

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 6, 2024

PORTSMOUTH, NH
TIME: 7:00PM

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, Cook, Denton, Blalock, Bagley, Moreau and Lombardi

V. INVOCATION

Mayor McEachern asked everyone to join in a moment of silent prayer.

VI. PLEDGE OF ALLEGIANCE

Mayor McEachern led in the Pledge of Allegiance to the Flag.

TEACHER'S APPRECIATION WEEK

Mayor McEachern extended his heartfelt gratitude to the teachers in recognition of all the work they do for our youth with this being Teacher's Appreciation Week.

NATIONAL POLICE WEEK

Mayor McEachern expressed his sincere appreciation during this National Police Week for all the sacrifices police officers make to keep us safe. He also thanked our own police department for their efforts in educating the community and making it safer for those who serve and for all of us.

NATIONAL BIKE MONTH

Mayor McEachern recognized May as National Bike Month and thanked all of those who participated in the Mayor's Ride on Sunday, May 5th.

PROCLAMATION

1. POET LAUREATE

Mayor McEachern declared Lauren WB Vermette as Portsmouth Poet Laureate for a two-year term. He urged all Portsmouth citizens to get to know the work of our Portsmouth and New Hampshire poets, and to explore poetry in all its wonder and for the enjoyment, inspiration, insight, and encouragement that poetry affords.

VII. ACCEPTANCE OF MINUTES – APRIL 15, 2024

Councilor Moreau moved to approve and accept the minutes of the April 15, 2024, City Council meeting. Seconded by Councilor Bagley and voted. Councilor Lombardi recused from the vote due to being absent from the meeting.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Recognition of Renewable Solar Energy Proposals from Portsmouth Middle School 8th Graders:
 - Wyatt Howard Baker & Benjamin Fischer
 - Jasmine Parker & Jessica Schickling
 - Sara Edwards & Abby Craig
 - Lorelei Foster & Elizabeth Tremblay
 - Brandon Ganev & Charlie Ruedig
 - Thea Hartley
 - Madison Whitaker & Lily O'Donoghue
 - Ella Wiseman & Lucille Rhinesmith
 - Hannah Williams & Anya Pettigrew

Mayor McEachern and the City Council recognized each project and the students for putting together these outstanding proposals regarding Renewable Solar Energy.

IX. PUBLIC COMMENT SESSION *(This session shall not exceed 45 minutes) – (participation may be in person or via Zoom)*

Cynthia Harriman spoke regarding the preservation of the historic district. She said we can have both preservation and solar panels. She urged the City Council and the Historic District Commission to keep in mind aesthetic when allowing solar panels in this area of the city.

Kerry Vautrot said solar and preservation can co-exist. She suggested postponing first reading until June 3, 2023.

Stephanie Campbell requested the City Council to accept the donation for a memorial plaque in honor of Joan Christy to be placed at the base of an existing tree at the library. She spoke to Joan's exceptional work when she served as the City's Librarian.

Sue Polidura said we need to preserve the historic district and removing the Historic District Commission from the approval process would be harmful to the city.

Christina Lusky said the city is a distinctive destination and the historic district is a key component of the city. She stated the City Council should not take away the Historic District Commission decision approval over solar panels. She said solar panels could distract from historic buildings and the city needs to be mindful of that.

Petra Huda said the 8th graders had great proposals for renewable solar energy. She spoke against the visibility of solar panels in the Historic District Commission and the importance to hold on to what keeps us unique.

Paige Trace said it is important for the city to listen to what people are asking for and remember to protect the city, which you took as part of your oath to be a member of the City Council.

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

First Reading of Ordinance:

- A. 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”

Councilor Denton moved to pass first reading and schedule a public hearing and second reading regarding Solar Energy Panel amendments to Chapter 10, Article 6, Section 10.633.20, as presented on June 3, 2024. Seconded by Councilor Bagley.

Councilor Denton spoke to the natural progression of the ordinance process.

Councilor Blalock moved to amend paragraph 28 to add the phrase “made of materials other than slate or wood” after the word “rooftop”, so the paragraph would now read:

- 28) *Solar Energy Panels flush mounted to rooftops made of materials other than slate or wood of existing structures which do not require other alternations to existing structures.***

Second by Councilor Denton.

Councilor Blalock spoke regarding the work the Historic District Commission has done regarding guidelines for solar energy panels. He said his amendment makes it more subjective. He stated that the Historic District Commission was created for preservation and solar panels are not a permanent change.

Councilor Moreau said she is against the motion because the City Council voted for the Historic District Commission and Planning Board to bring forward recommendations.

Councilor Moreau moved to suspend the rules to bring forward Item XV. D.1. – Update from Planning Board regarding Revised Solar Amendments. Seconded by Councilor Denton and voted.

Councilor Moreau spoke to the change of solar panel not being visible in the public way.

HDC Chair Ruedig and Planning Board Chair Chellman provided a report on the regulations and requirements for solar panels. Discussion followed with the Council regarding this matter. They announced that there will be a public hearing by the Planning Board on this matter at their May 16th meeting and would like the opportunity to report back to the Council with their findings before the Council holds their public hearing and second reading of the ordinance.

On a roll call 5-4, voted to pass to amend paragraph 28 to add the phrase “made of materials other than slate or wood” after the word “rooftop”, so the paragraph would now read:

28) Solar Energy Panels flush mounted to rooftops made of materials other than slate or wood of existing structures which do not require other alterations to existing structures. Councilors Tabor, Denton, Blalock, Bagley and Mayor McEachern voted in favor. Assistant Mayor Kelley, Councilors Cook, Moreau and Lombardi voted opposed.

Councilor Denton moved to postpone first reading of the ordinance as amended until the June 3, 2024 City Council meeting. Seconded by Councilor Blalock and voted.

Mayor McEachern called a brief recess at 9:25 p.m. At 9:35 p.m., Mayor McEachern called the meeting back to order.

Assistant Mayor Kelley moved to suspend the rules to bring forward XVI. – Approval of Grants/Donations. Seconded by Councilor Bagley and voted.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from the Portsmouth Garden Club to the Senior Activity Center for a Memorial Garden - \$800.00

Councilor Cook moved to approve and accept the donation as presented. Seconded by Assistant Mayor Kelley and voted.

- B. Acceptance of Memorial Bench in Honor of James Marchese

Councilor Lombardi moved to accept the donation of a memorial bench in honor of James Marchese to be placed on Peirce Island. Seconded by Councilor Tabor and voted.

- C. Acceptance of Memorial Plaque in Honor of Joan Christy

Councilor Blalock moved to accept the donation of a memorial plaque in honor of former City Librarian Joan Christy to be placed at the base of an existing tree at the library. Seconded by Councilor Denton and voted.

- D. Acceptance of Donation from the National Society of the Colonial Dames of America - \$2,500.00

Councilor Moreau moved to approve and accept the donation as presented. Seconded by Councilor Cook and voted.

Public Hearing/Second Reading of Ordinance:

- B. Public Hearing/Second Reading of Ordinance amending Chapter 10, Zoning Ordinance – Electric Vehicle Charging Stations, Article 4, Zoning District and Use Regulations, Section 10.440, Table of Uses, Sections 11.20, 11.21, 19.60 and 19.70, Article 8, Supplemental Use Standards, Section 10.810 and Section 10.843, Article 11, Site Development Standards, Sections 10.1112.20 and 10.1112.32 and Article 15, Definitions, Section 10.1530, Terms of General Applicability

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Planning Manager Stith spoke to current regulations by special exemptions. He stated the Planning Board reviewed amendments and took a broader approach.

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

Councilor Denton moved to pass second reading and schedule a third and final reading at the May 20, 2024 City Council meeting. Seconded by Councilor Tabor and voted.

Councilor Denton moved to suspend the rules to bring forward third and final reading of the ordinance. Seconded by Councilor Cook and voted.

Councilor Denton moved to pass third and final reading of the ordinance. Seconded by Councilor Blalock and voted.

XI. CITY MANGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Planning Board Recommendation on Home Occupation Amendments

City Manager Conard spoke to the amendments for Home Occupation.

Assistant Mayor Kelley moved to schedule first reading of the proposed zoning amendments regarding home occupation at the May 20, 2024 City Council meeting. Seconded by Councilor Cook.

Councilor Moreau said that the Planning Board did a good job on this amendment.

Councilor Cook thanked the Planning Board for this change and said residents are pleased that we are moving forward with this request.

Motion passed.

2. Second Report Back on Request for Water Taxi

Councilor Tabor moved to permit Mr. Comeau's water taxi service to drop off and pick up passengers only at the Robert P. Sullivan Boat Launch at Peirce Island, and to grant the City Manager authority to negotiate a License Agreement for this request. Seconded by Councilor Denton.

Assistant Mayor Kelley said within the license agreement, insurance would be required. City Attorney Morrell said we would ask Primex what they would require for insurance.

Motion passed.

3. Request to Schedule Community Policing Facility Work Session

Councilor Lombardi moved to schedule a work session regarding the Community Policing Facility on May 20th at 6:00 p.m. Seconded by Councilor Cook and voted.

XII. CONSENT AGENDA

- A. Request from Jordan Cashman, Sage, to install a Projecting Sign at 33 Deer Street Unit 3A (***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 Nancy Cassidy, Piscataqua Maritime Commission, requesting permission to hold the Sail Portsmouth Tall Ship Event, Friday July 26th through Sunday, July 28th (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- C. Letter from Alan Ammann, St. John's Lodge, requesting permission to hold the annual St. John's Parade, on Sunday, June 23, 2024 at 8:50 a.m. (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- D. Letter from Jonathan Day, Portsmouth Halloween Parade, requesting permission to hold the 29th Portsmouth Halloween Parade on Thursday, October 31, 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 Blalock and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

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

- B. Letter from Katie Ross, Pure Barre Portsmouth, requesting permission to hold a Silent Yoga Class at Prescott Park on Friday, June 21, 2024 at 6:00 a.m.

Councilor Lombardi moved to refer to the City Manager with Authority to Act. Seconded by Councilor Tabor and voted.

- C. Letter from Jean Eno, Bucovina Cuisines, requesting the waiving of fees and grant Chef Oksana Karcha permission to sell food on Pleasant Street to raise funds for Ukraine on the four dates: May 19th, June 16th, July 14th, and August 25th from 3:00 p.m. – 6:00 p.m.

Councilor Moreau moved to refer to the City Manager with Authority to Act. Seconded by Assistant Mayor Kelley.

City Attorney Morrell said that funds collected for the Ukraine would be through a non-profit organization.

Assistant Mayor Kelley requested a report back on the number of Truck and Street Vendors the city currently has licensed.

Motion passed.

- D. Letter from Herbert & Jeannette Lloyd requesting a Landscape License Agreement for the maintenance of city-owned property located at 5 Ruth Street

Councilor Denton moved to refer to the City Manager with Authority to Act. Seconded by Councilor Blalock and voted.

- E. Letter from Elizabeth Bratter regarding Gateway Zoning

Councilor Cook moved to accept and place on file. Seconded by Councilor Tabor and voted.

XIV. MAYOR McEACHERN

1. Letter to SAU 52 Communities regarding workforce housing

Mayor McEachern reported to the Council that he sent this letter to the Town of Greenland, Town of New Castle, Town of Newington, and Town of Rye regarding workforce housing.

2. Appointments to be Considered:
- Reappointment of Luis Rodriguez to the Cable and Broadband Internet Commission
 - Reappointment of Stewart Sheppard to the Conservation Commission
 - Reappointment of Daniel Brown to the Historic District Commission
 - Reappointment of Michael Griffin to the Trees & Public Greenery
 - Reappointment of Dennis Souto to the Trees & Public Greenery

The City Council considered the reappointments to be voted upon at the May 20, 2024 City Council meeting.

3. Blue Ribbon Committee Appointments to be Voted:
 - Christian Berling to the Citywide Neighborhood Committee until December 31, 2025
 - William Gatchell to the Citywide Neighborhood Committee until December 31, 2025
 - Kenneth Hale to the Citywide Neighborhood Committee until December 31, 2025
 - Colleen Ovecka to the Citywide Neighborhood Committee until December 31, 2025
 - Chuck Raye to the Citywide Neighborhood Committee until December 31, 2025
 - Peter Somssich to the Citywide Neighborhood Committee until December 31, 2025
 - Ben VanCamp to the Sister Cities Blue Ribbon Committee until December 31, 2025

Councilor Tabor moved the appointments as outlined above. Seconded by Councilor Bagley and voted.

4. Appointment to be Voted:
 - Anthony Coviello as a Regular member of the Planning Board

Councilor Cook moved to appoint Anthony Coviello as a Regular member of the Planning Board until December 31, 2024 filling the unexpired term of Jane Begala. Seconded by Assistant Mayor Kelley and voted.

5. Acceptance of Resignation
 - Aubrey Gewehr from the Sustainability Committee

Councilor Denton moved to accept the resignation of Aubrey Gewehr with regret and to send a letter of thanks for his service to the Sustainability Committee. Seconded by Councilor Blalock.

Councilor Cook and Councilor Blalock thanked Aubrey for his work on the Sustainability Committee.

Motion passed.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

1. Energy Advisory Committee Update

Councilor Tabor provided an update on the Energy Advisory Committee. He reported that the Solar workgroup is working on three work areas:

- Education and networking: educating the community about the benefits of residential solar and learning from those who've succeeded.
- Identify barriers and disincentives and make recommendations to the City Council to remove them.
- Build a pipeline of municipal solar or other renewable projects to reduce carbon and cost for taxpayers.

The second group has been researching federal “Energy Efficiency Block Grants” which flow from the Biden administration’s Inflation Reduction Act. The state will distribute \$49,999,999 for weatherization, public transportation, improving energy efficiency at water treatment plants, waste reduction, diversion and recycling and other measures.

The Solar workgroup of the PEAC hopes to present a proposal to the City Council for a no cost feasibility study of wind, solar and other “behind the meter” renewable energy solutions for Pease and Peirce Island wastewater treatment plants.

The Community Power Coalition of New Hampshire has hired a full-time local projects director and is negotiating Power Purchase Agreements with local solar and hydro generators.

B. COUNCILOR DENTON

1. Mojalaki Holdings v. City of Franklin

Councilor Denton explained this case involved the matter of installing solar panels and thought it would be of interest to the Council.

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

1. Update on Community Policing Facility

Public Works Director Rice said at the work session scheduled for May 20th at 6:00 p.m. there will be a discussion of where we are at and what direction the Council would like to see moving forward. He stated that cost figures would be refined, updated, and a 3-D dimensional drawing would be provided for a vision from a massing standpoint.

2. Sherburne Property Disposition

City Manager Conard reported that staff is working to draft a Request for Qualifications (RFQ) to solicit from qualified parties their credentials for the development of permanent below market rate housing specific to the Sherburne School property. She stated the RFQ will include additional language that considers inclusion of other uses which would provide a demonstrated community benefit.

3. Report Back on Historic Grants

City Manager Conard stated that staff will provide a verbal update relative to Councilor Cook’s inquiry from the March 18th City Council meeting.

4. Update on Tax Deeded Properties from the Legal Department

City Manager Conard announced that the Court issued an order staying the litigation until May 6, 2024 to provide Appledore Associates LLC an opportunity to register with the Secretary of State’s office. She said the Legal Department recommends the City Council avoid taking up this matter until such time as the stay is lifted by the court.

5. PDA Board Meeting Update

City Manager Conard highlighted what took place at the recent PDA meeting. She reported that operating expenses are down. She said the PDA has a CIP of \$67,000,000.00 with no outstanding bonds or debt. She said the patio covering went up and is open with all golf leagues playing at the end of April. The airport remains viable for federal funding due to increases in flights.

6. Hillside/Greenleaf Sidewalks (Not on agenda)

City Manager Conard reported funding is in the CIP and we are working on interim steps. She said that survey, design, and easement securements would need to come along. She advised that Trees and Greenery will be removing a tree that would allow for passage along a greenery area for pedestrians.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Moreau reported that the Rockingham Planning Commission will be bringing her name forward for Chair of the Commission at their annual June 12th meeting.

XIX. ADJOURNMENT

At 10:25 p.m., Assistant Mayor Kelley moved to adjourn the meeting. Seconded by Councilor Bagley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK