

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 20, 2025 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_6Xu0s6UyTpWu8ld7qcrcxCw

**5:00PM - ANTICIPATED NON-PUBLIC SESSIONS ARE BEING HELD IN CONFERENCE ROOM A
IN ACCORDANCE WITH RSA 91-A:3, II (a) (d) and (l)**

AGENDA

- I. WORK SESSION
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting]
- III. CALL TO ORDER [7:00 p.m. or thereafter]
- IV. ROLL CALL
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. Community Clean Up Day in Portsmouth – Jacob Turk, Student Mayor for a Day
2. Good Neighbor Day in Portsmouth – David Flavin, Student Mayor for a Day

VII. ACCEPTANCE OF MINUTES – AUGUST 18, 2025

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. *Portsmouth High School – New Hampshire Golf State Champions

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 ORDINANCE AND/OR RESOLUTION

First Reading of Ordinance:

- A. First Reading of Ordinance amending Chapter 6 – Licenses, Article I – General Provisions, by amending the title of Chapter 6 to Licenses and Encumbrances and replacing Article I in its entirety, with Article I - Encumbrance Permits and Licenses for Use of Public Property, Sections 6.101 – 6.110 ***(Sample motion – move to pass first reading and schedule a public hearing and second reading at the November 17, 2025, City Council meeting)***

- B. First Reading of Ordinance amending Chapter 6 - Licenses, Article X – Theatricals, Parades, Open Air Meetings, Section 6.1001 – License Required, Section 6.1002 – License Form, Section 6.1003 – Fee, Section 6.1004 – Penalty for Failure to License be deleted in its entirety ***(Sample motion – move to pass first reading and schedule a public hearing and second reading at the November 17, 2025, City Council meeting)***
- C. First Reading of Ordinance amending Chapter 7 – Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.114 – Construction Permit be deleted in its entirety ***(Sample motion – move to pass first reading and schedule a public hearing and second reading at the November 17, 2025, City Council meeting)***
- D. First Reading of Ordinance amending Chapter 8 – Encumbrances and Injurious Practices in Streets, Article I - Encumbrances, Section 8.101 – Encumbrances, General, Section 8.105 – Digging up a Street, Section 8.106 – License to Obstruct Street, Section 8.114 – Awning and Signs, Section 8.120 – Displaying Merchandise on Sidewalk be deleted in its entirety ***(Sample motion – move to pass first reading and schedule a public hearing and second reading at the November 17, 2025, City Council meeting)***
- E. First Reading of Ordinance amending Chapter 9, Article V – Public Way Obstructions, Placement & Registration including Sections 9.501 – 9.511 be deleted in its entirety ***(Sample motion – move to pass first reading and schedule a public hearing and second reading at the November 17, 2025, City Council meeting)***
- F. First Reading of Ordinance amending Chapter 11, Sidewalks, Sewers, Layout of Streets, Subdivision of Land, Article VI – Referrals to Planning Board, Section 11.602 A 1, Referral and Report ***(Sample motion – move to pass first reading and schedule a public hearing and second reading at the November 17, 2025, City Council meeting)***
- G. First Reading of Ordinance amendment to Chapter 10 – Zoning Ordinance – Zoning Map, Article 4, Zoning District and Use Regulations, Section 10.421 – District Location and Boundaries, Section 10.421.10, be amended to remove 109 Dennett Street, Tax Map 142, Lot 27 from the Historic District Overlay ***(Sample motion – move to pass first reading and schedule a public hearing and second reading at the November 17, 2025 City Council meeting)***

Public Hearing on Resolution and Adoption:

- H. RESOLUTION APPROPRIATING TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) TO PURCHASE ONE FIRE APPARATUS AND AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) TO MEET THIS APPROPRIATION
 - PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS***(Sample motion – move to adopt the Resolution as presented)***
(A Two-Thirds Vote Required by a Roll Call)

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Approval of Change to Authorized Representative for Education Coalition Communities
2.0 NH

XII. CONSENT AGENDA

(There are no items on this section of the agenda this evening)

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence ***(Sample motion – move to accept and place on file)***

XIV. MAYOR McEACHERN

1. Appointment to be Considered:
 - Appointment of Tara Rix to the Cemetery Committee
2. *Appointment to be Voted:
 - Reappointment of Patricia Bagley to the Trees & Public Greenery Committee
(Sample motion – move the reappointment of Patricia Bagley to the Trees & Public Greenery Committee)

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

1. Request for First Reading of a new Ordinance to establish a permanent Energy Advisory Committee
2. *Audit Committee Update

B. COUNCILOR COOK

1. Municipal Arts and Cultural Banner Program Policy for Review

C. COUNCILOR BAGLEY

1. **Action Items Needing Approval by City Council:**
 - Portwalk Place ***(Sample motion – move to approve renewal of annual valet license agreement for Hampton Inn & Suites)***
 - Portwalk Place ***(Sample motion – move to approve renewal of annual valet license agreement for Marriott Residence Inn)***

2. Parking & Traffic Safety Committee Action Sheet and Minutes of October 2, 2025
(Sample motion - move to approve and accept the action sheet and minutes of the October 2, 2025, Parking & Traffic Safety Committee meeting)

XVI. APPROVAL OF GRANTS/DONATIONS

(There are no Grants or Donations on for Approval this evening)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *Upcoming Visits with the City Manager at the Library
2. *Food Permits

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

**Indicates verbal report with no attachments*

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

**The Council Chambers
City Hall
Portsmouth, New Hampshire**

A Proclamation

- Whereas:** The City of Portsmouth has many splendid natural beauties, like our parks, islands, and historical waterfront; and
- Whereas:** Keeping trash out of the streets and keeping the air clean allows us to enjoy all the greenery in Portsmouth; and
- Whereas:** The employees of the City pick up trash and sweep our streets, but there is still more work to be done; and
- Whereas:** The City of Portsmouth has already established itself as an eco-municipality showing that we value our natural resources and are focused on combating climate change.

Now, therefore, I, Jacob Turk, Mayor of the City of Portsmouth, on behalf of the members of the City Council and the citizens of Portsmouth, do hereby proclaim

Community Clean Up Day in Portsmouth

and urge all members of the community to do our part everyday but especially on June 15th the last day of school.



Given with my hand and the
Seal of the City of Portsmouth,
on this 20th day of October 2025.

A handwritten signature in black ink, appearing to read 'Jacob Turk', written over a horizontal line.

Jacob Turk, Mayor of Portsmouth

**The Council Chambers
City Hall
Portsmouth, New Hampshire**

A Proclamation

- Whereas:** The City of Portsmouth has many organizations that work incredibly hard day after day to make sure everyone has a home to sleep in, food to eat, water to drink and clothes to wear; and
- Whereas:** In the City of Portsmouth we want to recognize the hard work of these organizations and the people that keep them running; and
- Whereas:** Without the help of these organizations our community members that rely on these services would face hardships that we could prevent; and
- Whereas:** These organizations rely on the generosity of the Portsmouth community to deliver these essential services.

Now, therefore, I, David Flavin, Mayor of the City of Portsmouth, on behalf of the members of the City Council and the citizens of Portsmouth, do hereby proclaim

Good Neighbor Day in Portsmouth

and call on every citizen able to volunteer their time, money or expertise to find an organization in need and help their neighbors.



Given with my hand and the
Seal of the City of Portsmouth,
on this 20th day of October 2025.

DAVID
David Flavin, Mayor of Portsmouth

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 18, 2025

PORTSMOUTH, NH
TIME: 7:00PM

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

PROCLAMATION

1. National Service Dog Month

Mayor McEachern read and presented a Proclamation to Brendan Madden declaring September as National Service Dog Month in Portsmouth and called upon our residents and businesses to recognize and respect the important job they do in helping us live up to our motto of the City of the Open Door. Mr. Madden accepted the Proclamation with thanks and appreciation.

VII. ACCEPTANCE OF MINUTES *(There are no minutes on for approval this evening)*

VIII. RECOGNITION AND VOLUNTEER COMMITTEE REPORTS

1. Portsmouth Sustainability Committee Update

Co-Chairs, Jessica Blasko and Effie Malley provided an update and reviewed the roles and accomplishments of the Sustainability Committee. Jessica and Effie outlined the proposals for the Capital Improvement Plan (CIP) and spoke about what is ahead of the Committee:

- Submit requests for the CIP
- Advise and guide on Master Plan issues related to the CAP and renewable energy
- Continue work on strategies from the CAP
- Further inform the community about sustainable practices and co-benefits

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

Nancy Yarmac said in the 34 years there has not been any maintenance done to the sidewalks near her home. She said the residents in the area have signed her petition supporting the installation of sidewalks.

Roy Helsel spoke to people speeding on Middle Road. He spoke about the stop signs on Hodgdon Way and how two are too high and one is being blocked by trees and cannot be seen.

Erik Anderson said he would like to see the City reach out to surrounding towns on the issue of workforce housing. He stated the city continues to make strides, but the issues continue. He asked the City Council to take a more aggressive approach to this housing crisis.

Petra Huda said there is a problem with the bonding resolution amount and said that according to her figures there is only \$900,000.00 remaining.

Tyler Garzo spoke regarding sidewalks in front of his home and said the problem is with the width of the roadway. He expressed his support in making State Street two-way, which will make the area more walkable.

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

First Reading of Ordinance:

- A. First Reading Amending 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 and Tax Map 125 Lot 16, and 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; to amend the building height map from 2-4 stories (50 feet) to 2-3 stories (short 4th, 45 feet) for parcels along Hill Street for City Tax Map 125 Lot 16, Tax Map 138 Lot 62 and Tax Map 125 Lot 14 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".

Mayor McEachern advised the Council and the public that if first reading passes this evening the next ordinance would be nongermane.

Councilor Moreau moved to pass first reading and to schedule a public hearing and second reading at the September 8, 2025, City Council meeting. Seconded by Councilor Lombardi.

Councilor Moreau said that there has been a lot of discussion on these zoning changes. She spoke about the changes encompassed into the ordinance.

Councilor Bagley said he would be recusing from the vote.

Councilor Lombardi said that this is complex and has taken a lot of discussion and zoning should be simplified. He spoke regarding one property being split into two different zones.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said that this is a good step in the right direction. He did express concern with splitting two parcels and height restrictions where property abuts Hill Street. He would like the building to go there to be the best building but not complying with the zoning height standards should be taken on broad sections.

Mayor McEachern moved to amend the motion to remove the height restrictions on Hill Street. Seconded by Councilor Blalock and voted. Councilor Moreau voted opposed, and Councilor Bagley recused from voting on this motion.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

Main motion passed as amended. Councilor Bagley voted opposed.

Second Reading of Ordinance:

- B. Second Reading of Ordinance regarding Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map be amended as follows: Rezone Parcels Described on the City Tax Map 125 Lot 16; Tax Map 138 Lot 61; Tax Map 138 Lot 62; and a portion of Tax Map 138 Lot 63 from Character District 5 (CD5) to Character District 4 (CD4); to Rezone a portion of Tax Map 138 Lot 63 from Character District 5 (CD5) to Character District L1 (CD4-L1); to change the Boundary of the North End Incentive Overlay District (NEIOD) to remove City Tax Map 138 Lot 61, Tax Map 138 Lot 60-3, and Tax Map 164 Lot 4 from the NEIOD and to Amend the Boundary of the Downtown Overlay District (DOD) to align with the amended NEIOD by removing City Tax Map 164 Lot 4, Tax Map 138 Lot 61, Tax Map 138 Lot 60-3 and a portion of Tax Map 138 Lot 63 from the DOD; to amend the Building Height Map from 2-4 stories (50 Feet) to 2-3 stories (40 feet) for parcels along Bridge Street to Foundry Place and along Hill Street for City Tax Map 125 Lot 16, Tax Map 138 Lot 62 and Tax Map 125 Lot 14 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"

Mayor McEachern declared the ordinance is not applicable with the passing of first reading of the previous ordinance and rules the ordinance out of order as Chair of the meeting.

Public Hearing & Second Reading of Ordinances:

C. PUBLIC HEARING and Second Reading of 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
- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Regulatory Counsel Woodland spoke to the legal back drop of the ordinance. She said that the ordinance creates the structure of government. She spoke to the Charter and Administrative Code that outlines the duties for which it creates. She explained the changes that the ordinance would create and said that the Police Department has some issues and language changes around Information Technology and Human Resources. She spoke to the proposed changes to the ordinance as proposed by the Legal Department.

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

Petra Huda spoke to the memorandum from the City Attorney to the City Council. She said the unique departments are the Charter Departments. She said that the superintendent is the operator not City staff. She said an elected School Board should be adopted and she does not understand how this conflicts with Human Resources.

Nancy Novelline Clayburgh, School Board Chair, asked that the City Council adopt the language voted on by the School Board last week.

Esther Kennedy (via zoom) spoke to the history of commissions and said in 1895 the Governor and community put in a Police Commission. She said that the School Board is obligated under RSA 189. She said that the School Board can go before the Attorney General after this vote and ask why we are doing this at this point. She believes that this is a power grab. She also spoke in support of the School Boards language to be included.

Petra Huda said that the School Board and the Chair had not received this information.

With no further speakers, Mayor McEachern declared the public hearing closed.

Councilor Bagley asked who someone could go to if they have problems or do not agree.

Mayor McEachern said the School Department is a City Department and our legal counsel is the School Boards legal counsel. He said that there is no independent entity.

Councilor Cook moved to amend the proposed changes to Chapter 1, Section 1.106 (G) to reflect the changes proposed by the Legal Department. Seconded by Councilor Moreau.

Chapter 1, Section 1.106 (G) relative to responsibilities of Information Technology Department be modified as follows:

- *Delete last sentence which reads “All technology acquisitions must receive prior approval from the Information Technology Department, in addition to the Finance Department*
- *Replace second sentence of the proposed new language with the following: “The CIO has authority to establish and ensure compliance with IT standards for cybersecurity, system resilience, and operational efficiency.”*

Motion passed.

Councilor Cook moved to pass second reading as amended and schedule third and final reading at the September 8, 2025, City Council meeting. Seconded by Councilor Moreau and voted.

- D. PUBLIC HEARING and Second Reading of Chapter 2, Seal, Deeds and Elections – Article II, Deeds, Section 2.201 – Execution to be amended by deleting the section in its entirety
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

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

Assistant Mayor Kelley moved to pass second reading of the proposed changes to Chapter 2 and schedule a third and final reading for the September 8, 2025, City Council meeting. Seconded by Councilor Cook and voted.

- E. PUBLIC HEARING and Second Reading of Omnibus Vehicles, Traffic and Parking Ordinance Amendments:
- Chapter 7, Article III, Section 7.326 – Limited Parking – 15 Minutes – Hanover Street and State Street
 - Chapter 7, Article III, Section 7.330 – No Parking – State Street and Sagamore Avenue
 - Chapter 7, Article IVA, Section 7A.408 – Taxi Stands Designated – Pleasant Street
 - Chapter 7, Article VI – Limited Hours Loading Zones – Penhallow Street
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

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

Parking Engineer Eby provided a detailed presentation outlining the changes which have been in place over the last twelve months.

With no speakers, Mayor McEachern declared the public hearing closed.

Councilor Bagley moved to pass second reading and schedule a third and final reading at the September 8, 2025, City Council meeting. Seconded by Councilor Blalock and voted.

Councilor Bagley moved to suspend the rules to bring third and final reading of the ordinance forward for action. Seconded by Councilor Moreau and voted.

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

Councilor Moreau moved to suspend the rules to bring forward Items XIV. 3. – Providing After-School Child Care in Portsmouth and XIII. A. – Capital Improvement Plan Kickoff. Seconded by Councilor Blalock and voted.

XIV. MAYOR McEACHERN

3. Providing After-School Child Care in Portsmouth

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said he reached out to the YMCA and had a productive conversation with the City Manager.

Mayor McEachern moved to authorize the City Manager to enter into an agreement with the Granite YMCA to provide after school childcare services to families of the city. Seconded by Councilor Blalock.

Councilor Cook thanked Mayor McEachern for bringing the matter forward. She spoke to after school care and its importance.

Councilor Blalock said he is pleased we are taking this matter up today. He said childcare is becoming more expensive and hopes the solution works well.

Mayor McEachern said this will require all organizations to work collectively together and we need to provide the best solution.

Motion passed.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Capital Improvement Plan Kickoff

Acting City Manager Lunney reported that the CIP is a long-term multi-year financial and infrastructure planning tool that is used to maintain safe city infrastructure and to coordinate financial strategies for capital projects and to aid in the achievement of the Council's Citywide goals. He said the CIP process and document communicates the city needs, contributes information to the development of the annual budget, promotes maintenance of and safe access to city infrastructure throughout the community. An outline of what qualifies as a CIP project was reviewed and how projects are evaluated and prioritized. He spoke to the City's annual goal for the Capital Outlay funding is not more than 2% of the prior year budget and for FY26 Capital Outlay is at 1.08%. The City's goal for Net Debt Service is to remain below 10% of the Budget and the FY26 Net Debt Service is 7.97%. He reviewed the 10-year outlook for the CIP and projects. An outline of the CIP timeline was announced and key dates for the City Council are the Joint Public Hearing with the Planning Board on November 17th and adoption of the CIP on December 8th.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Report Back from the Planning Board Regarding Frenchman's Lane

Acting City Manager Lunney said the Planning Board is recommending both sections of Frenchman's Lane.

Councilor Moreau moved to direct the City Manager and Legal Department to negotiate, execute, and record documents necessary for the rights to both sections of Frenchman's Lane. Any cost to the transaction shall be borne by the owners of 833 Islington Street. Seconded by Councilor Lombardi. Councilor Cook voted opposed.

2. Request for Public Hearing Regarding Amendment to Resolution #6-2022 Regarding Funding Scope for the Police Station and Municipal Complex Feasibility Study and Design

Acting City Manager Lunney spoke to the Resolution and said that bond counsel advised the language to be amended to change the scope of the bonding. He reported that the authorization is for \$1.4 million and \$900,000 has been used and \$500,000 has not been used but was authorized.

Councilor Blalock moved to schedule a public hearing on September 8, 2025, regarding the amendment to Resolution. Seconded by Assistant Mayor Kelley and voted. Councilor Bagley voted opposed.

3. Approval of School Superintendent McLaughlin's Employment Contract

Acting City Manager Lunney recommended approval of the Superintendent's Employment Contract.

Councilor Lombardi moved to approve the employment contract for the School Superintendent. Seconded by Councilor Bagley.

On a roll call 6-1, motion passed. Assistant Mayor Kelley, Councilors, Blalock, Bagley, Moreau, Lombardi and Mayor McEachern voted in favor. Councilor Cook voted opposed.

4. *Reschedule City Council Meeting of September 22, 2025

Councilor Cook moved to suspend the rules to take action to reschedule the September 22nd City Council meeting to September 24th at 7:00 p.m. Seconded by Councilor Moreau and voted.

Councilor Cook moved to reschedule the September 22nd City Council meeting to September 24th at 7:00 p.m. Seconded by Councilor Moreau and voted.

5. 1 Raynes Avenue Access Easement for Water Services

Acting City Manager Lunney said that this is an easement for water services. He said the easement will allow the City to access property.

Assistant Mayor Kelley moved to authorize the City Manager to accept and record an Access Easement for Water Services in similar form to the deed contained in the agenda packet. Seconded by Councilor Blalock and voted.

6. Report Back from the Planning Board Regarding Proposed Amendments to Building Footprints in the Downtown

Acting City Manager Lunney reported on the footprints in the downtown.

Councilor Lombardi moved to schedule a first reading at the September 8, 2025, City Council meeting. Seconded by Councilor Bagley.

Councilor Moreau advised the City Council that the Planning Board had a robust discussion on this matter, and this corrects an oversight.

Mayor McEachern said he wants to make sure that this solves the problem. He requested a report back by the Planning Department at first reading regarding the number of properties this would affect.

Deputy City Attorney McCourt said if the report cannot be made at the first reading it would come back at second reading.

Councilor Moreau moved to amend the motion to allow a report back at the earliest convenience of the Planning Department and Legal Department on the number of property owners this would potentially affect. Seconded by Councilor Bagley and voted.

Main motion passed as amended.

XII. CONSENT AGENDA

- A. Letter from Terrence Hyland, Jr., Krempels Brain Injury Center, requesting permission to hold the Doc King Adaptive Tour (DKAT) on Sunday, October 19, 2025, at 10:30 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the Seacoast Turkey Trot 5k on Thursday, November 27, 2025, at 7:00 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

Councilor Cook moved to adopt the Consent Agenda. Seconded by Councilor Moreau and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

B. E-mail Correspondence

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

- C. Letter from Attorney John Bosen, Donahue, Tucker & Ciandella, PLLC, requesting the City Council authorize the execution of the Consent to Non-Industrial Use for property located at 45 Coach Road**

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

D. Petition by Residents along Islington Street requesting Sidewalk Restoration

Assistant Mayor Kelley moved request for report back from the Department of Public Works. Seconded by Councilor Blalock.

Councilor Cook requested that the type and size of the sidewalks that could be installed be sent to the Capital Improvement Plan Subcommittee for their review of projects.

Assistant Mayor Kelley accepted this as a friendly amendment with Councilor Blalock agreeing as the second to the motion.

Motion passed to request a report back from the Department of Public Works on the type and size of the sidewalks that could be installed and sent to the Capital Improvement Plan Subcommittee for their review of projects.

- E. Letter from Mike Daigle, Friends of Italian Americans, requesting permission to use public space to hold an Italian Festa Celebration on Monday, October 13, 2025, from Noon to 4:00 p.m.**

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

XIV. MAYOR McEACHERN

1. Appointment to be Voted:
 - Appointment of Anna Howard as a regular member of the Economic Development Commission filling an unexpired term until October 1, 2026

Councilor Blalock moved to appoint Anna Howard as a regular member of the Economic Development Commission filling an unexpired term until October 1, 2026. Seconded by Councilor Cook and voted.

2. Acceptance of Resignation of Kelly Delekta from the Board of Library Trustees

Councilor Cook moved to accept with regret the resignation of Kelly Delekta from the Board of Library Trustees and to send a letter of thanks and appreciation for her service to the city. Seconded by Councilor Moreau and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR BAGLEY

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the August 7, 2025, meeting

Councilor Bagley moved to approve and accept the action sheet and minutes of the August 7, 2025, Parking & Traffic Safety Committee meeting. Seconded by Councilor Lombardi.

Councilor Bagley reported on the actions taken by the Parking & Traffic Safety Committee.

Motion passed. Councilor Blalock voted opposed.

B. COUNCILOR MOREAU

1. Requesting Report Back on the status of turning State Street into a two-way street

Mayor McEachern asked if there are things we could do without structural changes and to look at it on a temporary basis.

Councilor Moreau moved to request a status update and report back by staff where the matter currently stands on turning State Street into a two-way street either temporarily or long term. Seconded by Councilor Cook.

Councilor Blalock said that this would be a lot of work with not much improvement or benefit.

Assistant Mayor Kelley said we need to look at enforcement of loading zones and make sure that the policies are adhered to by delivery trucks.

Councilor Cook said enforcement is important.

Councilor Bagley said he supports the report and feels it is best analyzed when putting sewer lines in place.

Motion passed. Councilor Blalock voted opposed.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation of Memorial Bench in Honor of Danielle Marie French to be Installed at Maple Haven Park

Councilor Moreau moved to accept a memorial bench from Candace French and family in memory of Danielle Marie French to be installed at Maple Haven Park. Seconded by Councilor Blalock and voted.

- B. Acceptance of New Hampshire Highway Safety Grant to support highway safety initiatives, including enforcement patrols and Community Outreach & Betterment Presentations - \$24,100.00

Councilor Blalock moved to approve and accept the Highway Safety Grant in the amount of \$24,100.00. Seconded by Councilor Cook and voted.

- C. Acceptance of an In-kind Donation of 21 Bicycle Helmets from the Brain Injury Association of New Hampshire to Support the Portsmouth Police Department's E-Bike Safety Initiative

Assistant Mayor Kelley moved to accept an in-kind donation of 21 bicycle helmets from the Brain Injury Association. Seconded by Councilor Moreau and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Household Hazardous Waste Collection Day – September 6, 2025

Acting City Manager Lunney announced that the Department of Public Works will hold the Household Hazardous Waste Collection Day on Saturday, September 6, 2025, from 8:00 a.m. to Noon.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Assistant Mayor Kelley thanked everyone in the city who helped make the Bi-Poc Festival a success.

Councilor Blalock announced that Portsmouth High School Football will be selling gold cards if you wish to support the team.

Assistant Mayor Kelley announced that the cheerleaders are also fundraising by holding a tag day this weekend.

XIX. ADJOURNMENT

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

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

EXPLANATORY NOTE, NOT PART OF ORDINANCE AMENDMENT- If adopted, this amendment will be a completely new Article I. What is presently Article I will be renumbered and become Article II. The renumbered Article II primarily addresses Business Licenses and Dog Licenses administered by the City's Licensing Agent, the City Clerk, not encumbrances for the use of public property. Substantial revisions to renumbered Article II will need to come forward to edit obsolete provision and remove inconsistent language with Article I in a separate amendment after the Governance Committee's review.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 6, LICENSES, Article I, GENERAL PROVISIONS, be amended by amending the title of Chapter 6 to LICENSES AND ENCUMBRANCES and replacing Article I in its entirety with Article I – ENCUMBRANCE PERMITS AND LICENSES FOR USE OF PUBLIC PROPERTY, Sections 6.101 – 6.110 of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**, remaining language unchanged from existing):

CHAPTER 6 LICENSES ~~AND ENCUMBRANCES~~

ARTICLE I ~~GENERAL PROVISIONS~~ ENCUMBRANCE PERMITS AND LICENSES FOR USE OF PUBLIC PROPERTY

Section 6.101: STATEMENT OF PURPOSE

The purpose of this ordinance is to establish a comprehensive framework for the licensing and encumbering of public property within the City and aims to ensure the responsible use and management of public assets, create an efficient and transparent approval process and safeguard the interests of the community while promoting economic development. By regulating the use of public property, the City seeks to:

1. **Enhance Efficiency and Transparency:** Establish efficient and transparent procedures for issuing licenses and encumbrance permits for use of public property;
2. **Promote Fair Access:** Provide the public with equitable access to public property;
3. **Preserve Public Assets:** Maintain and preserve the integrity of public property;
4. **Facilitate Economic Development:** Support local businesses and economic activities by providing clear guidelines for the use of public property; and
5. **Maintain Public Safety:** Ensure that public property is used in a manner that protects the health, safety, and welfare of residents and visitors.

Section 6.102: AUTHORITY

The City Council regulates the use of public property through the creation of ordinances and policies in its administration of municipal affairs. The City Manager carries out the policy decisions of the City Council and manages City property.

Public property includes but is not limited to public ways, roads, rights-of-way, streets, lanes, alleys, sidewalks, parking spaces, loading zones and other public spaces, including intrusions into the airspace over sidewalks and streets ("Public Property"). Public forum areas are governed by a separate City Council policy and are excluded from the definition of Public Property in this Chapter.

The regulation of Public Property includes the issuance of permits and licenses for the temporary placement, installation, location or use of any obstruction on, in or over Public Property, including but not limited to structures, fixtures, objects, equipment or other encroachments ("Encumbrance").

No license or permit will be issued for an Encumbrance that endangers public safety, impedes the free path of travel for the public, including pedestrian and vehicular traffic, or impedes egress or access to driveways, entrances, hydrants, poles, utilities, traffic signs or other government use.

Permits and licenses for Encumbrances may be temporarily or permanently suspended in an emergency or if public interest requires such termination.

The City Manager is responsible for establishing and publishing rules, regulations, and the forms necessary for the issuance and management of encumbrance permits and licenses under this Chapter. All rules, regulations and procedures associated with these licenses and permits shall be published on the City's website.

The City Manager or designee has the authority to issue temporary encumbrance permits for the use of Public Property for a period not to exceed one year. The City Manager will submit written reports to the City Council on all temporary encumbrance permits issued each month. The City Council's acceptance of these reports shall constitute the City Council's acceptance and endorsement of the permits issued.

**Section 6.103: TEMPORARY ENCUMBRANCE PERMITS-FOR USE
 OF PUBLIC PROPERTY**

Permits and Licenses may be issued by the City Manager or delegee for the following Encumbrances that are in compliance with the provisions set forth above, the published rules, regulations and procedures for permits and licenses and the specific provisions set forth in this Chapter:

A. Projecting Signs and Awnings

An annual permit may be issued for signs and awnings that are affixed to private property that project over the airspace of Public Property. Signs and awnings shall comply with the dimensional requirements for height, setbacks and dimensional standards set forth in the City's Zoning Ordinance.

B. Flags

An annual permit may be issued for one flag per business over Public Property that does not exceed 12 square feet in area and has at least 7 feet of clearance above Public Property. A flag may be either an "open" flag or a flag that advertises the name of the business. The limitation of one flag per business does not apply to the American Flag or the New Hampshire State Flag. Flags defined in this Section are not considered signs under the City's Zoning Ordinance.

C. A-Frame Signs

An annual permit may be issued for one A-Frame sign located in Public Property on the sidewalk within the frontage where a business entrance is located. The A-Frame sign may not exceed 8 square feet in area on each side. If a business does not have sufficient frontage to place an A-Frame sign, it may place one within the frontage of an abutting business with the express written permission of the abutter. If a business is located in an alley, a wayfinding A-Frame sign may be located within the frontage of another business with the express written permission of the other business owner.

D. Tables, Chairs and Benches

Annual permits may be issued for tables, chairs and benches for use by the general public on Public Property if, among other things, the number, size and location of the tables, chairs and benches do not impede the free path of travel for the public.

E. Planters

Annual permits may be issued for planters on Public Property if, among other things, the size and location of the planters do not impede the free path of travel for the public. Permits will be revoked if the plants in the planters are not maintained.

F. Mannequins and Clothing Racks

An annual permit may be issued for one mannequin and one clothing rack on Public Property in front of a business that sells clothing if, among other things, the size and location of the mannequin or clothing rack does not impede the free path of travel for the public. Permits will be revoked if the mannequin or clothing rack is placed in front of or impedes access to the Public Property in front of an abutter.

Section 6.104: SHORT-TERM CONSTRUCTION ENCUMBRANCE PERMITS

Encumbrances of Public Property may be permitted for construction projects through the issuance of short-term Encumbrance Permits. Permits may be granted for construction project Encumbrances that may include but not be limited to scaffolding, fencing and laydown areas for construction materials. Permits may also be issued for non-

construction related Encumbrances related to the trades, that may include but not be limited to moving trucks, equipment and vehicles associated with window washing and landscaping. All other permits required for construction projects, such as Excavation, Flagging and Driveway Permits, are issued after administrative review by the Department of Public Works and are not subject to this ordinance.

A. Short-Term Construction Encumbrance Permits

Encumbrance Permits for up to 30 calendar days will be administered and issued by the Department of Public Works.

B. Short-Term Construction Encumbrance Permit Extensions

Short-Term Encumbrance Permits issued for 30 calendar days may be extended at the discretion of the Department of Public Works for up to an additional 30 calendar days (60 days total) after administrative review by the Department of Public Works. If there is a request for an additional 30 day extension (90 days total), an extension may only be granted by the City Manager for good cause. All extensions may require new conditions and fees. The City Manager's monthly report to the City Council will distinguish between the initial permit and each extension.

Section 6.105: LICENSES

Licenses are for long-term Encumbrances that require approval by the City Council that include the following:

A. Construction Licenses

Requests for construction-related Encumbrance Permits for use of Public Property over 90 calendar days will be granted only after approval by the City Council.

B. Revocable Licenses Requiring Recording

When the City identifies encroachments in the City right-of-way or other Public Property, the City Council may require the Owner to record a revocable License at the Rockingham County Registry of Deeds that sets forth the City and Owner's rights and responsibilities and memorializes the location of the Encumbrance. Revocable Licenses for recording may require Encumbrances for steps, walls, fences, pipes and underground monitoring wells.

C. Licenses for Public Utilities

City Council approval is required for all revocable Licenses for utility Encumbrances that include but are not limited to poles, wires and

conduits that are in, on, over or within the City right-of-way or other Public Property.

D. Licenses for Use of Public Property

City Council approval is required for all Licenses for the use of Public Property as defined in this Chapter and licenses for the use of City Parks and Parking Lots. The issuance of these licenses does not limit or revoke the authority of the City Manager regarding Parking Lots and Parks as more fully set forth in City Ordinance Chapters 7 and 8.

E. Valet Agreements

Valet Agreements for the use of City parking spaces to drop off cars for valet services must be approved by the City Council after being reviewed and recommended by the Parking and Traffic Safety Committee.

Section 6.106: PERMITS AND LICENSES FOR COMMERCIAL USE OF PUBLIC PROPERTY

Under limited circumstances, some commercial use of Public Property is permitted and regulated by City Ordinance and Council Policy. These commercial uses include the following:

- A. Hawkers and Peddlers.** See Chapter 6 License, Article XIII, Hawkers and Peddlers, Section 6.1301-1306 and Hawkers and Peddlers Policy 2009-04.

Hawkers and Peddlers shall not encumber Public Property with carts, stand, nonmotorized vehicle or tables for the sale or display of food or goods without first obtaining a Hawkers and Peddlers permit pursuant to the ordinance and policy set forth above.

- B. Vendor Parking Space.** See Chapter 6 License, Article XIII, Hawkers and Peddlers, Section 6.1307.

- C. Outdoor Dining.** See Chapter 6, License, Article XVII, Outdoor Dining Encumbrance Permit, Sections 6.1701-1707.

- D. Taxis.** See Chapter 7, Vehicles, Traffic and Parking, Article II, Taxis, Section 7.201-217.

Section 6.107: SPECIAL EVENT PERMITS

The City has a strong commitment to foster support for local nonprofits and the arts and culture community through granting special event permits that allow these organizations to host diverse events on Public Property because they add vitality and support the

economy of our community. Because these events take place on Public Property, they require significant municipal service support, that may include but not be limited to: Police details; inspections from Fire and Building Inspections Departments; street closure, barriers and logistical support from the Department of Public Works; food vending review by the Health Department; and review of alcohol service, if applicable, by the City's Liquor Review Committee, which is a prerequisite for the issuance of a liquor license from the New Hampshire Liquor Commission. Use of municipal services for Special Event Permits requires timely application and payment of associated fees for other permits that may be required for the event, that include but are not limited to:

- A. Temporary Event Food Permit** (Health Department)
- B. Building Permit for Tents** (Inspections Department)
- C. Temporary Permit to Operate a Place of Assembly** (Fire Department)
- D. Liquor Review Committee Approval**
- E. New Hampshire Liquor Commission Liquor License**

City Council approval is required for the initial application for a Special Event Permit and the Council grants the City Manager authority to act on the application. The other permits associated with special events shall be issued by the appropriate City Departments.

Section 6.108: REQUIRED AND PROHIBITED CONDUCT OF APPLICANT

Every Applicant that is issued an encumbrance permit or license shall:

- A.** Agree to permit the City to conduct all reasonable inspections of the encumbrance area;
- B.** Comply with all applicable governing laws, codes, City ordinances, State statutes, and City rules, regulations and policies;
- C.** Maintain the encumbrance area in a safe, clean and appropriate manner and take all action necessary to protect public safety;
- D.** Refrain from damaging the encumbrance area and restore it to its original condition upon termination of the permit or license except as may be otherwise approved;
- E.** Refrain from occupying the encumbrance area after the expiration of the permit or license or at any time during periods of revocation or suspension;
- F.** Remove all structures, fixtures, object, equipment or other encroachments ("Encumbrances") from the encumbrance area after the term of the permit or license has expired. If not removed, the City may remove and store all

Encumbrances and assess a \$250 removal and storage fee. If the fee is not paid, or the Encumbrances are not retrieved, ownership of the Encumbrances may be forfeited to the City; and

- G.** Comply with all terms, conditions and other additional requirements set forth in the encumbrance permit or license, when applicable, agree to indemnify the City, to name the City as an additional insured in the amount prescribed and to pay all permit and license fees and fees for extensions.

Section 6.109: DENIAL, SUSPENSION, REVOCATION AND PENALTIES

A. Denial and Temporary Suspension:

The City may deny or temporarily suspend any encumbrance permit or license if it interferes with special events or for any maintenance or construction which requires closure or encumbrance of any public road, right-of-way, sidewalk, parking space, loading zone or other Public Property.

B. Suspension and Revocation:

Encumbrance permits and licenses will be suspended or revoked for breach of the terms and conditions of the permit or license and for failure to comply with this Chapter. The encumbrance permit or license will be suspended 48 hours after receipt of written notice from the City. No 48 hours' notice is required if it is an emergency.

C. Penalties

Any person who violates this ordinance or the terms and conditions of the encumbrance permit or license issued pursuant to this Chapter, including those who fail to obtain permits and licenses, shall be subject to all penalties set forth in City Ordinance, Chapter 1, Article XIII and all other additional remedies permitted by law.

Section 6.110: APPEALS TO CITY COUNCIL

Any applicant denied a permit or license through the administrative review process may appeal to the City Council for a de novo review within 30 days of the denial. Such appeals shall be submitted to the City Clerk and shall state the date of the denial of the permit or license being appealed and a brief description of the basis for appeal. The City Clerk will docket the appeal and will put all timely filed appeals on the next available City Council Agenda.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 6, LICENSES, Article X, THEATRICALS, PARADES, OPEN AIR MEETINGS, Section 6.1001 through Section 6.1004 of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**, remaining language unchanged from existing):

~~CHAPTER 6, ARTICLE X: THEATRICALS, PARADES, OPEN AIR MEETINGS~~

~~Section 6.1001: LICENSE REQUIRED No theatrical or dramatic presentation shall be performed or exhibited and no parade or procession upon any public street or way and no open air public meeting upon any ground abutting thereon shall be permitted unless a license therefor shall first be obtained from the City License Officer and endorsed by the Chief of Police.~~

~~Section 6.1002: LICENSE FORM Every such license shall be in writing and shall specify the day and hour of the permit to perform or exhibit such parade, procession or open air public meeting.~~

~~Section 6.1003: FEE Fee to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002).~~

~~Section 6.1004: PENALTY FOR FAILURE TO LICENSE Any person who violates Section 6.1001 of this Ordinance shall be fined not exceeding \$100.00.~~

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC AND PARKING, Article I, PARKING METERS, Section 7.114 – **CONSTRUCTION PERMIT** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**, remaining language unchanged from existing):

~~Section 7.114: CONSTRUCTION PERMIT~~

~~The Department of Public Works may issue to a contractor or person actually engaged in construction and repair work, a temporary permit for exclusive use of a metered parking space for the parking of a vehicle or other equipment being used in construction or repair work. The issuance of such temporary permits shall be in accordance with the following terms and conditions:~~

- ~~A. The permittee shall be issued a “meter bag” for a fee to be determined in accordance with Chapter 1, Article XVI or similar wording~~
- ~~B. The permittee shall also pay a non-refundable fee to reimburse the City for the cost of the meter bag.~~
- ~~C. In the event that the permittee secures the use of the meter bag through misrepresentation, the permittee shall be subject to a fine of fifty dollars (\$50.00).~~
- ~~D. Any person using a meter bag other than at the times or in the manner specifically authorized by the Department of Public Works shall be subject to a fine of one hundred dollars (\$100.00) per day, per meter bag, of such unauthorized use.~~

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 8 INCUMBRANCES AND INJURIOUS PRACTICES IN STREETS, Article I: INCUMBRANCES, Sections 8.101: INCUMBRANCES, GENERAL, Section 8.105: **DIGGING UP A STREET**, Section 8.106: **LICENSE TO OBSTRUCT STREET**, Section 8.114 **AWNING AND SIGNS**, Section 8.120 **DISPLAYING MERCHANDISE ON SIDEWALK** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**, remaining language unchanged from existing):

~~Section 8.101: INCUMBRANCES, GENERAL~~

~~No person shall, without necessity, or license from the City Council, place or leave or cause to be placed or left, any team, carriage, cart, dray, automobile, truck or other like vehicle or thing in any street, lane, alley or public place that shall in any way encumber or impede the free passage thereon or therein.~~

~~Section 8.105: DIGGING UP A STREET~~

~~No person shall break or dig up the ground or stones in any street, lane or alley or any sidewalk or common in the City, or erect any staging for building, or place or deposit any stone, bricks, timber, or other materials thereon, or remove any building through any street or other public place without first having obtained a written license from the City Council, and complying in all respects with the conditions of said license.~~

~~Section 8.106: LICENSE TO OBSTRUCT STREET~~

~~The City Council may grant a license in writing to any person for the purpose of building or removing any building or for any other lawful purpose, to dig up, obstruct, or encumber so much and such parts of any street, lane, alley, sidewalk, or other public place in the City, as may be necessary for such purpose, and on such terms and conditions as they shall deem safe and proper.~~

~~A. Fee to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002).~~

~~Section 8.114: AWNING AND SIGNS~~

~~No person shall place or establish any sign, awning or shade before his usual place of business or dwelling house, over any part of any street or sidewalk, unless the same be safety fixed and supported so as in no way to inconvenience pedestrians, and so that~~

~~the lowest part of such sign, awning or shade shall be at least 7 feet in height above the sidewalk.~~

~~**Section 8.120: DISPLAYING MERCHANDISE ON SIDEWALK**~~

~~No person shall sell, or expose for sale or place or cause to be placed in or over a space exceeding 24" (twenty four inches) nearest the premises occupied by such person, on any sidewalk of any street, lane, or public place in this City, any article of any kind.~~

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 9 MISCELLANEOUS PUBLIC WELFARE, ARTICLE V: PUBLIC WAY OBSTRUCTIONS, PLACEMENT & REGISTRATION, Sections 9.501 through 9.511 regarding public way obstructions of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**, remaining language unchanged from existing):

~~ARTICLE V: PUBLIC WAY OBSTRUCTIONS, PLACEMENT & REGISTRATION~~

~~Section 9.501: DEFINITIONS~~

~~As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:~~

- ~~A. "City": The City of Portsmouth.~~
- ~~B. "Newspaper or new periodical": a daily or weekly publication containing all of the following: current news, editorials, feature articles and advertising.~~
- ~~C. "Newsrack": Any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of newspapers or news periodicals.~~
- ~~D. "Public Way Obstruction": Any object which in any way obstructs the free passage of pedestrians, wheelchairs or vehicles on the streets, sidewalks or roadways.~~

~~Section 9.502: CERTAIN PUBLIC WAY OBSTRUCTIONS PROHIBITED~~

- ~~A. No person shall install, use, attach or maintain any public way obstruction which projects onto, into or over any part of the roadway of any public street.~~
- ~~B. No person shall install, use attach or maintain any public way obstruction which in whole or in part rests upon, in or over any public sidewalk, when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such public way obstruction unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location.~~

~~Section 9.503: LICENSING OF LOCATION – NEWSRACK LIMITED EXCEPTION~~

- ~~A. No person shall install or maintain any public way obstruction which in whole or in part rests upon, in or over any public sidewalk, except newsracks, without first~~

~~applying for an being granted a license from the City Council. The license application shall include the following:~~

- ~~1. The physical dimensions of the public way obstruction.~~
- ~~2. The name, address and telephone number of the person or company responsible for the obstruction.~~
- ~~3. A diagram showing the location of the obstruction and the dimensions of the sidewalk upon which it is to be located.~~

~~Newsracks shall require the submission of license application, but the license shall be granted by the City Clerk on a ministerial basis without the requirement of City Council approval. Newsracks must comply with the remaining provisions of this ordinance.~~

~~Section 9.504: STANDARDS FOR INSTALLATION, MAINTENANCE & OPERATION~~

~~Any public way obstruction which in whole or in part rests upon, in or over any public sidewalk or parkway shall comply with the following standards:~~

- ~~A. Public way obstructions must be licensed individually by location.~~
- ~~B. The City shall issue a proof of license in the form of a sticker or decal which must be attached to the obstruction at all times.~~
- ~~C. Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002).~~
- ~~D. All licenses must be renewed annually prior to March 1st.~~
- ~~E. Unlicensed newsracks or public way obstructions will be considered abandoned and subject to removal without notice.~~
- ~~F. All licenses are non-transferable.~~

~~Section 9.506: HOLD HARMLESS AND INSURANCE~~

~~Every person or other entity which places or maintains a public way obstruction on a public sidewalk, parkway, roadway or street in the City shall file a written statement with the City Clerk satisfactory to the City Attorney, whereby he/she, or it agrees to indemnify and hold harmless the City, its officers, City Council Members and employees, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, or maintenance of the public way obstruction within the City. A Certificate of Insurance in a form approved by the City Attorney indicating no less than one million dollars (\$1,000,000) in general liability insurance coverage and naming the City as an additional insured shall be maintained on file with the City Clerk by each such person or entity.~~

~~Section 9.507: REMOVAL OF NEWSRACK OR PUBLIC WAY OBSTRUCTION~~

~~The City Manager or his/her designee shall remove any public way obstruction placed on any street, sidewalk, parkway or roadway in violation of this ordinance.~~

~~Section 9.508: SEVERABILITY~~

~~The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application.~~

~~Section 9.509: INJUNCTION~~

~~Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the City Attorney may apply to a Court of competent jurisdiction of an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, preliminary injunction and permanent injunction.~~

~~Section 9.510: DAMAGE TO PUBLIC WAY OBSTRUCTIONS~~

~~Any damage to public way obstructions, whether or not properly licensed, by any cause whatsoever, including snowplowing and removal, will be at the sole expense of the owner.~~

~~Section 9.511: PENALTY~~

~~Any person, firm or corporation violating any provision of this ordinance shall be fined \$100.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.~~

~~(Adopted Ordinance by deleting in it's entirety and replaced with new text 12/4/2000)~~

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 9 MISCELLANEOUS PUBLIC WELFARE, ARTICLE V: PUBLIC WAY OBSTRUCTIONS, PLACEMENT & REGISTRATION, Sections 9.501 through 9.511 regarding public way obstructions of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**, remaining language unchanged from existing):

~~ARTICLE V: PUBLIC WAY OBSTRUCTIONS, PLACEMENT & REGISTRATION~~

~~Section 9.501: DEFINITIONS~~

~~As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:~~

- ~~A. "City": The City of Portsmouth.~~
- ~~B. "Newspaper or new periodical": a daily or weekly publication containing all of the following: current news, editorials, feature articles and advertising.~~
- ~~C. "Newsrack": Any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of newspapers or news periodicals.~~
- ~~D. "Public Way Obstruction": Any object which in any way obstructs the free passage of pedestrians, wheelchairs or vehicles on the streets, sidewalks or roadways.~~

~~Section 9.502: CERTAIN PUBLIC WAY OBSTRUCTIONS PROHIBITED~~

- ~~A. No person shall install, use, attach or maintain any public way obstruction which projects onto, into or over any part of the roadway of any public street.~~
- ~~B. No person shall install, use attach or maintain any public way obstruction which in whole or in part rests upon, in or over any public sidewalk, when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such public way obstruction unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location.~~

~~Section 9.503: LICENSING OF LOCATION – NEWSRACK LIMITED EXCEPTION~~

- ~~A. No person shall install or maintain any public way obstruction which in whole or in part rests upon, in or over any public sidewalk, except newsracks, without first~~

~~applying for an being granted a license from the City Council. The license application shall include the following:~~

- ~~1. The physical dimensions of the public way obstruction.~~
- ~~2. The name, address and telephone number of the person or company responsible for the obstruction.~~
- ~~3. A diagram showing the location of the obstruction and the dimensions of the sidewalk upon which it is to be located.~~

~~Newsracks shall require the submission of license application, but the license shall be granted by the City Clerk on a ministerial basis without the requirement of City Council approval. Newsracks must comply with the remaining provisions of this ordinance.~~

~~Section 9.504: STANDARDS FOR INSTALLATION, MAINTENANCE & OPERATION~~

~~Any public way obstruction which in whole or in part rests upon, in or over any public sidewalk or parkway shall comply with the following standards:~~

- ~~A. Public way obstructions must be licensed individually by location.~~
- ~~B. The City shall issue a proof of license in the form of a sticker or decal which must be attached to the obstruction at all times.~~
- ~~C. Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002).~~
- ~~D. All licenses must be renewed annually prior to March 1st.~~
- ~~E. Unlicensed newsracks or public way obstructions will be considered abandoned and subject to removal without notice.~~
- ~~F. All licenses are non-transferable.~~

~~Section 9.506: HOLD HARMLESS AND INSURANCE~~

~~Every person or other entity which places or maintains a public way obstruction on a public sidewalk, parkway, roadway or street in the City shall file a written statement with the City Clerk satisfactory to the City Attorney, whereby he/she, or it agrees to indemnify and hold harmless the City, its officers, City Council Members and employees, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, or maintenance of the public way obstruction within the City. A Certificate of Insurance in a form approved by the City Attorney indicating no less than one million dollars (\$1,000,000) in general liability insurance coverage and naming the City as an additional insured shall be maintained on file with the City Clerk by each such person or entity.~~

~~Section 9.507: REMOVAL OF NEWSRACK OR PUBLIC WAY OBSTRUCTION~~

~~The City Manager or his/her designee shall remove any public way obstruction placed on any street, sidewalk, parkway or roadway in violation of this ordinance.~~

~~Section 9.508: SEVERABILITY~~

~~The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application.~~

~~Section 9.509: INJUNCTION~~

~~Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the City Attorney may apply to a Court of competent jurisdiction of an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, preliminary injunction and permanent injunction.~~

~~Section 9.510: DAMAGE TO PUBLIC WAY OBSTRUCTIONS~~

~~Any damage to public way obstructions, whether or not properly licensed, by any cause whatsoever, including snowplowing and removal, will be at the sole expense of the owner.~~

~~Section 9.511: PENALTY~~

~~Any person, firm or corporation violating any provision of this ordinance shall be fined \$100.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.~~

~~(Adopted Ordinance by deleting in it's entirety and replaced with new text 12/4/2000)~~

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 11 SIDEWALKS, SEWERS, LAYOUT OF STREETS, SUBDIVISION OF LAND, ARTICLE VI: REFERRALS TO PLANNING BOARD, Section 11.602 A 1, **REFERRAL AND REPORT** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**, remaining language unchanged from existing):

Section 11.602: **REFERRAL AND REPORT**

- A. The following matters shall be referred to the Planning Board in writing at least thirty (30) days before final action is taken:
 - (1) Any acquisition or disposition of municipal real property, including fee transfers, easements ~~and licenses~~;
 - (2) Any plan for the construction, alteration, relocation, acceptance or discontinuance of a public way.
- B. No final action on a matter listed herein shall be taken until either the Planning Board has reported to the City Council thereon in writing or sixty (60) days have elapsed since the referral without such report.
- C. The failure to refer a matter listed herein to the Planning Board shall not affect the legal validity or force of any action related thereto if the Planning Board waives such referral.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

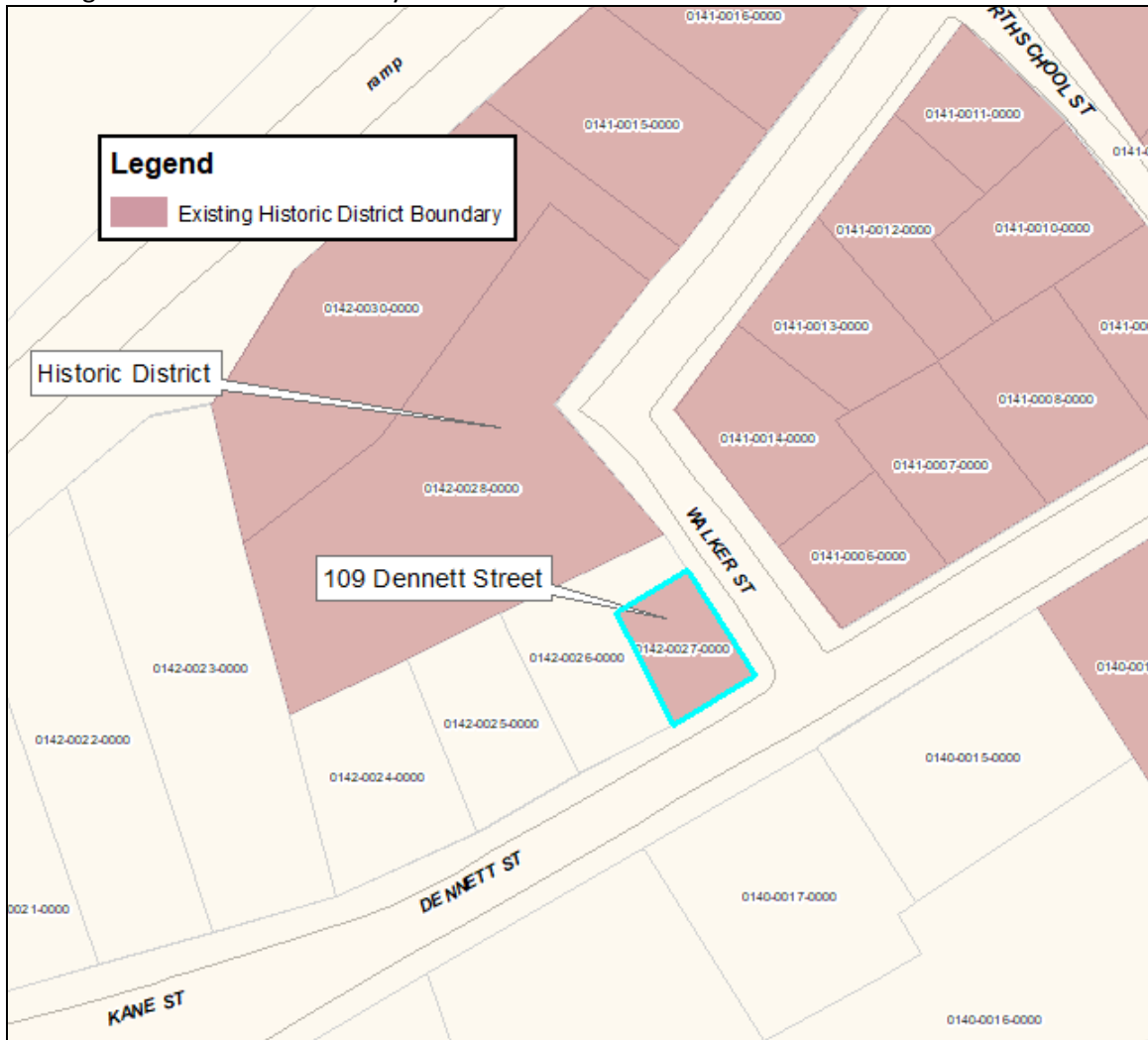
APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Existing Historic District Boundary:



Proposed Historic District Boundary:



ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10, ZONING ORDINANCE, CITY OF PORTSMOUTH ZONING MAP of the Ordinances of the City of Portsmouth, be amended to change the zoning designation of the following parcel 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 as follows:

That the Zoning Map be amended so that the following described parcel (109 Dennett Street, Tax Map 142, Lot 27) is removed from the Historic District.

The City of Portsmouth Zoning Map will be amended and reissued by the Planning Board to incorporate this amendments 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.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 20, 2025, at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a proposed Resolution appropriating Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to Purchase One Fire Apparatus and authorizing a Bond Issue and/or Notes of up to Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to meet this appropriation. The complete Resolution is available for review in the Office of the Portsmouth City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
PORTSMOUTH, NH CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the **Portsmouth City Council on Monday, October 20, 2025, at 7:00 p.m.**, at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a proposed Resolution appropriating Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to Purchase One Fire Apparatus and authorizing a Bond Issue and/or Notes of up to Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to meet this appropriation. The complete Resolution is available for review in the Office of the Portsmouth City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY,
MMC/CNHMC
PORTSMOUTH, NH CITY
CLERK

10/10/25

**CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-FIVE
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # XX - 2025

A RESOLUTION APPROPRIATING TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) TO PURCHASE ONE FIRE APPARATUS AND AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) TO MEET THIS APPROPRIATION.

BE IT RESOLVED:

THAT the sum of up to **Two Million Five Hundred Thousand Dollars (\$2,500,000)** be and is hereby appropriated for the acquisition of one fire apparatus including the payment of costs incidental or related thereto;

THAT in order to meet said appropriation the City Treasurer, with approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Two Million Five Hundred Thousand Dollars (\$2,500,000)** through the issue of bonds and/or notes of the City under the Municipal Finance Act;

THAT the discretion of fixing the dates, maturities, rates of interest, forms and other details of such bonds is hereby delegated to the City Treasurer with the approval of the City Manager;

THAT the expected useful life of the fire apparatus is determined to be at least twenty (20) years; and

THAT this resolution shall take effect upon its passage.

APPROVED BY:

DEAGLAN MCEACHERN, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, CMC/CNHMC
CITY CLERK



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@portsmouthnh.gov
(603) 610-7201

Date: October 16, 2025

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 October 20, 2025

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

A. First Reading of Ordinance Amending Chapter 6 – Licenses, Article I – General Provisions, by amending the title of Chapter 6 to Licenses and Encumbrances and replacing Article I in its entirety, with Article I - Encumbrance Permits and Licenses for Use of Public Property, Sections 6.101 – 6.110:

The Governance Committee continues to review City Ordinances and bring forward amendments for the Council's consideration. The Committee's latest efforts have been to review and consolidate City Ordinances and Council Policies that address encumbrances of City property through [this amendment to Chapter 6, Article I](#). Like the amendments to Chapter I (the Administrative Code), this is the first of several amendments to Chapter 6 that will accomplish that goal.

Before drafting this amendment, the Governance Committee reviewed five (5) different Ordinance Chapters that reference encumbrances of City property (Chapters 6, 7, 8, 9 and 11) and several City Council Policies (2009-03 - Projecting Signs and 2010-01 - Flags and A-Frame Signs). They also discussed the permitting process for encumbrances and licenses with staff members who administer these permits from the Planning and Sustainability Department, Parking Division, Department of Public Works and the City Clerk's Office. Because each Department's webpage provides information on different permits, it is difficult for the public to know where to look to begin the process of applying for an encumbrance or license. This amendment to Chapter 6, Article I endeavors to create one ordinance that references all permits and licenses required to encumber City property.

In addition to relocating all references to encumbrances and listing all City permits, the amendment to Chapter 6, Article I defines encumbrance permit terms and extensions, simplifies the City Council approval process and creates an appeal for denial of permits and licenses. Because the amendment consolidates references to encumbrances from other Chapters, those sections need to be deleted because they have been consolidated into this amendment.

The other amendments are listed in this memo and listed separately for first reading tonight. In addition, if the amendment to Chapter 6, Article I passes, several City Council Policies referenced below will need to be rescinded after passage:

- CHAPTER 6 - LICENSES, Article X: THEATRICALS/PARADES/OPEN AIR MEETINGS, Sections 6.1001-1004;
- CHAPTER 7 - VEHICLES, TRAFFIC AND PARKING, Article I: PARKING METERS, Section 7.114;
- CHAPTER 8 – INCUMBRANCES AND INJURIOUS PRACTICES IN STREETS, Article I, INCUMBRANCES, Section 8.101- 8.106, 8.114 and 8.120;
- CHAPTER 9 – MISCELLANEOUS PUBLIC WELFARE, Article V: PUBLIC WAY OBSTRUCTIONS, PLACEMENT AND REGISTRATION, Sections 9.501- 9.511;
- CHAPTER 11 – SIDEWALKS, SEWERS, LAYOUT OF STREETS, SUBDIVISION OF LAND, Article VI, REFERRALS TO PLANNING BOARD, Section 11.602 (A) (1);
- CITY COUNCIL POLICY - 2009-03, PROJECTING SIGNS; and
- CITY COUNCIL POLICY - 2010-01, FLAGS AND A-FRAME SIGNS

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the November 17, 2025 City Council meeting.

- B. **First Reading of Ordinance Amending Chapter 6 - Licenses, Article X – Theatricals, Parades, Open Air Meetings, Section 6.1001 – License Required, Section 6.1002 – License Form, Section 6.1003 – Fee, Section 6.1004 – Penalty for Failure to License be deleted in its entirety:**

See comments for amendment to Chapter 6, Article I above.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the November 17, 2025 City Council meeting.

- C. **First Reading of Ordinance Amending Chapter 7 – Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.114 – Construction Permit be deleted in its entirety:**

See comments for amendment to Chapter 6, Article I above.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the November 17, 2025 City Council meeting.

- D. **First Reading of Ordinance Amending Chapter 8 – Encumbrances and Injurious Practices in Streets, Article I - Encumbrances, Section 8.101 – Encumbrances, General, Section 8.105 – Digging up a Street, Section 8.106 - License to Obstruct Street, Section 8.114 – Awning and Signs, Section 8.120 – Displaying Merchandise on Sidewalk be deleted in its entirety:**

See comments for amendment to Chapter 6, Article I above.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the November 17, 2025 City Council meeting.

E. **First Reading of Ordinance Amending Chapter 9, Article V – Public Way Obstructions, Placement & Registration including Sections 9.501 – 9.511 be deleted in their entirety:**

See comments for amendment to Chapter 6, Article I above.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the November 17, 2025 City Council meeting.

F. **First Reading of Ordinance Amending Chapter 11, Sidewalks, Sewers, Layout of Streets, Subdivision of Land, Article VI – Referrals to Planning Board, Section 11.602 A 1, Referral and Report:**

See comments for amendment to Chapter 6, Article I above.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the November 17, 2025 City Council meeting.

G. **First Reading of Ordinance Amendment to Chapter 10 – Zoning Ordinance – Zoning Map, Article 4, Zoning District and Use Regulations, Section 10.421 – District Location and Boundaries, Section 10.421.10, be amended to remove 109 Dennett Street, Tax Map 142, Lot 27 from the Historic District Overlay:**

At its September 24, 2025 meeting, the City Council considered a written request from Sheila Raeburn, property owner of 109 Dennett Street (Tax Map 142, Lot 27) (“Property”), to remove her property from the Historic District Overlay. The City Council voted to refer the proposed zoning map amendment to remove the Property from the Historic District to both the Planning Board and the Historic District Commission (HDC) for reports back.

At its regularly scheduled meeting on October 1, 2024, the HDC voted 6-0 to recommend that the Property remain within the Historic District Overlay. The HDC provided the following rationale in support of its recommendation:

- 1) Setting a precedent was concerning.
- 2) There was no demonstration that the building should not be in the Historic District.
- 3) Excluding that one house on the Dennett Street Corridor which could be extended in the future would result in a fractured district.
- 4) There are other more appropriate solutions and/or materials than vinyl that are less costly than wood.

The Planning Board is anticipated to consider this matter at its October 16, 2025 meeting. Its recommendation will be incorporated into the presentation at second reading, if the City Council votes to schedule a second reading for this proposed ordinance amendment.

[A draft ordinance effecting this change, along with a map showing the property location](#), is included in the meeting packet.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Zoning Map amendment at the November 17, 2025 City Council meeting.

H. Public Hearing on Resolution and Adoption Appropriating Two Million Five Hundred Thousand Dollars (\$2,500,000) to Purchase One Fire Apparatus And Authorizing A Bond Issue And/or Notes of Up to Two Million Five Hundred Thousand Dollars (\$2,500,000) to Meet this Appropriation:

The replacement of an aging Fire Department aerial ladder is currently in the FY28 Rolling Stock schedule. In normal circumstances, the borrowing resolution would be authorized in the year that the apparatus is needed. However, current production time to order and build the new apparatus is 60 months out due to multiple factors in supply and demand and is a serious problem nationwide. Earlier in September, the United States Senate Homeland Security Subcommittee on Disaster Management, District of Columbia, and Census held hearings on this critical issue, with class action lawsuits in the court system resulting from these delays.

Therefore, given this unique procurement scenario, I am requesting a [borrowing authorization of up to \\$2,500,000](#) in order to sign a contract in an attempt to ensure delivery of the apparatus in 2030 (which would keep the replacement schedule on track). As payment of the apparatus is not due until delivery, borrowing of the funds will not take place until the vehicle arrives, making the first payment of the bond due in the future as scheduled in the current projected debt schedule.

I recommend that the City Council move to adopt the resolution as presented.

XI. City Manager's Items Which Require Action:

1. Approval of Change to Authorized Representative for Education Coalition Communities 2.0 NH:

On December 16, 2024, the City Council authorized another two-year renewal of a Memorandum of Understanding regarding its membership in the Education Coalition Communities 2.0 NH ("ECC2NH"). Membership in ECC2NH has enabled the City to share the cost of professional services, which include lobbying, legal and communication services to advocate and educate others against the return of a donor/receiver education funding formula. Each member is authorized to vote at ECC2NH's Annual Meeting through its authorized representative. The current representative in Exhibit C to the MOU is the City Manager. The City Manager is recommending that the Council [approve the attached Amendment to Exhibit C included in your packet](#), naming Nathan D. Lunney, Deputy City Manager - Finance & Administration as the City's authorized representative to the ECC2NH.

I recommend that the City Council authorize Nathan D. Lunney, Deputy City Manager - Finance & Administration, as the City's authorized representative to the Education Coalition Communities 2.0 NH.

XVII. City Manager's Informational Items:

1. Upcoming Visits with the City Manager at the Library:

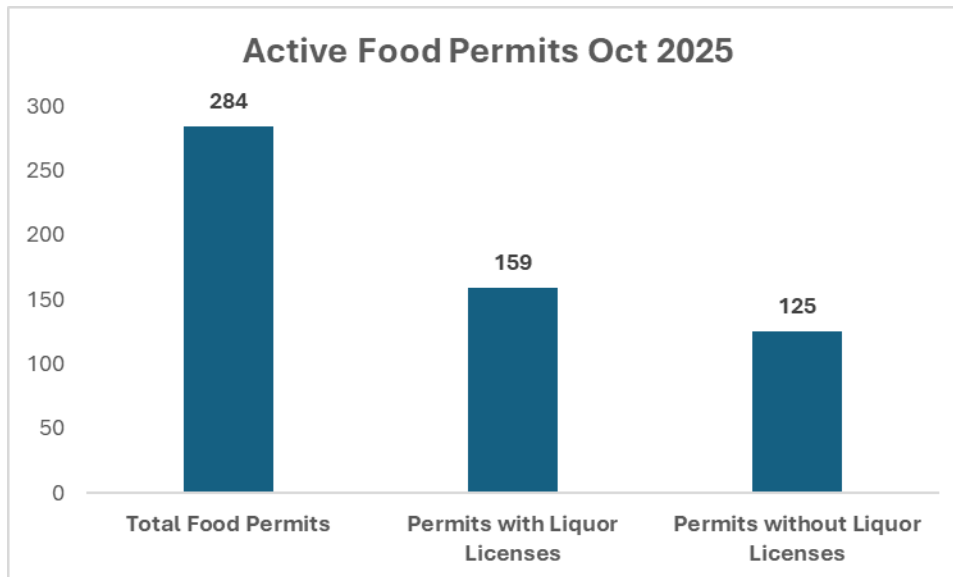
As the 2025 Farmers' Market season comes to a close on Saturday, October 25th, I would welcome members of the public to visit with members of City staff and me on the following dates from 10:00 a.m. to 12:00 noon at the Library:

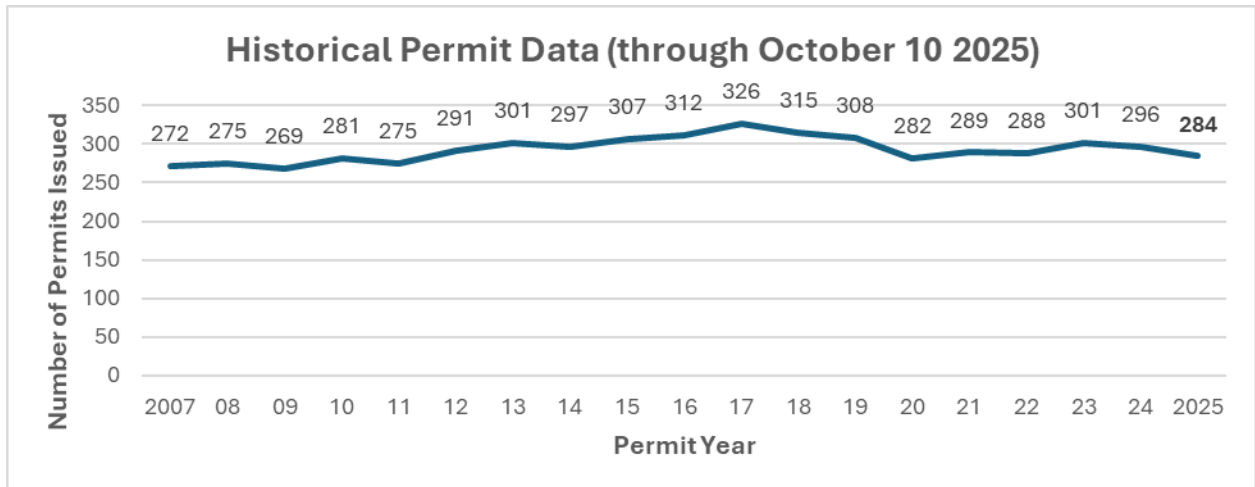
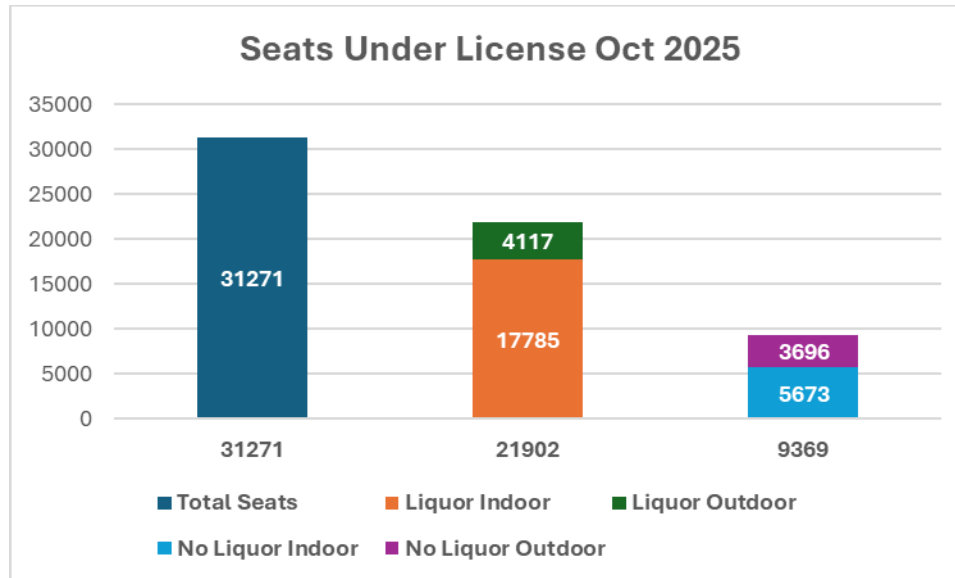
- November 8th
- December 20th
- January 10th
- February 14th
- March 14th
- April 11th

The City will share these dates on our various social media channels.

2. Food Permits:

Please find below updated Food and Liquor permit data as of October 10, 2025, after annual renewals:





Seat numbers are self-reported, and we have new businesses going through the permitting process (approximately 8 in the permitting pipeline as of 10/14/2025). These numbers indicate a slight decrease from 2024; contributors include the closure of three pharmacies, a daycare, two restaurants*, and a retail store. We also had a gym drop out of permitting (still in business), and a loss of four mobile food vendors that did not renew their annual permit.

*The two recent restaurant closures that are referenced do not currently have any movement toward change of ownership; other restaurant closures that dropped permit numbers lower are under agreement for new ownership but have not completed the licensing process at the time of this update.

MOU FOR PROFESSIONAL SERVICES BETWEEN THE COALITION COMMUNITIES 2.0 FOR 2025-2026

Amendment to Exhibit C

COALITION COMMUNITIES 2.0
www.coalitioncommunitiesnh.com

AUTHORIZATION AND SIGNATURE

The person executing this MEMORANDUM OF UNDERSTANDING, FOR PROFESSIONAL SERVICES BETWEEN THE COALITION COMMUNITIES 2.0 (Agreement) on behalf of the ~~Town~~/City of PORTSMOUTH represents and warrants that they have all legal authority and authorization necessary to enter into this Agreement, and that such person has been duly authorized by its City/Town Council/Board of Selectmen to execute this Agreement on behalf of the undersigned City/Town. Further, the person executing this Agreement has been duly authorize to represent and/or designate a representative of the undersigned City/Town as a member with regard to any terms contained within the agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date written below.

DATE: _____

CITY/TOWN OF: _____

AUTHORIZED SIGNATURE: _____

PRINTED NAME: _____

TITLE: _____

TOWN REPRESENTATIVE: Nathan D. Lunney, Deputy City Manager-Finance & Administration

REP'S EMAIL ADDRESS: ndlunney@portsmouthnh.gov

REP'S MAILING ADDRESS: 1 Junkins Ave., Portsmouth, NH 03801

REP'S BEST AVAILABLE TELEPHONE: (603) 610-7223

City Council Emails – October 2, 2025 to October 16, 2025

Submitted on Tue, 10/07/2025 - 15:46

Submitted by: Anonymous

Submitted values are:

First Name

Jessica

Last Name

DuBois

Email

jdubois@seacoastcommunityschool.org

Address

100 Campus Drive Suite 20
Portsmouth, New Hampshire. 03801

Message

We would like to invite the Members of the Portsmouth City Council to our Event.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.

Yes

Submitted on Sun, 10/12/2025 - 18:29

Submitted by: Anonymous

Submitted values are:

First Name

Chris

Last Name

Dwyer

Email

cdwyer@rmcres.com

Address

600 Broad St.
Portsmouth, New Hampshire. 03801

Message

I'm writing to urge a positive response to the request of the Arts and Culture Committee for action related to artist live-work space. When I was chair of Art-Speak over two decades ago, we worked earnestly on live-work space: 1)we held a summit with outside experts and local developers; 2) we succeeded in including live-work space in

MRO and MRB zones; 3) we did a proof of concept design with Harvard/MIT architecture students for the old JSA building followed by a community charette; and 4) we worked with a developer on an actual project in the West End that would have had 20-30 live-work units.

But that was a time of so much push back on any workforce housing or even apartments. The proposed building required a variance and the usual suspects (who didn't even live in the neighborhood) came out to oppose it, saying it would cause too much traffic. Alas, the ZBA denied the variance and the project was lost; the developer sold the property which has since become condos. That project was one of several workforce housing attempts in the 2000s that were repeatedly shot down by NIMBY push back. And momentum was lost.

It has been heartening to see that this Council has been able to make progress toward adding more affordable units to the City's housing stock. I hope that part of that progress going forward could include some dedicated artist live-work space. Such a step forward would speak volumes about the value and recognition of the cultural core that has continued to give Portsmouth an economic edge and a quality of life second to none.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.

Yes



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.
Please submit resume' along with this application.

Resume available upon request.

Committee: Cemetery Initial applicant

Name: Tara Rix Telephone: 603 205 1634

Could you be contacted at work? YES/NO If so, telephone # N/A - use cell

Street address: 14 Pine St, Portsmouth NH 03801

Mailing address (if different): same as street

Email address (for clerk's office communication): tara.rix@gmail.com

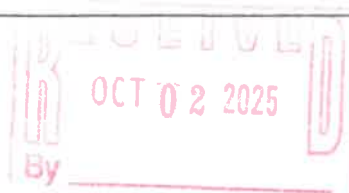
How long have you been a resident of Portsmouth? 19 years

Occupational background:

business / intellectual property in life sciences

Please list experience you have in respect to this Board/Commission:

No previous experience with this Board /
commission



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO NO - reviewed website

Would you be able to commit to attending all meetings? YES/NO YES

Reasons for wishing to serve: Preserve Portsmouth history; be
a steward of history for the next generations;
opportunity to get involved in my community;
learn more about Portsmouth history

Please list any organizations, groups, or other committees you are involved in:

Portsmouth Rec, Basketball coach (seasonal)
Portsmouth Girls Softball Assoc, team parent (seasonal)

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Ben Goss, 10 Pine St, Portsmouth NH 03801, 603 205 4583
Name, address, telephone number

2) Kara McFee, 1399 Ocean Blvd, Rye NH 03870, 603 965 5494
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: [Signature]

Date: 8/6/25

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes X No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

6/27/2012

PEAC 2023-2026

Partial work history

- December 2023 – review other towns and cities energy committees
- Feb 2024 – Reinstated by mayor; set priorities and mission through group voting exercise
- Feb 2024 - Draft mission *“to give a lower cost, lower carbon energy future to our residents”*
- Feb-Apr 2024 – working groups formed (see council update)
- May 6, 2024 – Council update
- April 2024 - Research Hanover solar array and municipal energy savings (Betsy Blaisdell)
- May 2024 – Green energy for wastewater plants discussions and proposals (Herb Lloyd)
- July 10 – Solar Conversations – community “how to” session by Betsy Blaisdell
- July 24 – Green Energy Challenge – contest between Community Power towns to stimulate opt ups to green power
- Sep 2024 – National Renewable Energy Lab contract to explore wind power for WWT plants (Herb Lloyd)

- Oct 24 – Button up workshop – residential energy reduction seminar (Tracey Cameron)
- Nov 24 – review of large solar array projects in other towns and cities
 - David Sharples, Exeter, overview of Exeter project
 - Council motion to explore feasibility of solar at Jones Ave (Councilors Cook, Tabor, Denton)
- Feb 25 – discussions with city's energy efficiency contractor on energy savings program
- June 2025 – Jones Ave solar update to council and motion for funding voted
- July 2025 – Communication plan for August CPCNH rates higher than Eversource
- Sep 2025 – NREL report on WWT plants, vote to put on file but recommend Pease WWT solar
- Oct 2025 – CPCNH oversight Q&A with Coalition representatives

Priorities

PEAC Group Exercise ranking action areas	
Votes	
5	Community-scale solar projects (ideally that benefit residents directly)
4	Collaborate with neighboring towns and cities on priorities and accomplishments, best practices
3	Oversight of Portsmouth Community Power
3	Lower municipal carbon footprint (behind the meter solar, EVs, resiliency through battery storage)
2	Maximize Opt Ups to Green 50, Green 100
2	Community solar projects that benefit renters through RSA 363 A-9 and Inflation Reduction Act
2	Involve high school students
2	Incentives for multi-family and commercial buildings that are efficient and fossil-fuel free
2	Energy performance standards for buildings
2	Micro grids
1	Advocate with CPCNH for renewable energy projects in state/region
1	Amend zoning to remove barriers to solar
1	Advocate in Concord for energy legislation

Membership

- Ben D'Antonio – VP, transmission strategy for Eversource; formerly energy analyst for ISO New England
- Kevin Charette – former Customer Service Director, Eversource
- Peter Somssich – physicist, former member of NH House committee on Technology and Energy
- Betsy Blaisdell – Manager, Environmental Stewardship for Timberland
- Tom Rooney – VP for TRC Energy Engineering, specialist in energy conservation
- Tracey Cameron – consultant with Ceres, a non-profit working on sustainability in the oil and gas industry, previously at Fidelity where she helped launch their ESG office
- Open (Herb Lloyd resigned due to relocation)

Energy Advisory Committee Update

The Mayor’s Blue Ribbon Energy Advisory Committee meets the first Wednesday of the month. In addition to overseeing Portsmouth Community Power, the committee works to create a lower cost, lower carbon energy future for Portsmouth.

In February, the committee set priorities using a group voting exercise. The top five priorities were (in rank order): Community solar projects (ideally that benefit residents directly), reducing the municipal government’s carbon footprint, maximizing opt-ups to Green 50 and Green 100 in Portsmouth Community Power, energy efficiency standards and incentives for buildings, learning and collaborations from/with other communities, and micro grids.

The committee has been researching the work of other energy committees around the state and their success stories (Exeter and Lebanon for municipally owned solar, Exeter for energy efficiency grants, etc.), and teaming up with Clean Energy NH to develop recommendations to the City Council.

The committee formed two working groups:

- Solar workgroup (Betsy Blaisdell, Herb Lloyd, Peter Sommsich). It is focused on three work areas:
 1. Education and networking: educating the community about benefits of residential solar and learning from those who’ve succeeded.
 2. Identify barriers and disincentives and make recommendations to the City Council to remove them.
 3. Build a pipeline of municipal solar or other renewable projects to reduce carbon and cost for taxpayers.
- Emission Reduction Funding Opportunities (Tracey Cameron, Tom Rooney, Councilor Kate Cook)
 1. Weatherization
 2. Public Transportation
 3. Other (see below)

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. Exeter received \$250,000 to weatherize mobile homes, for example.

The solar workgroup and PEAC hope 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 proposed study would be done by the National Renewable Energy Lab as part of the DOE Clean Energy to Communities program. Staff review should happen this month.

Finally, a future opportunity: 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. The committee will be watching local projects through CPCNH with interest. 5/6/24

Council update, May 6, 2024

CITY OF PORTSMOUTH CITY COUNCIL POLICY No. 2025-
MUNICIPAL ARTS & CULTURAL BANNER PROGRAM POLICY

WHEREAS: The City's Arts & Cultural institutions contribute to the City's vitality and generate significant revenue for the City every year. Approximately \$71 MM in revenue was contributed to the City during 2022, as shown in the recent AFTA Study;

WHEREAS: The key factor driving attendance at arts & cultural events is awareness;

WHEREAS: Given the significant economic impact of these events, the City of Portsmouth wishes to make available resources to help drive awareness of and attendance at arts and cultural events, and support the financial health of its arts and cultural institutions;

WHEREAS: A municipal arts and cultural banner program that permits the temporary affixation of donated banners to City lamp posts would enrich its arts and cultural institutions by highlighting special arts and cultural events, notify citizens of community-based cultural, educational, and civic events, including City sponsored and co-sponsored events;

THEREFORE: To accomplish these goals, the City Council authorizes the City Manager to design and implement a Municipal Arts and Cultural Banner Program, if economically feasible, that allows for the temporary affixation of donated banners to City light posts at certain designated locations throughout the downtown area and other appropriate heavy traffic corridors leading in and out of downtown Portsmouth.

SCOPE: Entities eligible to donate banners for display shall be limited to community-based nonprofit organizations and arts and cultural institutions that promote the public good. Banners shall only be for the promotion of arts & cultural institutions, individuals, or themes.

PROGRAM: This Program shall establish a consistent, transparent, and fair process for selecting and displaying donated art and cultural banners on municipal property in a cost effective manner, while prioritizing public safety and maintaining community aesthetics.

DISCLAIMER: This policy is intended to govern the display of art and cultural banners donated to the City on municipal property. The City does not intend to create a public forum for the expression of ideas or opinions, and banner displays shall not be used for political or commercial messages. The City reserves the right to deny any donation application that does not meet the policy's and program's criteria.

**LICENSE AGREEMENT FOR
ULTIMATE PARKING II, LLC
D/B/A LAZ PARKING**

The City of Portsmouth (hereinafter "City") a municipal Corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Ultimate Parking II, LLC d/b/a LAZ Parking, Three Copley Place Suite 3202, Boston, MA 02116 (hereinafter Licensee) pursuant to the following terms and conditions:

1. **Area of License:** The City authorizes the Licensee to use the 3 designated spaces as depicted in Exhibit 2 for Valet Parking services on Portwalk Place a private street (hereinafter "Licensed Area"). The Licensed Area is the property of Portwalk HI LLC ("the Owner ") and is associated with the Hampton Inn & Suites.
2. **Use:** Licensee may make use of the Licensed Area for the purpose of providing valet parking services. Such activities are subject to the following conditions:
 - The hours of operation for valet parking services are 24 hours per day, seven days per week.
 - Licensee may not store parked vehicles on metered spaces on Portwalk Place, in municipal spaces (metered, garage, or otherwise) other than in municipal spaces that the City may designate and identify in writing, which shall be incorporated and made part of this Agreement. Licensee may not stack cars on Portwalk Place.
 - This Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
 - This License is exclusive and is for the benefit of the Owner of the Licensed Area.
3. **Signage:**
 - For the parking spaces designated in the Licensed Area, the owner is responsible for installing poles with signs that relay the use as described in paragraph 2. The City will determine

the placement of sign poles and will have final approval over the size and content of signs.

- This License Agreement also authorizes Licensee's use of one A-frame sign to identify those spaces identified by the City in this Agreement. Licensee shall coordinate the precise location of this signage with representatives of the City to ensure that pedestrian access and safety is maintained. Licensee will remove the sign if the Valet Service is not in operation.
4. **Term**: This License shall commence upon execution of this Agreement and continue for one (1) year. The License may be renewed upon the approval of the City's Parking and Traffic Safety Committee and the City Council and payment of the annual fee.
 5. **Payment Terms**: Licensee has tendered and the City has accepted \$1,500.00 as the annual permit fee for the Valet Parking Spaces in the Licensed Area.
 6. **Indemnification**: Licensee agrees to Indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury, or personal injury which arises as a result of its use of the Licensed Area. This obligation survives termination or revocation of this Agreement.
 7. **Insurance**: At all times during the use and exercise of this License, Licensee agrees to maintain commercial general liability insurance covering its operation under this License in an amount not less than \$1,000,000 per occurrence. In addition, Licensee maintains direct primary garage keepers / Bailee insurance in an amount of not less than \$300,000 per occurrence. Such insurance shall name the City of Portsmouth as an Additional Insured. Certificates indicating the existence of this insurance shall be maintained on file at all times during the License period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.
 8. **Maintenance of Area**: Licensee will maintain the Licensed Area in a neat and orderly fashion during Licensee's hours of use. The Licensee shall take such measures as may be necessary to maintain pedestrian and vehicle safety during the use of the Licensed Area for its valet service.
 9. **Damage**: Licensee agrees to take reasonable steps to remedy promptly any damage to the Licensed Area caused by the Licensee's activities. The Owners may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

10. **Compliance with Other Laws**: This Agreement does not relieve Licensee from compliance with any other local, state, or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state, or federal laws or regulations may, at the City's discretion, result in revocation.
11. **Revocation**: The City or the owner may terminate this Agreement or any provision contained in this Agreement on 72 hours written notice if the public interest or the Owner's private interest requires such termination, in which case the City shall return all fees paid by Licensee on a pro-rata basis. This Agreement may be revoked or suspended immediately without notice by the City or the Owner for cause, e.g. violation of the terms of this License in which case, all fees paid by the Licensee shall remain the property of the City.

CITY OF PORTSMOUTH

Dated:_____

By:_____
Karen S. Conard, City Manager

Pursuant to vote of the City Council on

**ULTIMATE PARKING II, LLC
d/b/a LAZ Parking**

Dated:_____

By:_____

Print Name:_____

Print Title:_____

**LICENSE AGREEMENT FOR
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1. **Area of License:** The City authorizes the Licensee to use the 3 designated spaces as depicted in Exhibit 1 for Valet Parking services on Portwalk Place a private street (hereinafter "Licensed Area"). The Licensed Area is the property of Parade Residence Hotel LLC ("the Owner ") and is associated with the Marriott Residence Inn and the Portsmouth Harbor Events & Conference Center.
2. **Use:** Licensee may make use of the Licensed Area for the purpose of providing valet parking services. Such activities are subject to the following conditions:
 - The hours of operation for valet parking services are 24 hours per day, seven days per week.
 - Licensee may not store parked vehicles on metered spaces on Portwalk Place, in municipal spaces (metered, garage, or otherwise) other than in municipal spaces that the City may designate and identify in writing, which shall be incorporated and made part of this Agreement. Licensee may not stack cars on Portwalk Place.
 - This Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
 - This License is exclusive and is for the benefit of the Owner of the Licensed Area.
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 7. **Insurance:** At all times during the use and exercise of this License, Licensee agrees to maintain commercial general liability insurance covering its operation under this License in an amount not less than \$1,000,000 per occurrence. In addition, Licensee maintains direct primary garage keepers / Bailee insurance in an amount of not less than \$300,000 per occurrence. Such insurance shall name the City of Portsmouth as an Additional Insured. Certificates indicating the existence of this insurance shall be maintained on file at all times during the License period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.
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CITY OF PORTSMOUTH

Dated: _____

By: _____
Karen S. Conard, City Manager

Pursuant to vote of the City Council on

**ULTIMATE PARKING II, LLC
d/b/a LAZ Parking**

Dated: _____

By: _____
Print Name: _____
Print Title: _____

PARKING and TRAFFIC SAFETY COMMITTEE

ACTION SHEET

8:30 A.M. – October 2, 2025
City Hall Conference Room A

PRESENT: **Members:** Public Works Director Peter Rice, Fire Chief William McQuillen, Deputy Police Chief Mike Maloney, Stefanie Casella Planning Department, Mark Syracuse, Erica Wygonik, Jane Mitchell-Pate, Mary Lou McElwain

City Staff: Jillian Harris Planning Department, City Engineer Eric Eby, Parking Director Ben Fletcher, Project Manager Tyler Reese, Administrative Assistant Jefferson Lane

ACTION ITEMS FOR CITY COUNCIL
• <u>Portwalk Place, voted</u> to approve renewal of annual valet license agreement for Portwalk HI LLC. • <u>Portwalk Place, voted</u> to approve renewal of annual valet license agreement for Parade Residence Hotel LLC.

- **Roll Call**

- **Presentations:** Jillian Harris, Planning & Sustainability Department (Bicycle and Pedestrian Plan Update)

- **Financial Report: Voted** to accept the financial report dated August 31st, 2025.

- **Public Comment Session:** Tyler Garzo (Lang Road speed concerns), Justin Richardson (Woodbury Avenue traffic calming), Matt Glenn (Bicycle & Pedestrian Plan)

- **Portwalk Place, request to renew annual valet parking license agreement for Portwalk HI LLC, by business owner. Voted** to approve renewal of annual valet license agreement for Portwalk HI LLC.

- **Portwalk Place, request to renew annual valet parking license agreement for Parade Residence Hotel LLC, by business owner. Voted** to approve renewal of annual valet license agreement for Parade Residence Hotel LLC.

- **Congress Street, request for handicap parking spaces between High Street and Middle Street, and additional handicap space in Bridge Street lot, by handicapped person. Voted** to refer to staff for evaluation and report back at future meeting.

- **48 Langdon Street, request for permission to construct new driveway less than 50 feet from McDonough Street intersection, as shown on Site Layout Plan C-03, revised 9/9/25, by TF Moran. Voted** to conduct a site visit on October 28, 2025 at 8:00a and report back.

- **Lang Road, report back on vehicle speed monitoring study, traffic calming request.** Item was discussed amongst the committee; no motion was presented.
- **Police monthly accident report & update on E-Bike safety:** Informational; no action required.
- **NHDOT Ten Year Plan public input meeting rescheduled for October 22 at Greenland Central School at 5 PM:** Informational; no action required.
- **Maplewood Avenue bridge update:** Informational; no action required.
- **2 Russell Street update:** Informational; no action required.
- **Vaughan Mall update:** Informational; no action required.
- **Middle Street/Miller Avenue/Summer Street intersection update:** Informational; no action required.

Respectfully submitted by: Jefferson Lane

PARKING and TRAFFIC SAFETY COMMITTEE
PORTSMOUTH, NEW HAMPSHIRE

CITY HALL CONFERENCE ROOM A
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

*Members of the public also had the opportunity to join the meeting via
Zoom*

8:30 AM

October 2nd, 2025

MINUTES

I. CALL TO ORDER

Vice Chairwoman Erica Wygonik called the meeting to order at 8:30 AM.

II. ATTENDANCE

Members Present:

Public Works Director Peter Rice
Fire Chief William McQuillen
Deputy Police Chief Mike Maloney
Stefanie Casella, Planning Department
Vice Chairwoman Erica Wygonik
Jane Mitchell-Pate
Mark Syracuse (via Zoom)
Mary Lou McElwain

Members Absent:

Chairman Andrew Bagley (excused)

City Staff Present:

Jillian Harris, Planning Department
Eric Eby, City Engineer
Ben Fletcher, Parking Director
Tyler Reese, Project Manager
Jefferson Lane, DPW Administrative Assistant

III. FINANCIAL REPORT

[00:05:38] Peter Rice moved to accept the financial reports dated August 31st, 2025. The motion was seconded by Mary Lou McElwain. Following a roll call vote of 8-0, the motion passed unanimously.

IV. PUBLIC COMMENT (15 MINUTES)

[00:06:28] There were three speakers: Tyler Garzo, 62 McKinley Road, spoke in response to the recent speed data published for Lang Road and emphasized consideration of speed tables in any future planning; Justin Richardson, 586 Woodbury Avenue, requested an update on Woodbury Avenue traffic calming measures; and Matt Glenn, 34 Harrison Avenue, stated he was here to

watch the Bicycle and Pedestrian Plan Update Presentation and hoped to hear what kind of leadership and action can come out of the PTS Committee for further progress.

V. PRESENTATIONS

[00:11:57] Bicycle and Pedestrian Plan Update, by Jillian Harris, Planning and Sustainability Department. City Engineer Eric Eby closed out the presentation by walking through explanations of specific infrastructure requests/recommendations on a neighborhood-by-neighborhood evaluation.

VI. NEW BUSINESS

(No public comment during Committee discussion without Committee approval.)

- A. [00:26:13] Portwalk Place, request to renew annual valet parking license agreement for Portwalk HI LLC, by business owner. Mary Lou McElwain moved to approve renewal of annual valet license agreement for Portwalk HI LLC, seconded by Peter Rice. Discussion opened with concern of whether valets are parking vehicles in City-owned lots. Parking Director Ben Fletcher maintained that City lots are not being used for valet parking, and that these lots are monitored by City parking enforcement daily. Following a roll call vote of 8-0, the motion passed unanimously.
- B. [00:28:51] Portwalk Place, request to renew annual valet parking license agreement for Parade Residence Hotel LLC, by business owner. Mary Lou McElwain moved to approve renewal of annual valet license agreement for Parade Residence Hotel LLC, seconded by Peter Rice. Following a roll call vote of 8-0, the motion passed unanimously.
- C. [00:29:44] Congress Street, request for handicap parking spaces between High Street and Middle Street, and additional handicap space in Bridge Street lot, by handicapped person. Bill McQuillen moved to refer to staff for evaluation and report back at future meeting, seconded by Mary Lou McElwain. Eric Eby discussed that there are federal guidelines around handicap space implementation still pending approval by the U.S. Department of Transportation, and that further consideration will take place once guidelines are finalized. Following a roll call vote of 8-0, the motion passed unanimously.
- D. [00:31:25] 48 Langdon Street, request for permission to construct new driveway less than 50 feet from McDonough Street intersection, as shown on Site Layout Plan C-03, revised 9/9/25, by TF Moran. Jane Mitchell-Pate moved to approve construction of new driveway for property at 48 Langdon Street, as shown on Site Layout Plan C-03, revised 9/9/25, by TF Moran, seconded by Peter Rice. Following discussion, Jane Mitchell-Pate retracted her motion, agreed to by Peter Rice. Bill McQuillen motioned to table approval until a site visit is completed and report back, seconded by Jane Mitchell-Pate. Discussion ensued of an established time and date for the visit, as well as confirmation that abutters are notified of proposed changes. Erica Wygonik introduced a friendly amendment, moving to conduct a site visit on October 28, 2025 at 8:00a and report back, agreed to by Bill McQuillen. Following a roll call vote of 8-0, the motion passed unanimously.

VII. OLD BUSINESS

- A.** [00:44:30] Lang Road, report back on vehicle speed monitoring study, traffic calming request. Eric Eby highlighted speed findings and recommendations of long and short-term measures to improve safety, such as residences ensuring driveways have ample visibility to the road (e.g., clearing excess brush), and evaluation of aging road signs. There was no action necessary by the committee at this time.

VIII. INFORMATIONAL

- A.** [00:58:35] Police monthly accident report & update on E-Bike safety
- B.** [01:02:37] NHDOT Ten Year Plan public input meeting rescheduled for October 22 at Greenland Central School at 5 PM
- C.** [01:03:24] Maplewood Avenue bridge update
- D.** [01:03:57] 2 Russell Street update
- E.** [01:06:14] Vaughan Mall update
- F.** [01:08:11] Middle Street/Miller Avenue/Summer Street intersection update

IX. MISCELLANEOUS

- A.** [01:08:49] Update on PTS alternate member – confirmation moved to next Council meeting.
- B.** [01:09:13] Confirmation of site visit date, time, and meeting location for Item 6-D
- C.** [01:09:36] Inquiry on rules for universal handicap parking

X. ADJOURNMENT

[01:11:26] Mary Lou McElwain moved to adjourn, seconded by Mark Syracuse. The motion passed unanimously. Vice Chairwoman Erica Wygonik adjourned the meeting at 9:37 AM.

Respectfully submitted,
Jefferson Lane
Administrative Assistant II, Department of Public Works