

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, JULY 15, 2024

PRESENT: MAYOR McEACHERN, ASSISTANT MAYOR KELLEY, COUNCILORS TABOR, COOK, DENTON, BLALOCK, BAGLEY, MOREAU AND LOMBARDI

1. **Voted** to close the Non-Public Session and seal the minutes.
2. Mayor McEachern asked everyone to join in a moment of silence for the assassination attempt on former President Trump and the two families that lost loved ones during the attack and also expressed sincere condolences to the family of Brigadier General Pogorek who lost his life in a tragic vehicle accident.
3. Proclamation – Plastic Pollution Reduction Month – Councilor Cook read the Proclamation declaring July as Plastic Pollution Reduction Month in Portsmouth and encouraged all citizens and businesses to reduce their plastic consumption and waste by choosing reusables and an opt-in versus opt-out model for single-use items. Planning and Sustainability Director Britz accepted the Resolution with thanks and appreciation.
4. Proclamation – Wildlife Conservation Day in Portsmouth – Mayor McEachern read the Proclamation declaring Wildlife Conservation Day in Portsmouth on June 20, 2024, by Student Mayor Sage Stubbs.
5. Acceptance of Minutes – June 3, 2024, and June 17, 2024 – **Voted** to approve and accept the minutes of the June 3, 2024, and June 17, 2024, City Council meetings.
6. Public Comment Session – There were 5 speakers: Roy Helsel (City Traffic Speed); Sue Polidura, Petra Huda (HDC); Esther Kennedy and Paige Trace (Portsmouth).
7. First reading of proposed Ordinance amending Chapter 10, Article 5A – Character-Based Zoning, Section 10.5A43.33 regarding Building and Story Heights of the Zoning Ordinance – **Voted** to pass first reading and schedule a public hearing and second reading to be held at the August 5, 2024, City Council meeting.
8. First Reading of proposed Parking Omnibus Ordinance amending Chapter 7, Article III – Traffic Ordinance, Section 7.330 A. - No Parking; Article III – Traffic Ordinance, Section 7.341 - Driving on Sidewalk; and Article XI, Section 7.1100 E., Speed Limits: 25 mph – Middle Street – **Voted** to pass first reading and schedule a public hearing and second reading to be held at the August 5, 2024, City Council meeting.
9. Public Hearing/Adoption of Resolution authorizing a Bond Issue and/or notes of the City under the Municipal Finance Act of up to Six Hundred Fifty Thousand Dollars (\$650,000.00) for costs related to School Facilities' Capital Improvements – Held a public hearing. On a unanimous roll call 9-0, **voted** to adopt the Resolution, as presented.

10. Public Hearing/Adoption of Resolution authorizing a Bond Issue and/or notes of the City under the Municipal Finance Act of up to Twelve Million Nine Hundred Twenty-Five Thousand Dollars (\$12,925,000.00) for costs related to:

- Ambulance Replacement Program,
- Police Deficiencies and Repair Project,
- Land Acquisition,
- South Mill Pond Playground,
- Additional Outdoor Recreation Fields,
- Prescott Park Master Plan Implementation,
- Citywide Facilities Capital Improvements,
- Greenleaf Avenue Sidewalk,
- Russell/Market Intersection Upgrade,
- Fleet Street Utilities Upgrade and Streetscape,
- Citywide Storm Drainage Improvements, and
- The Creek Neighborhood Reconstruction

Held a public hearing. On a roll call 8-0, **voted** to adopt the Resolution, as presented. Councilor Tabor recused from voting because he serves on the Prescott Park Arts Festival.

11. Public Hearing/Adoption of Resolution authorizing a Bond Issue and/or notes of the City under the Municipal Finance Act and/or participation in the State Revolving Fund (SRF) Loan of up to Four Million Fifty Thousand Dollars (\$4,050,000.00) related to:

- Water Storage Tanks Improvements,
- Madbury Water Treatment Plant – Facility Repair and Improvements,
- Fleet Street Utilities Upgrade and Streetscape,
- DPW Complex Improvements, and
- The Creek Neighborhood Reconstruction

Held a public hearing. On a unanimous roll call 9-0, **voted** to adopt the Resolution, as presented.

12. Public Hearing/Adoption of Resolution authorizing a Bond Issue and/or notes of the City under the Municipal Finance Act and/or participation in the State Revolving Fund (SRF) Loan of up to Thirty Five Million Four Hundred Sixty-Five Thousand Dollars (\$35,465,000.00) for costs related to:

- Pease Wastewater Treatment Facility,
- Wastewater Pumping Station Improvements,
- Sewer Service Funding for Sagamore Avenue Area Sewer Extension,
- Mechanic Street Pumping Station Upgrade,
- Peirce Island Wastewater Treatment Facility,
- Fleet Street Utilities Upgrade and Streetscape,
- Citywide Storm Drainage Improvements,
- DPW Complex Improvements, and
- The Creek Neighborhood Reconstruction

Held a public hearing. On a unanimous roll call 9-0, **voted** to adopt the Resolution, as presented.

13. Public Hearing/Second Reading on Proposed Ordinance amending Chapter 10, ZONING ORDINANCE – Solar Energy Panels, Article 6, Overlay District, Section 10.633.20 - Exemptions from Certificate of Approval; Section 10.633.30 – Administrative Approvals; Section 10.634.20 – Application Contents adding Section 10.634.24; Section 10.636.32 (1) – Public Hearings; Section 10.636.12 – Notice of Disapproval & Article 15, Definitions, Section 10.1530 – Terms of General Applicability – Held a public hearing. Moved to pass second reading of the proposed zoning amendments regarding solar energy panels and schedule a third and final reading at the August 5, 2024, City Council meeting.

On a roll call vote 3-6, motion to suspend the rules to reconsider the ordinance as presented and amended to the May 6, 2024, version of the ordinance passed by Council **failed** to pass. Councilors Denton, Blalock and Bagley voted in favor. Assistant Mayor Kelley, Councilors Tabor, Cook, Moreau, Lombardi and Mayor McEachern voted opposed.

On a roll call vote 5-4, the **main motion passed**. Assistant Mayor Kelley, Councilors, Tabor, Denton, Blalock and Mayor McEachern voted in favor. Councilors Cook, Bagley, Moreau and Lombardi voted opposed.

Voted to suspend the rules in order to take up third and final reading of the ordinance.

On a roll call 5-4, **voted** to pass third and final reading of the ordinance.

14. Public Hearing to consider a Cable Television Renewal Franchise Agreement with Comcast (“Franchise Agreement”). The proposed Franchise Agreement is for a 10-year term beginning August 1, 2024, and ending July 31, 2034. The proposed Franchise Agreement allows Comcast to continue to serve existing and new customers without limiting competition. The city will continue to collect a 5% Franchise Fee – Held a public hearing.

15. Cable Television Franchise Agreement with Comcast – **Voted** to authorize the City Manager to finalize and execute the Cable Television Franchise Renewal Agreement as presented.

16. Request for Capital Improvement Plan (CIP) Process Kick Off Work Session – **Voted** to schedule a work session on Monday, August 19th at 6:00 p.m.

17. Lease Agreement with AIDS Response of the Seacoast – **Voted** to authorize the City Manager to finalize and execute the Lease Agreement with AIDS Response in a form similar to what is presented.

18. Sidewalk and Traffic Easement from Saint John’s Masonic Association – **Voted** to accept and authorize the City Manager to execute the Sidewalk and Traffic Signal Easement Deed with Saint John’s Masonic Association to enlarge an existing easement area at the corner of Miller Avenue and Middle Street for a traffic signal light as presented.

19. Authorization to Trade Vehicles and Equipment – **Voted** to authorize the Department of Public Works to dispose of the used vehicles identified through the trade in process as described.

20. Consent Agenda – **Voted** to adopt the Consent Agenda.

- A. Request from Ashley Lyons, Chic Boutique Consignments, to install a Projecting Sign at 108 Penhallow 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 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, 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 Nicole Snow, Darn Good Yarn, to install a Projecting Sign at 238 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 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, 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. Request from Jonathan Barachowitz, Marathon Sports, to install a Projecting Sign at 104 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 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, 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***

- D. Letter from Katelyn Moran, Leukemia & Lymphoma Society, requesting permission to hold the annual Light the Night event on Saturday, September 28, 2024, from 4:30 p.m. – 7:30 p.m. (**Anticipated action – move to refer to the City Manager with Authority to Act**)
- E. Letter from Brian Miller, New England Run for the Fallen, requesting permission to hold the 4th Annual Run on Sunday, August 18, 2024 (**Anticipated action – move to refer to the City Manager with Authority to Act**)

- 21. Email Correspondence – **Voted** to accept and place on file.
- 22. Information provided by Joe Caldarola regarding Guidelines for Solar Energy and Renewable Energy – **Voted** to accept and place on file.
- 23. Letter from Curtis Hermann, New Hampshire Sons of the American Revolution, requesting permission to hold the Commemoration of the Bicentennial Anniversary of General Lafayette’s visit on Sunday, September 1, 2024 – **Voted** to refer to the City Manager with Authority to Act.
- 24. Letter from Elizabeth Bratter requesting if any of the City lands surrounding 361 Hanover Street are asked to be used or purchased, by any of 361 Hanover Street entities, please require a public hearing and notification of abutters by certified mail, of what is being proposed and public comment for consideration of the proposal – **Voted** to accept and place on file.
- 25. Appointment to be Voted – **Voted** to appoint Andrew Samonas as the Planning Board Representative to the Housing Committee; Mary Carey Foley and Robert F. Conard, Jr., to the Mayor’s Blue Ribbon Sister City Committee until December 31, 2025.
- 26. Resignation – Chuck Raye from the Citywide Neighborhood Committee – **Voted** to accept with regret the resignation of Chuck Raye from the Citywide Neighborhood Committee with a letter of thanks and appreciation for his service to the city.
- 27. Request for report back on Community Oyster Programs in the City of Portsmouth and identifying funding sources – **Voted** to request a report back on Community Oyster Programs in the City of Portsmouth and identify funding sources.
- 28. Single-Use Food Service-ware Reduction or “Skip the Stuff” Policy – **Voted** to adopt the Single-Use Serviceware, or “Skip the Stuff” Policy.
- 29. Request to Establish Work Session Re: Market Square Master Plan – **Voted** to schedule a work session with the Market Square Master Plan consultants and City staff to discuss progress on planning and provide City Council input to the process.
- 30. Sister Cities Trust Fund – **Voted** to request that the Legal Department report back with a recommendation.
- 31. Parking & Traffic Safety Committee Action Sheet and Minutes of June 6, 2024 – **Voted** to approve and accept the action sheet and minutes of the June 6, 2024, Parking & Traffic Safety Committee meeting.

32. City Manager's Informational Items:

- Community Policing Facility Update – Public Works Director Rice advised that a report back to the City Council should be taking place in September.
- Sherburne Property Update – Deputy City Manager/Regulatory Counsel Woodland reported there were 8 proposals received and staff has ranked them into the top 4 firms that are being interviewed. She advised the City Council that a report back will be held at the August 5th meeting.
- South Meeting House Update – Deputy City Manager/Regulatory Counsel Woodland reported that proposals are due on July 17th and there was a good turnout at the recent open house.
- Hazard Mitigation Plan Update – Deputy City Manager/Regulatory Counsel Woodland referred to the draft plan contained in your Council packets for review. She stated there would be a public comment period held over the next two weeks and feedback should be sent directly to Fire Chief McQuillen. She also indicated that the plan will be coming back for adoption in an upcoming City Council meeting.

33. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting – Mayor McEachern announced that Genevieve Aichele has been named New Hampshire's new Artist Laureate.

Mayor McEachern extended congratulations on behalf of the City Council to Assistant Mayor Kelley on her engagement.

Councilor Blalock announced that 10/11/12 Little League District Teams are headed into the District Championship Rounds.

34. Adjournment – At 10:35 p.m., **voted** to adjourn the meeting.

Respectfully submitted:

Kelli L. Barnaby, MMC/CNHMC
City Clerk