

TO: KAREN CONARD, CITY MANAGER
FROM: KELLI L. BARNABY, CITY CLERK
RE: ACTIONS TAKEN AT THE PORTSMOUTH CITY COUNCIL MEETING HELD IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS ON MONDAY, AUGUST 7, 2023
PRESENT: MAYOR McEACHERN, ASSISTANT MAYOR KELLEY, COUNCILORS TABOR, DENTON, MOREAU, BAGLEY, LOMBARDI, BLALOCK, AND COOK

1. **On a unanimous voice vote 9-0, voted** to close the Non-Public Session and seal the minutes.
2. Acceptance of Minutes – July 10, 2023 & July 24, 2023 – **Voted** to accept and approve the minutes of the July 10, 2023 and July 24, 2023 City Council meetings.
3. Recognitions and Volunteer Committee Reports – Mayor McEachern recognized Portsmouth Little League for their outstanding season.
4. Recognitions and Volunteer Committee Reports – Mayor McEachern recognized William Shaheen for his selection to USA Baseball’s Northeast Team.
5. Recognitions and Volunteer Committee Reports – Mayor McEachern, City Council, City Manager Conard recognized Assistant City Attorney Kathleen Dwyer for her 37 years of service to the City of Portsmouth in the Legal Department. Former City Attorney Robert Sullivan recognized Kathleen’s career with the city and her work with the School Department throughout the years.

Mayor McEachern presented Kathleen with a City of Portsmouth rocking chair in recognition and thanks for her service to the city. Kathleen accepted the gift with thanks and appreciation.

6. Public Comment Session – There were 21 speakers: Frank Desper, Eli Sokorelis, Thomas Beaudoin, Lonnie Cherry (Keno); Dave Fine (Locks); James Johnston (Field Lights); Francis Cormier (Leo & Hippo); Herb Lloyd, John Carty (SolSmart Program); Irish Mike (Token Gains); Paige Trace (Portsmouth); Petra Huda (Various); Peter Somssich, Larry Cataldo (Citywide Neighborhood Business – Spinnaker Point); Jennifer Mandelbaum (Thanked City Council); Ted Jankowski (McIntyre); Cliff Dagle (High Street/Ladd Street Proposal); Peter Loughlin, Rick Becksted – *via zoom* (McNabb Proposal); Gary Epler (E.V. Charging) Mark from The Park (Lee Greenwood Song).
7. PUBLIC HEARING/SECOND READING of Ordinance amending Chapter 1, Article III – BOARDS and Article IV – COMMISSIONS AND AUTHORITIES – Held a Public Hearing. **Voted** to amend the ordinance Section 1.302 D third line to change his or her to *his/her or their*.

Voted to pass second reading as amended and hold third and final reading at the August 21, 2023 City Council meeting.

Voted to suspend the rules to take up third and final reading this evening.

Voted to pass third and final reading of the ordinance.

8. PUBLIC HEARING/SECOND READING of Omnibus Ordinance amending Chapter 7, VEHICLES, TRAFFIC AND PARKING:

- Amend Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.336, A: One-Way Streets:

- 24. Raynes Avenue: westerly from Vaughan Street to Maplewood Avenue
- 35. Vaughan Street: northerly from Maplewood Avenue to Raynes Avenue

- Amend Chapter 7, Article IVA – BUS STOPS AND TAXICAB STANDS, Section 7A.408: Taxi Stands Designated

The following areas are hereby designated as Taxi stands:

- A. Pleasant Street: easterly side, first parallel parking space north of State Street

- Amend Chapter 7, Article XI – SPEED LIMITS, Section 7.1100, E: Speed Limits: 25 MPH

Section 7.1100: SPEED LIMITS:

E. Speed Limits: 25 MPH

- 7. Islington Street
- 10. Middle Road, from Peverly Hill Road to Middle Street
- 12. Parrott Avenue
- 17. Summit Avenue

Held a Public Hearing. **Voted** to pass second reading and hold third and final reading at the August 21, 2023 City Council meeting.

Voted to suspend the rules to take up third and final reading this evening.

Voted to pass third and final reading of the ordinance.

9. PUBLIC HEARING/SECOND READING of Ordinance amending Chapter 7, Article VI – LOADING ZONES, Section 7.601- LIMITED HOURS LOADING ZONES – Held a public hearing. **Voted** to pass second reading and hold third and final reading at the August 21, 2023 City Council meeting.

Voted to suspend the rules to take up third and final reading this evening.

Voted to pass third and final reading of the ordinance.

10. PUBLIC HEARING/SECOND READING of Ordinance amending Chapter 7, Article X – TOWING, Section 7.1004 – TOWING OR IMMOBILIZATION OF MOTOR VEHICLES FOR NON-PAYMENT OF PARKING FINES:

ILLEGALLY PARKED: accumulated unpaid parking violations in an amount in excess of two hundred fifty dollars (\$250.00) on any or all vehicles at any time registered to the owners of said vehicle as shown on the records maintained by the Parking Clerk.

NOTICE: At any time, subsequent to the accumulation of unpaid parking fines in excess of two hundred fifty dollars (\$250.00) on any or all vehicles at the time registered to the owner of any vehicle on the records maintained by the Parking Clerk, the Parking Clerk may send a Notice by certified mail to the registered owner of said vehicle or vehicles at the address on the registration.

Held a Public Hearing. **Voted** to pass second reading and hold third and final reading at the August 21, 2023 City Council meeting.

Voted to suspend the rules to take up third and final reading this evening.

Voted to pass third and final reading of the ordinance.

11. PUBLIC HEARING/SECOND READING of Ordinance amending Chapter 10 – Article 5A – CHARACTER-BASED ZONING, Section 10.5A20, **Regulating Plan**, Subsection 10.5A21.10 Contents of Regulating Plan, Map 10.5A21B – Building Height Standards, Section 100.5A43.30 - **Building and Story Heights**, Subsection 10.5A43.33, Section 10.5A43.40 – **Maximum building footprint**, Subsections 10.5A43.41-44, and Section 10.5A45 – **Community Spaces**, Subsection Figures 10.5A45.10 Community Spaces, Section 10.5A46.20 – **Requirements to Receive Incentives to the Development Standards**, Subsections 10.5A46.21-22, and Article 15 – DEFINITIONS, Section 10.1530 – **Terms of General Applicability**, of the Ordinances of the City of Portsmouth – Held a Public Hearing. Moved to pass second reading and hold third and final reading at the August 21, 2023 City Council meeting.

Voted to amend first two lines of Section 10.5A43 (e) to strike the words *the development shall have at least 10% of*. The sentence will now read: For development with more than five (5) dwelling units, the dwelling units within a building shall be workforce housing units in compliance with state law for either.

Voted to pass second reading as amended and hold third and final reading at the August 21, 2023 City Council meeting.

Voted to suspend the rules to take up third and final reading this evening.

Voted to pass third and final reading of the ordinance.

12. **Voted** to suspend the rules to bring forward item XV. A.1. – SolSmart Application.
13. SolSmart Application – **Voted** that the City of Portsmouth submit a SolSmart application, engage with SolSmart consultants, and build a designation plan.
14. Amendment to Lease Agreement for AIDS Response of the Seacoast – **Voted** to authorize the City Manager to finalize and execute the Amendment to the Lease Agreement as proposed in the agenda packet.
15. Bicycle Pedestrian Easement for Property Located at 293 Peverly Hill Road – **Voted** to authorize the City Manager to accept and record a Bicycle and Pedestrian Path Easement Deed in substantially similar form to the easement deed from Peverly Hill Estates Condominium, Inc. contained in the agenda packet.

16. Drainage Easement and Public Access/Community Space Easement for 70 Maplewood Avenue – **Voted** to grant authority for the City Manager to negotiate, execute, accept and record the Easement for Public Access and Use of Community Space in a form substantially similar to the attached and to further authorize the City Manager to negotiate, execute accept and record any amendment to the Easement to add metes and bounds description of the community space after as built plans are completed.

Voted to grant authority for the City Manager to negotiate, execute, accept and record the Drainage Easement Deed in form similar to document contained in the agenda packet.

17. **Voted** to suspend the rules to bring forward item XVII. 1. – Report Back Re: Ruth Street Property Release.

City Manager Conard reported the relevant deeds were reviewed and plans relating to the end of Ruth Street. As a result, release of the turnaround easement is not appropriate at this time, unless and until a survey plan is prepared by a licensed surveyor which details the extent of the City's right of way interest.

Additionally, Ms. Sensiba expressed some desire to maintain the landscaping she has installed within the City's turnaround easement and we advised Ms. Sensiba she could request a landscaping license from the City Council; however, she declined this suggestion. No further action is recommended at this time.

18. Consent Agenda – Councilor Cook requested to take action on Item C. the Grant State Wheelers request separately.

Voted to adopt the Consent Agenda Items A. & B. – Projecting Signs for 107 Congress Street and 333 State Street.

- A. Request from Sophie Gee, Janegree, to install a Projecting Sign at 107 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, for any reason, shall be done at 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, 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. Request from Thomas Michael, TD Bank, N.A., to install two Projecting Signs at 333 State 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, for any reason, shall be done at 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, 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***

- C. Letter from Arlon Chaffee, Granite State Wheelers, requesting permission to hold the Seacoast Century Bicycle Ride on September 23, 2023 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

19. Letter from Arlon Chaffee, Granite State Wheelers, requesting permission to hold the Seacoast Century Bicycle Ride on September 23, 2023 – **Voted** to refer to the City Manager with Authority to Act. Councilor Cook recused from voting on this matter.

20. Presentation from Mark McNabb, McNabb Properties, Ltd., regarding Improvements Plans for High Street, Ladd Street and Haven Court as part of the 1 Congress Street Project – Moved to approve the work proposed in concept, subject to the staff reporting back with a Memorandum of Agreement between the City and the Developer that identifies the rough scope of work and the needed legal documents to proceed with that work, to be approved by the City Council and executed by the City Manager.

Voted to amend the motion to refer to Parking & Traffic Safety Committee to review with a report back to the City Council. Councilor Cook voted opposed.

Main motion passed as amended.

21. Letter from Rick Chellman, Planning Board Chair, regarding High Street/Haven Court Improvements – No action required.

22. Letter from JerriAnne Boggis, Black Heritage Trail, 60th Anniversary of Dr. Martin Luther King's March on Washington, requesting permission to use public spaces for a March from Memorial Bridge and a ceremony at the African Burying Ground Memorial on Saturday, August 26, 2023 – **Voted** to refer to the City Manager with Authority to Act.

23. Letter from Paul Timmerman, Raid on Fort William & Mary, requesting permission to hold an event on December 14, 2023 and December 15, 2023 in recognition of the 250th Revolutionary War anniversary - **Voted** to refer to the City Manager with Authority to Act.

24. Letter from Kara Sweeney, Betty's Dream, requesting to enter into a Payment in Lieu of Taxes (PILOT) Agreement regarding 75 Longmeadow Lane – **Voted** to refer to the Legal & Assessing Departments for report back.
25. Letter from Rene Sullivan, Friends of Lafayette House, requesting to enter into a Payment in Lieu of Taxes (PILOT) Agreement for Friends of Lafayette House - **Voted** to refer to the Legal & Assessing Departments for report back.
- Councilor Cook requested a report back from the Assessor on the requirements a non-profit has for providing proof of non-profit status in the city.
26. Letter from Gary Beaulieu requesting a landscape license for 232 South Street – **Voted** to authorize the City Manager to negotiate and grant a landscape license to property owners at 232 South Street to construct and maintain landscaping at 232 South Street, as described in the City Council agenda packet.
27. McIntyre Status Update – On a roll call 8-1, **voted** to direct our city staff to pursue the transfer of the McIntyre Property for the purpose of converting the commercial space into workforce housing. Mayor McEachern, Councilors Tabor, Denton, Moreau, Lombardi, Blalock, Cook and Assistant Mayor Kelley voted in favor. Councilor Bagley voted opposed.
28. **Voted** to suspend the rules to continue the meeting beyond 10:30 p.m.
29. Appointments to be Considered – The City Council considered the appointments listed below to be voted on at the August 21, 2023 City Council meeting.
- Paul Messier to the Building Code Board of Appeals
 - Meganne Fabrega to the Library Board of Trustees
 - Jennifer Mandelbaum to the Library Board of Trustees
 - William Bowen to the Planning Board as an Alternate
 - Ivy Robichaud to the Sustainable Practices Blue Ribbon Committee
30. Acceptance of Resignation – Alan Gold from the Economic Development Commission – **Voted** to accept with regret and that a letter be sent to Mr. Gold thanking him for his service to the city.
31. KENO Question on Municipal Ballot – **Voted** to place the Keno Question “Shall we allow the operation of Keno games within the City of Portsmouth” on the November 7, 2023 Municipal Ballot and hold a public hearing at the October 16, 2023 City Council meeting.
32. Study of South Bound Route One Traffic Pattern – **Voted** to request a report back from the Parking & Traffic Safety Committee and the status on the progress of this project.
33. Parking & Traffic Safety Committee Action Sheet and Minutes of the July 6, 2023 meeting – **Voted** to accept and approve the action sheet and minutes of the July 6, 2023 Parking & Traffic Safety Committee.
34. Request for First Reading regarding Economic Development Ordinance Proposed Amendments – **Voted** to schedule first reading on the proposed changes to the Economic Development Ordinance at the August 21, 2023 City Council meeting.
35. **Voted** to suspend the rules to bring forward Councilor Cook's Item 3 – Mid-year Report on the Work of the Governance Committee.

36. Mid-year Report on the Work of the Governance Committee – Councilor Cook provided a detailed overview and mid-year report of the work the Governance Committee has undertaken.
37. Request for First Reading establishing an Arts and Cultural Commission – **Voted** to schedule first reading of the draft ordinance August 21st establishing an Arts and Cultural Commission to replace the Arts and Nonprofits Blue Ribbon Committee.
38. Request for First Reading with Presentation from the Governance Committee regarding proposed changes to the Ethics Ordinance – **Voted** to schedule first reading with a formal presentation from Governance Committee on August 21st on their proposed changes to the Ethics Ordinance around conflict of interest.
39. City Manager’s Informational Items – Community Campus Wetlands Delineation – City Manager Conard reported the total acreage of land outside of the wetland and the buffer as determined by the wetland delineation is 5.15 acres. She also stated that there is 14.74 acres of upland, much of which is wetland buffer.
40. Prescott Park Master Plan Implementation – City Manager Conard reported that additional fundings are needed to complete the revised scope which will be requested in the Fiscal Year 2025 CIP. She stated the additional cost for the revised scope of work is \$335,845.00.
41. Adjournment – At 11:15 p.m., **voted** to adjourn.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk