 268 Lot 97.

The motion passed 6-3. [Attached is the staff memo that was in the Planning Board packet with maps of the subject parcels.](#)

I would recommend that the City Council move to pass second reading and schedule a third and final reading at the May 6, 2024 City Council meeting.

XI. City Manager's Items Which Require Action:

1. **Approval of Renewal for Chief of Police Newport's Employment Agreement:**

Attached please find a memorandum from the City's Labor Negotiator, Tom Closson, along with a proposed employment agreement for Chief of Police Mark Newport.

I recommend that the City Council move to approve and accept the agreement as presented.

2. **Request for 3-Month Extension of Existing Franchise Agreement with Comcast:**

Comcast provides cable television services to the City of Portsmouth pursuant to a five-year franchise agreement originally set to expire February 29, 2024, but extended by action of the City Council earlier this year to April 30, 2024. Deputy City Manager/Regulatory Counsel Suzanne Woodland (who will be available to answer questions) reports that the parties have been negotiating in good faith, but there have been unexpected challenges in scheduling additional meetings of the Cable Commission which has delayed completion of the negotiations. A three-month extension is being requested to give additional time to the parties.

A copy of the current franchise agreement can be found at <https://portsnh.co/broadband>.

I recommend that the City Council move to authorize the City Manager to finalize and execute the Extension Agreement as presented.

XVII. City Manager's Informational Items:

1. **Update on Community Policing Facility:**

City staff will provide a verbal update regarding progress updates for the proposed Community Policing Facility.