

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, SEPTEMBER 8, 2025

PORTSMOUTH, NH
TIME: 7:00PM

Councilor Tabor 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 7:05 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.

PROCLAMATIONS

1. FTD Awareness Week in Portsmouth

Mayor McEachern read the Proclamation declaring the week of September 21st through September 28th as FTD Awareness Week in Portsmouth and called upon the community to learn more about FTD at TheAFTD.org and to support the advocacy of the Association for Frontotemporal Degeneration who seek to change the course of a disease that is largely misunderstood, misdiagnosed, and underfunded.

2. Suicide Prevention Awareness Month

Mayor McEachern read the Proclamation declaring September as Suicide Prevention Awareness Month and reminded all members of the community that there are steps, we all must take in looking out for our loved ones, the people in our community, and those who have been impacted by this leading cause of death.

VII. ACCEPTANCE OF MINUTES – JULY 14, 2025

Assistant Mayor Kelley moved to accept and approve the minutes of the July 14, 2025, City Council meeting. Seconded by Councilor Moreau and voted.

VIII. RECOGNITION AND VOLUNTEER COMMITTEE REPORTS

1. Public Art Review Committee (PARC) Recommendation:
 - Proposed Gift of Original Artwork in Honor of Vernis Jackson

Chris Dwyer, Chair of PARC, presented a piece of original artwork given in honor of Vernis Jackson. The piece is an acrylic painting by Toni Morrison, a special favorite of Vernis. The artwork is on canvas and has been tinted by repeated baths of elixir and intended to be unframed. She said the effect provides a parchment-like quality to the background and was created by artist Romeo Mivekannin. She said that the portrait is painted over excerpts from the classic 1903 W.E.B. DuBois book *The Souls of Black Folk*. She also advised the City Council that the Fairy House Sculpture will be on display at Strawberry Banke. In addition, donations are being accepted for the Nebi Sculpture for Bohenko Park.

Councilor Cook moved to refer to the School Board for placement of artwork at the Portsmouth Middle School for report back to City Council. Seconded by Assistant Mayor Kelley and voted.

IX. PUBLIC COMMENT SESSION

Irene Barth spoke regarding the resurfacing of Gates Street, and the new pavement Public Works is using. She said she is concerned with the adequateness of the materials used. She said it is not a stable surface and a town in Vermont used this type of surface and the pavement was turned up when they used the snowplow.

Sarah Cornell spoke regarding the due process rights for all residents. She spoke regarding ICE agents removing people through the Pease International Airport and the concerns it raises.

Nancy Novelline Clayburgh, School Board Chair, requested the City Council consider the proposal adopted by the School Board and Police Commission regarding IT matters.

Esther Kennedy said the residents elected the School Board, Police Commission and Fire Commission and now the City Council are thinking of taking powers away from the Commissions and Board.

Buzz Scherr, Police Commissioner, spoke regarding Chapter 1 amendments in Section F & G where the language is eliminated regarding the Charter Departments. He said if the language is eliminated it is taking away power that has been given to these departments.

Petra Huda spoke to the process and said the Commissions and School Board do not agree with these changes.

Kate Coyle, Police Commission Chair, said a statement in opposition has been provided and that this is a solution looking for a problem. She stated that she does not feel there is authorization to make these changes.

Paige Trace asked when the Fleet Street reconstruction will be completed. She spoke regarding the new playground at the South Mill Pond and expressed concerns regarding the toxic CSO's.

Kerry Nolte, School Board member, spoke opposed to the amendments to the Administrative Code. She said the City Council needs to understand that this is a concern and comes from a place where questions were asked and not thoroughly answered.

Zach McLaughlin, Superintendent of Schools, said with this change school technology would go under the City IT Department. He said if adopted as written the School Board does not need to answer to the City Manager and there is a clear difference.

Brian French, School Board Vice Chair, thanked the City Council for all they do in the City. He said that there is a joint statement in the packet from the School Board and Police Commission regarding their concerns regarding these changes. He said that this should be sent back to the Committee for input from the Charter Departments.

David Holt, Somersworth, spoke regarding due process and free speech and said that police officers impeded free speech in Market Square. He said that the officers need to be trained on how to allow individuals and their right to have free speech.

Kline Dicken, North Hampton, spoke regarding ICE agents at Pease International Airport. She said that there are immigrants being taken out of the City through Pease and it is needs to stop.

Burt Cohen, New Castle, said that Portsmouth, known as the City of the Open Door, is a proud community. He said this is about freedom being taken away and freedom needs to be protected.

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

First Reading of Ordinance:

- A. First Reading of Ordinance Amending Chapter 10, ZONING ORDINANCE, Article 5A Character-Based Zoning, Section 10.5A43.45, Special Building Footprint Provisions; Section 10.5A43.46, Redevelopment of Existing Buildings; and Article 15, Definitions, Building footprint

Councilor Denton moved to pass first reading and schedule a public hearing and second reading at the September 24, 2025, City Council meeting. Seconded by Councilor Lombardi and voted.

Public Hearing & Adoption of Resolution:

- B. Public Hearing & Adoption of Resolution Amending #6-2022, Adopted April 4, 2022, which Authorized a Bond Issue and/or Notes for costs related to the Feasibility and Design of a new Police Facility and or Rehabilitation of the Existing Facility, to include costs for the Entire Municipal Complex
 - **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.

Deputy City Manager of Finance and Administration spoke to the \$1,400,000.00 Bonding Resolution that passed in 2022.

With no speakers, Mayor McEachern closed the public hearing.

Councilor Blalock moved to adopt the Resolution as presented. Seconded by Councilor Tabor.

Mayor McEachern said he is pleased with the work of the Municipal Building Committee. He said that we needed to go back and clarify the bonding to include the entire Municipal Complex.

On a roll call vote 8-1, motion passed. Assistant Mayor Kelley, Councilors Tabor, Cook, Denton, Blalock, Moreau, Lombardi and Mayor McEachern voted in favor. Councilor Bagley voted opposed.

Public Hearing and Second Reading of Ordinance:

- C. Public Hearing & Second Reading of Chapter 10, ZONING ORDINANCE, CITY OF PORTSMOUTH ZONING MAP be amended as follows: rezone parcels described on the City Tax Map 138 Lot 62; and Tax Map 138 Lot 63 from Character District 5 (CD5) to Character District 4 (CD4); to change the boundary of the North End Incentive Overlay District (NEIOD) by removing City Tax Map 138 Lot 60-2, Tax Map 138 Lot 62, Tax Map 125 Lot 16, Tax Map 138 Lot 63 and a portion of Tax Map 138 Lot 60-3; and to amend the boundary of the Downtown Overlay District (DOD) by removing City Tax Map 138 Lot 60, a portion of Tax Map 138 Lot 60-1, Tax Map 138 Lot 60-2, Tax Map 138 Lot 60-3, Tax Map 138 Lot 61, Tax Map 138 Lot 62, Tax Map 138 Lot 63, Tax Map 164 Lot 4, Tax Map 125 Lot 17-1 and a portion of Tax Map 125 Lot 16 and Tax Map 125 Lot 17 from the DOD; and to add a building height standard of 2-3 stories (40 feet) along Rock Street to the cul-de-sac at Foundry Place for City Tax Map 138 Lot 63, Tax Map 138 Lot 60-2, and Tax Map 138 Lot 60-3. The Zoning Maps to be amended are referenced in the City's Zoning Ordinance at Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 and Chapter 10, Article 5A, Character Based zoning, Section 10.5A21.10, Content of Regulation Plan, Map 10.5A21A (Character Districts and Civic Districts) and Map 10.5A21B (Building Height Standards), collectively the "Zoning Maps"

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

Councilor Bagley said he would recuse from the vote and stepped off the Dais.

Peter Stith, Planning Manager, spoke to the NEIOD and said the change will:

- Pull back from Hill Street and Hanover Street to center line of Foundry Place
- Remove three lots on Hill and Hanover Street from NEIOD.
- Pull DOD boundary back so it parallels Bridge Street along front portion of Map 125 Lot 16 and Map 125 Lot 17
- Impose parking requirement for non-residential uses on lots removed from DOD
- Allow residential on the ground floor
- Add height designation of 2-3 stories (40') from along Rock Street with new ROW parcel from Hanover Street to Foundry Place
- Change from CD5 to CD4
- Proposed Dimensional Requirements

Brad Gray, owner 126 Bridge Street, spoke about the long-standing family history in the City. He said we are opposed to boundaries in the overlay and that are in the downtown district. He said there are no intentions to develop the property.

Kate Waldwick asked the City Council to support the ordinance change. She said you will never get everyone in agreement and something is better than nothing. She stated that what is proposed this evening is much smaller and this was supposed to happen six years ago, and the City dropped the ball and the neighborhood is zoned wrong.

Elizabeth Bratter said the zoning presented is not what the neighborhood wanted but it will work. She spoke to the heights of the buildings. She said the movement out of the zone makes the lot more usable and that makes this a good proposal and plan.

John Gray said that everyone moved into CD5 and did not want the change. He said the neighborhood wants what is best for the families and owners.

Matthew Sullivan (via Zoom) said the rezoning allows more commercial building. He asked if new construction in the area would require owners to make parking.

Robin Husslage spoke regarding zoning between Rock and Bridge Streets which includes the removal of NEIOD and DOD. She said this will change two lots from CD5 to CD4 has no major impact. She stated she supports the changes but does not feel they go far enough and that the new master plan could make the neighborhood more friendly.

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

Councilor Moreau moved to pass second reading and schedule third and final reading at the September 24, 2025, City Council meeting. Seconded by Councilor Tabor.

Councilor Cook asked about Map 125 Lots 16 & 17 are divided in half and asked if there was consideration to keep both lots in the existing zone. She asked if we considered not splitting the lots in half.

Councilor Moreau said if you think about downtown, Bridge Street is the outside of downtown, and that was the rational behind that. She said it made sense to follow the line where it goes already.

Councilor Blalock said if the DOD goes through the lot does it allow for commercial.

Planning Manager Stith stated currently you need commercial on the ground floor.

Councilor Moreau said it is important to note that this does not stop the conversation around the downtown.

Councilor Cook said she wants to reassure that it does not increase density but decreases density.

Mayor McEachern said he is happy with the changes made at the last meeting and that this is better than what it was, but we are far from perfect. He stated he expects things to change in a matter of a

year with the new Master Plan. He said he would support the changes and move forward and that the overlay district will change in the next 3-5 years.

On a roll call vote 7-1, motion passed. Assistant Mayor Kelley, Councilors Tabor, Cook, Denton, Moreau, Lombardi, and Mayor McEachern voted in favor. Councilor Blalock voted opposed. Councilor Bagley stepped off the Dais and left the Chambers recusing from voting on this matter.

At 8:55 p.m., Mayor McEachern called for a brief recess. At 9:05 p.m., Mayor McEachern called the meeting back to order.

Third and Final Reading of Ordinances:

- D. Third and Final Reading of Ordinance Amending Chapter 1, Administrative Code – Article I, Administrative Code Ordinance Amendments:
- Section 1.102 – Administrative Organization
 - Section 1.103 – Organizational Chart
 - Section 1.105 – General Powers and Duties of the Department Administrators
 - Section 1.106 – Specific Duties, Functions and Responsibilities of Departments
 - Section 1.107 – Authority of City Manager

Assistant Mayor Kelley moved to suspend the rules to allow for further comments on this ordinance. Seconded by Councilor Blalock and voted.

City Attorney Morrell stated that the amendments are outlined in her memorandum.

Regulatory Counsel Woodland said this will bring us in accordance with the Charter. She reviewed the changes.

Chief of Information Technology Babcock spoke to the changes that will bring forward operational efficiencies aligning software and cyber security.

Police Commissioner Scherr spoke about the changes and how they relate to the Police Department.

Police Commissioner Chair Coyle said the Police Department has the highest standards of confidential records and the standards. She said that the Police Department are vastly different from other departments and does not feel there would be fiscal savings.

Esther Kennedy spoke to cyber security and how it is managed by the School Department where she works. She said that Information Technology has a significant role and it is unfortunate that the City is not considering the changes brought forward by the School and Police Departments.

Brian French, School Board Vice Chair, said the School Board made recommendations a few weeks ago and asked that the City consider those items before taking action. He said that operational efficiencies were a concern.

City Attorney Morrell said there is a typo in the ordinance and the RSA referred to should be RSA 21P:29.

Paige Trace asked if there is any reason that the City Council could not table this matter until a joint meeting is held with the Police Commission and the School Board.

Discussion followed among the City Council.

After no further speakers Mayor McEachern declared the public hearing closed.

Councilor Tabor moved to pass third and final reading of the ordinance as presented. Seconded by Councilor Bagley.

Assistant Mayor Kelley moved to suspend the rules to offer an amendment to the ordinance at third reading. Seconded by Councilor Lombardi and voted.

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

Councilor Bagley moved to amend Section 1.107 B. by changing the RSA contained in the first sentence from RSA 29-P:39 to RSA 21-P:39. Seconded by Councilor Lombardi and voted.

Councilor Cook spoke to the work of the Governance Committee on this ordinance which took place over 6 months. She said changes were made to bring language in line with our Charter and the goal was never to take anything from anyone.

Discussion continued by the City Council.

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

- E. Third and Final Reading of Ordinance Amending Chapter 2, Seal, Deeds and Elections Article II, Deeds, Section 2.201 – Execution to be amended by deleting the section in its entirety

Councilor Lombardi moved to pass third and final reading of the Ordinance as presented. Seconded by Councilor Denton and voted.

XI. CITY MANAGER’S ITEM WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Request to Establish Polling Hours for the Municipal Election

Assistant Mayor Kelley moved to establish polling hours for the November 4, 2025, Municipal Election from 8:00 a.m. to 7:00 p.m. Seconded by Councilor Blalock and voted.

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

Councilor Tabor moved to schedule a public hearing on September 24, 2025, to consider whether to place the following questions allowing Social Districts as a ballot question on the November 4, 2025, Municipal Ballot: "Shall we allow the operation of social districts within the City of Portsmouth." Seconded by Councilor Lombardi.

Councilor Bagley said he would support all three to allow the public to come and speak about these questions.

Councilor Tabor requested a report back at the September 24, 2025, City Council meeting on whether social districts will require more police officers, could this cause a litter problem with people leaving behind their cups when moving to other areas that are outside the social districts.

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

Councilor Cook said we could have someone from the Economic Development Commission (EDC) to offer an opinion on these questions.

Assistant Mayor Kelley said the Economic Development Commission has someone working on this and the EDC is not sure if they would have an opinion because we do not know how the State feels about Social Districts.

City Manager Conard said this would follow the same process much like outside dining.

Councilor Blalock said that this is to give residents a chance to talk about whether this is put on the ballot.

Senior Assistant City Attorney Ferrini spoke to the questions.

Motion passed.

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

Councilor Denton moved to amend the question to read "Shall we not allow the operation of KENO games within the City of Portsmouth." Seconded by Councilor Moreau and voted.

Senior Assistant City Attorney Ferrini said the difference from 2017 is it was an opt in question to allow KENO and now you would need to opt out with a ballot question.

Main motion passed as amended.

Councilor Bagley moved to schedule a public hearing on September 24, 2025, to consider whether to place the following question prohibiting games of chance as a ballot question on the November 4, 2025, Municipal Ballot: “Shall we prohibit the operation of games of chance within the City of Portsmouth.” Seconded by Councilor Denton.

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

Councilor Denton moved to amend the question to read “Shall we not allow the operation of games of chance within the City of Portsmouth.” Seconded by Councilor Blalock.

Councilor Cook asked if we could make sure that this does not affect private neighborhood poker games.

Motion passed.

XII. CONSENT AGENDA

- A. Request from Morten Steen-Jorgensen of Pepper Palace Inc., to install a Projecting Sign at 87 Congress Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director’s Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of projecting sign(s), for any reason, shall be done at no cost to the City; and***
 - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation, or removal of the projecting sign(s), for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- B. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events:
- First Night Portsmouth 2026 – Wednesday, December 31, 2025
 - Children’s Day – Sunday, May 3, 2026
 - 49th Annual Market Square Day Festival & 10K Road Race – Saturday, June 13, 2026
 - 23rd Annual Summer in the Street – Saturday evenings: July 4th, July 11th, July 18th, July 25th, and August 1st

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

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

XIII. PRESENTATION AND WRITTEN COMMUNICATIONS

A. E-mail Correspondence

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

XIV. MAYOR McEACHERN

1. Appointments to be Considered:
 - Reappointment of Robert Capone to the Cable & Broadband Internet Commission
 - Reappointment of Katinka de Ruiter to the Board of Library Trustees
 - Appointment of Jolanda Fannin to the Board of Library Trustees

The City Council considered the two reappointments and one appointment as outlined above that would be voted upon at the September 24th City Council meeting.

2. Acceptance of Resignations:
 - Charles Sullivan from the Sustainability Committee

Councilor Denton moved to accept with regret the resignation of Charles Sullivan from the Sustainability Committee and to send a letter of thanks and appreciation for his service to the City. Seconded by Councilor Bagley and voted.

- Alyssa Murphy from the Public Art Review Committee

Councilor Cook moved to accept with regret the resignation of Alyssa Murphy from the Public Art Review Committee and to send a letter of thanks and appreciation for her service to the City. Seconded by Assistant Mayor Kelley.

Councilor Cook said Alyssa Murphy has been a wonderful member and an integral part of the work of the Committee.

Motion passed.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR COOK, COUNCILOR BAGLEY & COUNCILOR MOREAU

1. Resident Parking Access Program (RPAP)

Councilor Cook moved to direct staff to develop a detailed implementation plan for a Resident Parking Access Program (RPAP), establishing a \$1 per hour for non-resident vehicles in neighborhoods that surround downtown that are currently unmetered, with enforcement by license plate. Staff shall return to Council with a proposed framework, cost estimates, and recommendations for pilot neighborhoods, with specific consideration of how the program can also support higher-density affordable housing developments without parking requirements. Seconded by Councilor Bagley.

Councilor Bagley spoke regarding the previous Parking Study, and that the Neighborhood Parking Program was looked at and the framework would be any person that signs up through registering their vehicles.

City Council requested the following information be provided in a report back to the City Council:

- How have previous resident parking programs worked,
- Where and what areas would lines be drawn for such a program,
- The number of free passes provided to households,
- How would the program differentiate between downtown workers and tourists,
- Would the plan include surface lots, such as Parrott Avenue, South Mill Pond Playground, and the lower lot of City Hall,
- An outline to be provided of the framework for the plan,
- Cost estimates,
- Recommendations for pilot neighborhoods,
- How the plan should be implemented

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

Councilor Denton moved to suspend the rules to continue the meeting beyond 10:30 p.m. Seconded by Councilor Cook. Assistant Mayor Kelley, Councilors Blalock and Lombardi voted opposed.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant from the New Hampshire Department of Justice for the NH Internet Crimes Against Children Task Force - \$1,300.00

Councilor Tabor moved to approve and accept the New Hampshire Department of Justice grant in the amount of \$1,300.00. Seconded by Councilor Moreau and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *Report Back on Status of Converting State Street to Two-Way Traffic – City Manager Conard reported as part of the Capital Improvement Plan, \$50,000.00 was approved to evaluate the impacts and costs associated with converting the one-way portion of State Street to two-way traffic. She advised the City Council that staff are working with the BETA Group, Inc. to develop a scope of work and budget to complete the work.*

In addition, to the evaluation of roadway configuration, the scope of work will include public input and a presentation of the findings to the City Council. She stated that the study is anticipated to be completed by the end of the calendar year.

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

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XIX. ADJOURNMENT

At 10:45 p.m., Councilor Moreau moved to adjourn the meeting. Seconded by Councilor Bagley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK