

TO: KAREN S. 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, SEPTEMBER 8, 2025

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

1. **Voted** to close the Non-Public Session and seal the minutes.
2. Proclamation – FTD Awareness Week in Portsmouth – Mayor McEachern read the Proclamation declaring the week of September 21st through September 28th as FTD Awareness Week in Portsmouth and called upon the community to learn more about FTD at TheAFTD.org and to support the advocacy of the Association for Frontotemporal Degeneration who seek to change the course of a disease that is largely misunderstood, misdiagnosed, and underfunded.
3. Proclamation – Suicide Prevention Awareness Month – Mayor McEachern read the Proclamation declaring September as Suicide Prevention Awareness Month and reminded all members of the community that there are steps, we all must take in looking out for our loved ones, the people in our community, and those who have been impacted by this leading cause of death.
4. Acceptance of Minutes – July 14, 2025 – **Voted** to approve and accept the minutes of the July 14, 2025, City Council meeting.
5. Public Art Review Committee (PARC) Recommendation – Chris Dwyer, Chair of PARC, presented a piece of original artwork given in honor of Vernis Jackson. The piece is an acrylic painting of Toni Morrison, a special favorite of Vernis. The artwork is on canvas and has been tinted by repeated baths of elixir and intended to be unframed. She said the effect provides a parchment-like quality to the background and was created by artist Romeo Mivekannin. She said that the portrait is painted over excerpts from the classic 1903 W.E.B. DuBois book *The Souls of Black Folk*. She also advised the City Council that the Fairy House Sculpture will be on display at Strawberry Banke. In addition, donations are being accepted for the Nebi Sculpture for Bohenko Park.

Voted to refer to the School Board for placement of artwork at the Portsmouth Middle School for report back to City Council.

6. Public Comment Session – There were 14 speakers: Irene Bartholomew (Resurfacing of Gates Street); Sarah Cornell, Kline Dickens – N. Hampton (ICE); Nancy Clayburgh, School Board Chair; Esther Kennedy, Buzz Scherr, Police Commissioner; Petra Huda, Kate Coyle, Police Commissioner Chair; Kerry Nolte, School Board member; Zach McLaughlin, Superintendent; Brian French, School Board Vice Chair (Administrative Code – Chapter 1 Amendments); Paige Trace (Portsmouth); David Holt (Our Constitutional Rights); and Burt Cohen (Free Speech).

7. First Reading of Ordinance Amending Chapter 10, ZONING ORDINANCE, Article 5A Character-Based Zoning, Section 10.5A43.45, Special Building Footprint Provisions; Section 10.5A43.46, Redevelopment of Existing Buildings; and Article 15, Definitions, Building footprint – **Voted** to pass first reading and schedule a public hearing and second reading at the September 24, 2025, City Council meeting.
8. Public Hearing & Adoption of Resolution Amending #6-2022, Adopted April 4, 2022, which Authorized a Bond Issue and/or Notes for costs related to the Feasibility and Design of a new Police Facility and or Rehabilitation of the Existing Facility, to include costs for the Entire Municipal Complex – Held a Public Hearing. On a roll call 8-1, **voted** to adopt the Resolution as presented. Assistant Mayor Kelley, Councilors Tabor, Cook, Denton, Blalock, Moreau, Lombardi, and Mayor McEachern voted in favor. Councilor Bagley voted opposed.
9. Public Hearing & Second Reading of Chapter 10, ZONING ORDINANCE, CITY OF PORTSMOUTH ZONING MAP be amended as follows: rezone parcels described on the City Tax Map 138 Lot 62; and Tax Map 138 Lot 63 from Character District 5 (CD5) to Character District 4 (CD4); to change the boundary of the North End Incentive Overlay District (NEIOD) by removing City Tax Map 138 Lot 60-2, Tax Map 138 Lot 62, Tax Map 125 Lot 16, Tax Map 138 Lot 63 and a portion of Tax Map 138 Lot 60-3; and to amend the boundary of the Downtown Overlay District (DOD) by removing City Tax Map 138 Lot 60, a portion of Tax Map 138 Lot 60-1, Tax Map 138 Lot 60-2, Tax Map 138 Lot 60-3, Tax Map 138 Lot 61, Tax Map 138 Lot 62, Tax Map 138 Lot 63, Tax Map 164 Lot 4, Tax Map 125 Lot 17-1 and a portion of Tax Map 125 Lot 16 and Tax Map 125 Lot 17 from the DOD; and to add a building height standard of 2-3 stories (40 feet) along Rock Street to the cul-de-sac at Foundry Place for City Tax Map 138 Lot 63, Tax Map 138 Lot 60-2, and Tax Map 138 Lot 60-3. The Zoning Maps to be amended are referenced in the City's Zoning Ordinance at Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 and Chapter 10, Article 5A, Character Based zoning, Section 10.5A21.10, Content of Regulation Plan, Map 10.5A21A (Character Districts and Civic Districts) and Map 10.5A21B (Building Height Standards), collectively the "Zoning Maps" – Held a Public Hearing. On a roll call 7-1, **voted** to pass second reading and schedule third and final reading at the September 24, 2025, City Council meeting. Assistant Mayor Kelley, Councilors Tabor, Cook, Denton, Moreau, Lombardi, and Mayor McEachern voted in favor. Councilor Blalock voted opposed. Councilor Bagley stepped off the Dais and left the Chambers recusing from voting on this matter.
10. Third and Final Reading of Ordinance Amending Chapter 1, Administrative Code – Article I, Administrative Code Ordinance Amendments:
 - Section 1.102 – Administrative Organization
 - Section 1.103 – Organizational Chart
 - Section 1.105 – General Powers and Duties of the Department Administrators
 - Section 1.106 – Specific Duties, Functions and Responsibilities of Departments
 - Section 1.107 – Authority of City Manager

Voted to suspend the rules to allow for further comments on this ordinance.

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

Voted to suspend the rules to offer an amendment to the ordinance at third reading.

Voted to amend Section 1.105 Letter G – Information Technology by adding language “*in IT Systems*” at the end of the second sentence. The sentence will now read as follows: *The CIO has authority to establish and ensure compliance with IT standards for cybersecurity, system resilience, and operational efficiency in IT Systems.*”

Voted to amend Section 1.107 B. by changing the RSA contained in the first sentence from RSA 29-P:39 to *RSA 21-P:39*.

On a roll call 8-1, **voted** to pass third and final reading of the ordinance as amended. Assistant Mayor Kelley, Councilors Tabor, Cook, Blalock, Bagley, Moreau, Lombardi, and Mayor McEachern voted in favor. Councilor Denton voted opposed.

11. Third and Final Reading of Ordinance Amending Chapter 2, Seal, Deeds and Elections – Article II, Deeds, Section 2.201 – Execution to be amended by deleting the section in its entirety – **Voted** to pass third and final reading of the Ordinance as presented.

12. Request to Establish Polling Hours for the Municipal Election – **Voted** to establish polling hours for the November 4, 2025, Municipal Election from 8:00 a.m. to 7:00 p.m.

13. Request to schedule three public hearings on September 24, 2025, for the City Council to consider whether to place three ballot questions on the November 4, 2025, Municipal Ballot regarding: (1) Allowing Social Districts; (2) Prohibiting KENO; and (3) Prohibiting Games of Chance

Allowing Social District: Moved to schedule a public hearing on September 24, 2025, to consider whether to place the following question allowing Social Districts as a ballot question on the November 4, 2025, Municipal Ballot: “Shall we allow the operation of social districts within the City of Portsmouth.”

Councilor Tabor requested a report back at the September 24, 2025, City Council meeting on whether social districts will require more police officers, could this cause a litter problem with people leaving behind items when going out of social districts, and if the question is approved by the voters and issues arise how the City Council could rescind social districts.

Councilor Bagley requested a report back from the Legal Department to clarify if social districts are approved by the voters, will the City Council have to permit social districts and their locations.

Motion passed.

Prohibiting KENO: Moved to schedule a public hearing on September 24, 2025, to consider whether to place the following question prohibiting KENO as a ballot question on the November 4, 2025, Municipal ballot: "Shall we prohibit the operation of KENO games within the City of Portsmouth."

Voted to amend the question to read "Shall we not allow the operation of KENO games within the City of Portsmouth."

Main motion passed as amended.

Prohibiting Games of Chance: Moved to schedule a public hearing on September 24, 2025, to consider whether to place the following question prohibiting games of chance as a ballot question on the November 4, 2025, Municipal Ballot: "Shall we prohibit the operation of games of chance within the City of Portsmouth."

Councilor Blalock requested a report back from the Legal Department to clarify what games of chance are permitted and what games would not be permitted under the state statutes.

Voted to amend the question to read "Shall we not allow the operation of games of chance within the City of Portsmouth."

Main motion passed as amended.

14. **Consent Agenda** – **Voted** to adopt the Consent Agenda.

- A. Request from Morten Steen-Jorgensen of Pepper Palace Inc., to install a Projecting Sign at 87 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(s), for any reason, shall be done at no cost 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(s), 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 Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events:
- First Night Portsmouth 2026 – Wednesday, December 31, 2025
 - Children's Day – Sunday, May 3, 2026
 - 49th Annual Market Square Day Festival & 10K Road Race – Saturday, June 13, 2026
 - 23rd Annual Summer in the Street – Saturday evenings: July 4th, July 11th, July 18th, July 25th, and August 1st

In addition, Pro Portsmouth, Inc., requests the City joins as a sponsor in support of the fireworks' display in the amount of \$3,000.00 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

15. E-mail Correspondence – **Voted** to accept and place on file.
16. Appointments to be Considered – The City Council considered the two reappointments and one appointment as outlined below that would be voted upon at the September 24, 2025, City Council meeting.
- Reappointment of Robert Capone to the Cable & Broadband Internet Commission
 - Reappointment of Katinka de Ruiter to the Board of Library Trustees
 - Appointment of Jolanda Fannin to the Board of Library Trustees
17. Acceptance of Resignation – Charles Sullivan from the Sustainability Committee – **Voted** to accept with regret the resignation of Charles Sullivan from the Sustainability Committee and to send a letter of thanks and appreciation for his service to the city.
18. Acceptance of Resignation – Alyssa Murphy from the Public Art Review Committee – **Voted** to accept with regret the resignation of Alyssa Murphy from the Public Art Review Committee and to send a letter of thanks and appreciation for her service to the city.
19. Resident Parking Access Program (RPAP) – Moved to direct staff to develop a detailed implementation plan for a Resident Parking Access Program (RPAP), establishing a \$1 per hour for non-resident vehicles in neighborhoods that surround downtown that are currently unmetered, with enforcement by license plate. Staff shall return to Council with a proposed framework, cost estimates, and recommendations for pilot neighborhoods, with specific consideration of how the program can also support higher-density affordable housing developments without parking requirements.
- City Council requested the following information be provided in a report back to the City Council:
- How have previous resident parking programs worked,
 - Where and what areas would lines be drawn for such a program,
 - The number of free passes provided to households,
 - How would the program differentiate between downtown workers and tourists,

- Would the plan include surface lots, such as Parrott Avenue, South Mill Pond Playground, and the lower lot of City Hall,
- An outline to be provided of the framework for the plan,
- Cost estimates,
- Recommendations for pilot neighborhoods,
- How the plan should be implemented

Motion passed. Assistant Mayor Kelley, Councilors Blalock, and Lombardi voted opposed.

20. **Voted** to suspend the rules to continue the meeting beyond 10:30 p.m. Assistant Mayor Kelley, Councilors Blalock and Lombardi voted opposed.

21. Acceptance of Grant from the New Hampshire Department of Justice for the NH Internet Crimes Against Children Task Force - \$1,300.00 – **Voted** to approve and accept the New Hampshire Department of Justice grant in the amount of \$1,300.00.

22. City Manager's Informational Items:

Report Back on Status of Converting State Street to Two-Way Traffic – City Manager Conard reported as part of the Capital Improvement Plan, \$50,000.00 was approved to evaluate the impacts and costs associated with converting the one-way portion of State Street to two-way traffic. She advised the City Council that staff are working with the BETA Group, Inc. to develop a scope of work and budget to complete the work. In addition, to the evaluation of roadway configuration, the scope of work will include public input and a presentation of the findings to the City Council. She stated that the study is anticipated to be completed by the end of the calendar year.

Islington Street Sidewalks Report Back – City Manager Conard reported that several discussions have occurred over the last 5½ years regarding Islington Street Sidewalks. She advised the City Council that the Public Works Department will be creating a new capital improvement element sheet for Fiscal Year 2027 Capital Improvement Plan to secure funding for design and construction of a new sidewalk. She advised the City Council that two new street crossings have been constructed, one on Barberry Lane at the beginning of the Rail Trail and the other at the WBBX Road location. In addition, these crossings come with the rectangular rapid flashing beacons. Further, City Manager Conard explained when this project does come forward it would be built to City specifications in accordance with our Sidewalk Policy which will not be asphalt but concrete.

23. Adjournment – At 10:45 p.m., **voted** to adjourn the meeting.

Respectfully submitted:

Kelli L. Barnaby, MMC/CNHMC
City Clerk