

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, MARCH 3, 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, Bagley and Lombardi

**ABSENT:** Councilor Moreau

### **V. INVOCATION**

Mayor McEachern requested a moment of silence in memory of Karen Parrott who recently passed away.

### **VI. PLEDGE OF ALLEGIANCE**

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

### **MAYOR'S AWARD**

1. Portsmouth High School Boys Alpine Ski Team

Mayor McEachern presented Mayor's Awards to the Boys Alpine Ski Team for winning the Second Straight Division I State Championship and provided gift bags to the Coaches of the team.

### **VII. ACCEPTANCE OF MINUTES – JANUARY 21, 2025; AND FEBRUARY 3, 2025**

**Councilor Lombardi moved to accept and approve the minutes of the January 21, 2025 and February 3, 2025 City Council meetings. Seconded by Councilor Bagley and voted.**

### **VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

1. Unveiling of the Artwork Entitled "Salt Piles" by Carl Austin Hyatt

Artist Carl Austin Hyatt presented his art piece entitled "Salt Piles" to Mayor McEachern and the City Council to put on display in City Hall. Mayor McEachern and the City Council accepted the artwork with thanks and appreciation.

Assistant Mayor Kelley moved to suspend the rules to bring forward Item XIV. 1. – Request from School Board to Establish a Work Session regarding the FY26 Budget. Seconded by Councilor Bagley and voted.

**XVI. MAYOR McEACHERN**

1. Request from School Board to Establish a Work Session regarding the FY26 Budget

Mayor McEachern announced that he would not be putting forward a request to establish a Work Session with the School Board regarding the FY26 Budget at this time.

**IX. PUBLIC COMMENT SESSION**

Brianna Martin said she is pleased that the City Council will be listening to the School Board and the needs of students. She spoke opposed to keeping the budget below 3%.

Erin Barton said she is challenged with the timeline for the budget and defining needs of the city. She said we need better communication between the City Council and School Board. She spoke to the requirement in teacher contracts advising teachers by April 1<sup>st</sup> if they will have a secure position.

Lisa Rapaport said the School Board is never pleased with losing teachers or staff for any reason. She said that the schools have been working on a strategic plan for the School Department. She stated that the process is difficult for teachers and the students when contracts are terminated.

Kathleen Slover spoke as a parent and said both her children thrived in public schools. She said at this budget time the City Council should be asking what they can do to help the School Department.

Byron Matto said the guidance given to the School Board is still at 2.9%. He said the Superintendent of Schools has offered retirements, which means we lose tenure of teachers. He reported that the 11 teachers thus far and 8 positions will be permanently removed. He also stated it is important to note, that the cost for out of district students are rising at a very fast pace.

Esther Kennedy suggested that a process to evaluate the need for all positions should be created. She is expressed her concerns regarding special needs students and how they fit into our community after graduation.

Amber Buttermore spoke regarding her child's need with an IEP. She asked the City Council to reconsider any cuts to our schools. She stated many children are still struggling with the effects caused by COVID.

Petra Huda said how can people come forward to speak regarding the budget when they haven't seen a budget. She said she looks forward to seeing a line-item budget because much of this discussion is premature.

Michael Derhammer said people move here for the schools and any decrease in funding will have a negative effect on the city. He said many teachers provide services beyond their contract and asked the City Council to please think of students and their future.

Nancy Clayburgh thanked the City Council for working with the School Board over the years. She said the School Board is concerned with the percentage of increase requested by the City Council and the effects it will have on schools, students and teachers. She said the School Department has offered early retirement incentives which is no different from past years. She indicated that the cost-of-living increases are extremely challenging.

Katie Hatem (via Zoom) spoke concerning keeping the budget at 2.9%. She said that the City Council and School Board will need to work together to prevent extreme cuts to the school system. She said that the city needs to invest in the schools and students.

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

**Public Hearing/Second Reading of Ordinance and Resolution:**

- A. PUBLIC HEARING AND SECOND 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 185 Orchard Street, Tax Map 152, Lot 2-1 from the Historic District Overlay

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

City Manager Conard asked Peter Stith, Planning Manager, to come forward and provide a brief presentation.

Peter spoke regarding the subdivision of the property back in 2023. He said no other property on Orchard Street is in the historic district and the Historic District Commission voted to remove the property from the historic district.

Councilor Blalock said that this will enhance the historic district.

Esther Kennedy said that the City Council needs to decide whether you vote for a historic part of Portsmouth. She said every time you get rid of a historic line you are changing the city. She stated the decisions you make you will be held accountable for. She said the city needs to remain an historic city.

Paige Trace said the historic district is important to this city. She said if you don't like where your house is it is up to you to do something about it. She urged the City Council to think long and hard on this matter before making a decision.

After three calls and no further speakers, Mayor McEachern declared the public hearing closed.

**Councilor Blalock moved to pass second reading and schedule a third and final reading at the March 17, 2025, City Council meeting. Seconded by Councilor Cook.**

Councilor Cook said the original boundaries previously were located on the front on Lafayette Road. She said there is not a home at 185 Orchard Street, it is a vacant lot.

Councilor Blalock said the owners of the property land is not on a historic street.

Councilor Bagley said we need to consider the rights of the residents above the tourists.

**Motion passed.**

- B. PUBLIC HEARING AND SECOND READING of Ordinance amendment to Chapter 1, Administrative Code, Article IV – Commissions and Authorities, Section 1.413 – Sustainability Committee

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

Councilor Denton said the changes were drafted by the Sustainability Committee and it changes the number of students serving on the committee. He said that the committee has been having quorum issues and this will alleviate that.

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

**Councilor Denton moved to pass second reading and schedule a third and final reading at the March 17, 2025, City Council meeting. Seconded by Councilor Tabor and voted.**

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

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

- C. Third and Final Reading of Ordinance amendment to Chapter 1, Administrative Code, Article XVI – Adoption of Fees by Budget Resolution, Section 1.1601 – Purpose, Section 1.1602 – Procedure, Section 1.1603 – Exclusion, Section 1.1604 – Default, of the Ordinance of the City of Portsmouth

**Councilor Cook moved to pass third and final reading of the ordinance. Seconded by Assistant Mayor Kelley and voted. Councilor Denton voted opposed to adopting the ordinance.**

## **XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER CONARD**

- 1. Request to Restore Involuntarily Merged Lots at 25 Sims Avenue

**Assistant Mayor Kelley moved to refer this request to the Planning Board and the City Assessor for a report back. Seconded by Councilor Cook and voted.**

- 2. License Extension for 50 South School Street

City Manager Conard said that this is a homeowner wishing to make improvements to their home and this would extend the license.

**Councilor Bagley moved that the City Manager be authorized to execute and accept the License Extension to encumber a parking space in the parking lot that abuts the South School Street Park as requested. Seconded by Councilor Denton.**

Councilor Cook said that this is the second extension for the property owners. City Attorney Morrell said the delay is due to the delay of the delivery of materials. Councilor Cook said that this is a difficult area for parking. She suggested finishing the construction before May.

**Motion passed.**

## **XII. CONSENT AGENDA**

- A. Letter from Ashley Blackington, Portsmouth Girls Softball Association (PGSA), requesting permission to hang banners in the outfield and behind the backstop at the Tony Rahn fields on Pease from March to June ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Stephen Infascelli, Marathon Sports, requesting permission to hold the Portsmouth 5K (formerly known as “Cisco Portsmouth 5K”) on Sunday, May 25, 2025 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Warren Widener, Seacoast Lacrosse Club, requesting permission to place temporary signage on the fences at the Portsmouth Recreation Athletic Field for the Spring 2025 lacrosse season ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Letter from Kate Moran, Leukemia & Lymphoma Society, requesting permission to hold the annual Light The Night (LTN) on Saturday, October 4, 2025 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- E. Letter from Phillip Boisvert, New Hampshire Water Pollution Control Association (NHWPCA), requesting permission to hold a 5K Race at Pease on Saturday, October 11, 2025 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- F. Letter from Rich Clyborne, Gundalow Company, requesting permission to conduct the 2025 Round Island Regatta on Saturday, August 9, 2025, at the Robert P. Sullivan Boat Launch at Peirce Island ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

**Councilor Cook moved to adopt the Consent Agenda. Seconded by Assistant Mayor Kelley and voted.**

### **XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

#### **A. Email Correspondence**

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

### **XV. CITY COUNCIL MEMBERS**

#### **A. COUNCILOR TABOR**

##### **1. Fee Committee Report**

Councilor Tabor reported on the Sidewalk Obstruction Ordinance and discussion took place in the Governance Committee. He said that the Finance Committee agreed to waive the fees. He said we need the City Council to make the decision to waive the fees.

**Councilor Tabor moved to eliminate the \$75.00 table fee and \$10.00 chair fee under the Sidewalk Obstruction ordinance Chapter 9, Article V, Section 504C effective immediately so long as the tables and chairs are open to general use, not just for patrons of the business seeking the permit. Seconded by Councilor Cook.**

Councilor Blalock asked if this would still require a permit. Councilor Tabor said that it would. Assistant Mayor Kelley said a Certificate of Insurance would also be required. She stated that this is for the fees for year-round use. She stated we must be careful with how we benefit businesses.

Councilor Bagley said the small tables and chairs are a benefit to the city in Market Square. He said people want more places to sit at with public benefit.

Councilor Blalock said he will vote against the motion because any money we take out of fees we shift towards residents.

Councilor Tabor said on the revenue front the fees equal to \$15,000.00.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said we need to make sure we are not making more money on tables and chairs.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

Councilor Cook said the challenge is there needs to be a decision now because of the permitting of these items. She said we need to keep the permitting process in place.

Councilor Bagley said he disagrees with getting rid of the fees and that has resulted in losing the tables and chairs downtown. He said the question is that this is valuable to the residents.

Councilor Lombardi said the tables and chairs are provided for anyone to sit at and use. He disagrees with waiving fees.

Mayor McEachern said we need to understand the amount of time to put in for licensing these items.

**On a roll call vote 5-2 and 1 abstention, motion passed. Councilor Tabor, Cook, Denton, Bagley and Lombardi voted in favor. Councilor Blalock and Mayor McEachern voted opposed. Assistant Mayor Kelley abstained from the vote.**

2. Housing Committee recommendation of a Payment in Lieu schedule as required in the Gateway Neighborhood Overlay District ordinance

Councilor Tabor said the payment creates a Payment In Lieu of and spoke to affordable units and that the Housing Committee looked at methods in New England and decided to use RKG. He said RKG created a table and that would be the first payment in lieu of table we would have. He said this provides a chance to pilot and how we would use a payment in lieu.

**Councilor Tabor moved to approve the Payment in Lieu fee table recommended by the Housing Committee as shown in the packet, subject to update next week and every two years after that by the Fee Schedule Study Committee or City Council. Proceeds paid will go to the city's Housing Trust Fund for the purpose of creating and preserving below market rate housing in Portsmouth. Seconded by Assistant Mayor Kelley.**

Assistant Mayor Kelley said if residents and City Council have reviewed the table it is a little confusing, but we took that data based on the city cost per unit and building below and below market rate housing in the city. She said the information is available online for people to review and have more understanding. She stated the Housing Committee will be coming back with more information on continuing this work.

Councilor Bagley asked if the Legal Department reviewed the matter. City Attorney Morrell said they have reviewed the information.

**Motion passed.**

**B. COUNCILOR MOREAU**

1. Planning Board Recommendation regarding Zoning Ordinance relating to Accessory Uses to Permitted Residential Uses

City Manager Conard reported that the Planning Board meeting of February 20, 2025, did not propose any formal changes. She advised the City Council that a written update would be provided to the City Council at the March 17, 2025, meeting.

**XVII. CITY MANAGER'S INFORMATIONAL ITEMS**

*Public Meeting for Bicycle and Pedestrian Plan – City Manager Conard reported that a public meeting is scheduled for March 10, 2025 at 6:30 p.m. in the Eileen Dondero Foley City Council Chambers to review public engagement input received from the planning process and to review the draft plan recommendations. She stated the plan will be finalized for adoption subsequent to this final public meeting and all interested parties are invited to attend.*

*Delayed Opening – Customer Service Pilot Program – City Manager Conard advised the City Council in an effort to provide uninterrupted time for meeting and training, we will delay the public opening of the City Clerk's Office, the Tax Office and the Assessing Office from 8:00 a.m. until 10:00 a.m. on the following Wednesdays in March: 12<sup>th</sup>, 19<sup>th</sup> and 26<sup>th</sup>.*

*2025 Outdoor Dining Update – City Manager Conard indicated that an email went out to those outdoor dining establishments licensed last year is being asked to submit a new application. She reported that the Department of Public Works will begin placing the traffic barriers as they are approved and starting last weekend in April with a start date of May 1<sup>st</sup> through October 14<sup>th</sup>.*

**XIX. ADJOURNMENT**

At 9:00 p.m., Assistant Mayor Kelley moved to adjourn the meeting. Seconded by Councilor Blalock and voted.



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK