

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, FEBRUARY 18, 2025

PORTSMOUTH, NH
TIME: 7:00PM

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:00 p.m.

IV. ROLL CALL

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Cook, Denton, Blalock, Moreau, Lombardi

ABSENT: Councilor Bagley

V. INVOCATION

Mayor McEachern requested a moment of silence in memory of Vernis Jackson who passed away on February 13, 2025.

Assistant Mayor Kelley spoke to the work that Vernis Jackson has done throughout the community and that she will continue to follow the mission of Vernis as she takes over as Chair of the African Burying Ground Committee.

VI. PLEDGE OF ALLEGIANCE

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

VII. ACCEPTANCE OF MINUTES

Assistant Mayor Kelley moved to accept and approve the minutes of the January 6, 2025 City Council meeting. Seconded by Councilor Lombardi and voted.

IX. PUBLIC COMMENT SESSION

Roy Helse asked why the valuation of commercial properties went down and the residential properties increased so much.

Esther Kennedy spoke regarding the land use review process for 35 Sherburne Road. She expressed her opposition to the Portsmouth Housing Authority not having to pay any monthly expenses while going through the land use boards. She inquired what the rent would be for the property when it has been developed.

Petra Huda spoke regarding the Sherburne property and that the City Council is here to represent the residents on this matter. She expressed frustration that the Housing Authority has no design plan for the development or Plan B in place if needed.

Jim Lee said that the city should create a Department of Government Efficiencies to look at City Hall and see if there are any efficiencies that could be established.

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

First Reading of Ordinance:

- A. First Reading of Ordinance amending Chapter 1, Administrative Code, Article IV – Commissions and Authorities, Section 1.413 – Sustainability Committee

Councilor Denton moved to pass first reading and schedule a public hearing and second reading for the March 3, 2025, City Council meeting. Seconded by Councilor Tabor.

Councilor Denton said the ordinance will clean up some of the language and change the number of student members which will help the committee meet quorum requirements. He also stated that the changes would allow for two chairs of the Committee.

Motion passed.

Public Hearing/Second Reading of Ordinance and Resolution:

- B. PUBLIC HEARING AND SECOND READING of Ordinance amending Chapter 1, Administrative Code, Article XVI – Adoption of Fees by Budget Resolution, Section 1.601 – Purpose, Section 1.1602 – Procedure, Section 1.1603 – Exclusion, Section 1.1604 – Default, of the Ordinances of the City of Portsmouth

Deputy City Attorney McCourt said the Governance Committee has recommended these amendments to the ordinance. He stated the first would make it clear that the City Council can update the fee schedule any time throughout the year and not just during the budget process.

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

Petra Huda said that this is not in compliance with Section 7.10 of the Charter. She asked why department heads and the City Manager would have responsibilities for changes. She urged the City Council to consider what they are doing when entering into settlement agreements for work force housing. She stated not conducting a public hearing regarding this change is circumventing the public process.

Esther Kennedy spoke regarding the Fee Committee and its history. She said these changes should remain under the control of the Fee Committee.

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

Councilor Cook said all changes were brought forward by our Legal Department, and we are looking at fees and not revenues.

Councilor Cook moved to pass second reading and hold third and final reading at the March 3, 2025, City Council meeting. Seconded by Councilor Blalock and voted. Councilor Denton voted opposed.

- C. PUBLIC HEARING AND ADOPTION of Resolution Authorizing Participation in the Clean Water State Revolving Fund (SRF) Loan Program of up to Twenty-Five Million One Hundred Twenty-Eight Thousand Dollars (\$25,128,000.00) for Costs Related to Pease Wastewater Treatment Facility Rehabilitation and Rescinding the amount of Twenty Million Dollars in Funds Authorized to be Borrowed for the same Purpose

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

City Engineer Fiedler said that the Resolution is a good opportunity and in the best interest of the City. He stated that the project is regulatory driven and requires infrastructure improvements. He advised the City Council that the State came to the City stating that funds were available to us and that this is a low interest loan.

Councilor Tabor asked if we are required to spend the entire amount. City Engineer Fiedler said we are not.

Councilor Lombardi moved to adopt the Resolution as presented. Seconded by Councilor Denton.

Petra Huda said that this is a great opportunity but is concerned with taking on more debt and how that will affect us long term.

City Manager Conard said the costs will be brought forward and borrowing for sewer does not affect the debt limit.

Esther Kennedy said she would like this to include the Peirce Island Plant. She asked what will happen at Pease with Lonza no longer needed use of larger amounts of water.

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

On a unanimous roll call vote 8-0, motion passed.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Land Use Review Process for Project at 35 Sherburne Road

City Manager spoke to the content provided in the Council packet regarding this project.

Deputy City Attorney McCourt said this is being brought forward because the zoning ordinance is not clear what should be followed, and State law provides loose framework. He explained in detail how the process would be handled by the Site Review Technical Advisory Committee and the Planning Board with a recommendation back to the City Manager. He said that this process is consistent with the City Council vote on the development of the Sherburne Property.

Councilor Moreau moved to adopt the process for land use review of the project at City property located at 35 Sherburne Road as recommended by the Legal Department. Seconded by Assistant Mayor Kelley and voted.

XII. CONSENT AGENDA

- A. Request from Anna Saunders of Port Aesthetics, LLC to install a Projecting Sign at 175 Market Street Unit 103 (***Anticipated action – move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning & Sustainability Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of projecting signs, for any reason, shall be done at no cost to the City; and***
 - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting signs, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- B. Letter from Jenna Raizes, Portsmouth Little League, requesting permission to install temporary signage at the Plains and Hislop Fields for the 2025 baseball season (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- C. Letter from Heidi Carrington Heath, New Hampshire Outright, requesting permission to hold the 11th Portsmouth PRIDE Celebration on Saturday, June 21, 2025 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- D. Letter from Chris Maden, Portsmouth Maritime Folk Festival, requesting the following:
- Use of space in Prescott Park on Saturday, September 27th, 11:00 a.m. to 3:00 p.m., and Sunday, September 28th, 1:00 p.m. to 5:00 p.m.
 - Use of space in front of North Church
 - Motorcycle Parking Ban in Market Square on Sunday, September 28th during the festival performance times
- (***Anticipated action – move to refer to the City Manager with Authority to Act***)

Councilor Blalock moved to adopt the Consent Agenda. Seconded by Councilor Denton and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Email Correspondence

Councilor Cook moved to accept and place on file. Seconded by Assistant Mayor Kelley and voted.

B. Letter from Craig Welch, Executive Director, Portsmouth Housing Authority, requesting the City Council to waive all City permit fees for the Sherburne Property project

Councilor Blalock said he feels that this is a common request. Assistant Mayor Kelley said we have waived fees for non-profits in the past.

Councilor Tabor moved to waive the permit fees for the Sherburne Property project as requested by the City Council. Seconded by Councilor Denton.

Councilor Tabor said coming in with the lowest cost per unit could help this process more than the Court Street project.

Councilor Denton said he would like this vote to be unanimous.

Mayor McEachern agreed with Councilor Blalock and Assistant Mayor Kelley's comments.

Motion passed.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR BLALOCK

1. Recreation Board Sub-Committee Report on Ice Rink Construction

Councilor Blalock said that a Sub-Committee was created to report on the possibilities of having an Ice Rink constructed in the city.

Councilor Blalock moved to suspend the rules in order to bring forward Amy-Mae Court and Scott Chaudoin to provide the Sub-Committee Report regarding Ice Rink Construction. Seconded by Councilor Denton and voted.

Ms. Court and Mr. Chaudoin spoke to the objective of the Sub-Committee, to look into the work done previously and put together an update/summary on an ice rink that can be reviewed by the Recreation Board and sent to the City Council. Ms. Court and Mr. Chaudoin both spoke about the four viable options that would need further investigation as follows:

- The City of Portsmouth could build its own indoor rink,
- The City of Portsmouth can give land to a sports complex developer. This option would require the filling in of wetlands at Community Campus,
- The City of Portsmouth can give land to a sports complex developer. This option the City would partner with the Pease Development Authority and the Air National Guard for the creation of a rink,
- A private developer builds an indoor ice rink

Ms. Court reported that the next steps would be the need to find a 5-acre piece of land to build 1 to 2 sheets of ice.

Mayor McEachern thanked Ms. Court and Mr. Chaudoin for their work and said that we will continue to look at this and it is probably unlikely that the Department of Defense would convert land for this project.

B. COUNCILOR BAGLEY

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the February 6, 2025 meeting

Councilor Cook moved to approve and accept the action sheet and minutes of the February 6, 2025 Parking & Traffic Safety Committee meeting. Seconded by Councilor Denton.

Councilor Cook reported that the loading zone hours for Penhallow Street will change to 6:00 a.m. to 3:00 p.m., Mondays through Saturdays and 6:00 a.m. to 12:00 p.m. on Sundays. She also informed the Council that the Committee voted to eliminate a metered parking space at 487 State Street and add first two spaces on the south side of State Street west of Middle Street to Zone 1507. She also advised the Council that the Committee voted to renew approval of on-street parking and loading zone changes for the 2 Russell Street project contingent upon the execution of a Site Review Agreement. She stated that the changes are to take effect when parking spaces and loading zones are ready for public use and the ordinance will be amended through the annual omnibus.

Motion passed.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Grant for Cate Street Bridge Replacement Funding Agreement with NHDOT

Assistant Mayor Kelley moved to authorize the City Manager to enter into a grant agreement and any future schedule modifications with the New Hampshire Department of Transportation to take advantage of State and Federal funding opportunities for the replacement of the Cate Street Bridge. Seconded by Councilor Moreau and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Dismissal of McIntyre Lawsuit

City Manager Conard reported that last week the City received formal notification that the actions relating to the lawsuit between SOBOW and the City has been dismissed.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Tabor provided a brief update on the Housing Committee and said that the neighborhood had a lot of interests and emotions on this matter. He said that City Manager Conard decided to have the City Council make the decision on the development partner. He said that the Housing Committee recommends that the City Manager and City Attorney implement for the next City property the RFP process which could be good for the project. He informed the Council that the Housing Committee recommended POAH for the next project by an 11-1 vote.

Mayor McEachern urged residents to use the SMART 911 system when there is a snowstorm to receive all their information.

City Manager Conard reported that we are at 54% of the snow removal budget and that the recent load out of snow cost \$50,000.00.

XIX. ADJOURNMENT

At 8:20 p.m., Councilor Moreau moved to adjourn the meeting. Seconded by Assistant Mayor Kelley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK