

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 17, 2024

PORTSMOUTH, NH
TIME: 7:00PM

- I. **WORK SESSION**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – N/A**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**

Mayor McEachern opened the meeting at 7:00 p.m.

Assistant Mayor Kelley moved to leave the Non-Public meeting and seal the minutes. Seconded by Councilor Lombardi and voted.

IV. **ROLL CALL**

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Cook, Denton, Blalock (arrived at 8:00 p.m.), Bagley, Moreau and Lombardi

V. **INVOCATION**

Mayor McEachern asked everyone to remember Sue Thorensen who recently passed away. He recognized her many contributions to the Arts community and her philanthropy. He stated her novel Choose Joy will be released soon and stated we should all take that advice.

VI. **PLEDGE OF ALLEGIANCE**

Mayor McEachern led the Pledge of Allegiance.

VII. **ACCEPTANCE OF MINUTES – MAY 6, 2024; MAY 13, 2024; AND MAY 20, 2024**

Assistant Mayor Kelley moved to accept and approve the minutes of May 6, 2024; May 13, 2024; and May 20, 2024 City Council meetings. Seconded by Councilor Moreau and voted.

VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

IX. **PUBLIC COMMENT SESSION**

Joe Caldarola – spoke regarding Councilor Cook’s agenda item, Historic Preservation Review, stating he is confused with what is being asked for.

Irish Mike – spoke regarding American Flags and what does the City of Portsmouth have against them as they are often not displayed properly. He also addressed a flag currently flying in Market Square stating that if that is allowed to fly for a certain month, then others should be flown in recognition of other months.

Steve Miller – spoke regarding climate change stating it is important to address its effects and give people the opportunities to participate in the solution.

Ken Goldman (via zoom) – spoke regarding the arts stating we should be thinking beyond just the spaces but also the individuals.

Peter Gilligan, East Kingston resident – stated he recently photographed Fire Station 2 and commended the City of Portsmouth for the beautiful facility.

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

Public Hearing – Home Occupation Ordinance

A. Public Hearing/Second Reading on Proposed Ordinance amending Chapter 10, Article 4, Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, Section 19.22 and Article 15, Section 10.1530, Terms of General Applicability, Regarding Home Occupation

- **PRESENTATION**

Planning Manager Peter Stith gave a brief presentation outlining proposed changes to Chapter 10, Zoning.

- **CITY COUNCIL QUESTIONS**

There were no questions from the City Council.

- **PUBLIC HEARING SPEAKERS**

Mayor McEachern read the public hearing notice and opened the public hearing:

Karen Rosania – stated she is a local artist and member of the Arts and Cultural Commission and spoke in favor of the ordinance change.

(Inaudible) Collins - stated she takes art classes all of the time and usually has to travel so will be glad to be able to stay local. She also stated that she misses the classes that used to be offered through Adult Education.

Jeffrey Cooper – stated he is a member of the Arts and Cultural Commission and also served on the sub-committee. He stated they heard from many artists who wanted it to be easier to work and live in Portsmouth.

Monica Greenleaf – stated she has been a resident since 1985 and is retired from the Special Education field. She stated that art classes are important for that community as well and are often difficult to find and hopes that this change will help.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Cook moved to pass second reading of the proposed zoning amendments regarding home occupation and schedule a third and final reading at the July 15, 2024 City Council meeting. Seconded by Assistant Mayor Kelley.

Councilor Cook stated she is thrilled that the City Council is acting on this change which was in the original Cultural Plan 20 years ago. She stated this is the beginning of supporting artists.

Motion passed.

Councilor Cook moved to suspend the rules to take up Third and Final Reading of Home Occupation Ordinance. Seconded by Councilor Tabor and voted.

Councilor Cook moved to pass third and final reading of Home Occupation Ordinance. Seconded by Councilor Bagley and voted.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Extension of Temporary Construction License for EightKph, LLC at 70 Maplewood Avenue

Councilor Tabor moved that the City Manager be authorized to execute and accept an extension of the temporary construction license to encumber the sidewalks along Maplewood Avenue and Deer Street that abuts 70 Maplewood Avenue as requested, seconded by Councilor Lombardi.

Mayor McEachern asked if there is a way to reconfigure the area on the northside of Deer Street.

Tom Balon, owner of 70 Maplewood Avenue – stated they don't want bricks to fall on people but can try to accelerate that portion of the project.

Councilor Cook asked if there is any impediment to reach the Foundry Place Parking Garage.

City Manager Conard stated no, but they do have regular meetings with staff to keep on top of any issues.

Motion voted.

2. Lease Extension for Community Campus Tenants

Councilor Denton moved to accept the Extension of Amendment to Lease Agreements with Seacoast Outright, Krempels Center and Child Advocacy Center of Rockingham County, Inc. to extend the term through August 31, 2024 as presented. Seconded by Councilor Lombardi.

Councilor Cook asked if we know when improvements will be completed so tenants can be moved.

City Manager Conard stated this is a work in progress and will be part of the negotiations.

Deputy City Manager Woodland explained they are in the process of trying to update the rules and have a common template and further stated that there will be phases of tenants moving in.

Councilor Cook stated that non-profits with tax exempt status need the information.

Motion voted.

3. Request for Public Hearing Regarding Various Bonding Resolutions for Projects to Begin in FY25

Councilor Lombardi moved to authorize the City Manager to bring back for public hearing and adoption, the various proposed CIP projects to be bonded, as presented, for the July 15, 2024 City Council meeting. Seconded by Assistant Mayor Kelley and voted.

4. FY24 Bond Rescinding Resolution

Councilor Bagley moved to approve rescinding the remaining borrowing authority with regards to the following Resolution: Resolution #15-2023 for \$17,350,000.00 – Rescind amount \$90,000.00. Seconded by Councilor Tabor and voted.

5. Five-Year Agreement to Acquire Tasers, Body Cameras, and Subscription Service to Support and Manage the Equipment and Video

Councilor Moreau moved to authorize the City Manager to proceed with a five-year agreement to acquire tasers, body cameras, and the cloud-based subscription service to support and manage the equipment and the video and other data generated by the equipment which must be stored, tracked, and produced for investigation, prosecution, and public record purposes, seconded by Councilor Cook.

City Manager Conard explained as part of the recently adopted FY25 budget, the acquisition of tasers and body cameras is listed as a capital acquisition (see Appendix II on pages II-32 and II-33 of the FY25 budget book). The Finance Department projected that this capital expense would be part of the bond authorization that is expected to be the subject of a public hearing and request to be heard by the City Council during the July 15, 2024 meeting. As part of the Finance Department's recent conversations with the Police Department Business Administrator, it has become apparent that the funding for this acquisition should be differently structured than originally anticipated and reported in the budget book.

The vendor proposes a five-year contract, pursuant to which the City would pay a 1.0% deposit of \$18,038.12 in June 2024. That deposit would initiate the order of equipment, which currently carries a lead time of four to six months. The estimated contract start date and training of officers would begin sometime in the first two quarters of calendar year 2025 and run five years from that date. Thereafter, the City would make five additional payments of approximately \$360,000 to the vendor over the course of five fiscal years, FY26 through FY30, for a total contract cost of \$1,803,810.72.

The bulk of this cost is the cloud-based subscription service to support and manage the equipment and the video and other data generated by the equipment which must be stored, tracked, and produced for investigation, prosecution, and public record purposes. There is equipment included in the package, namely the tasers and cameras, but those costs are subordinate to the ongoing cloud-based services. The product and service are expected to continue to grow and improve, and pricing is anticipated to increase at the end of this initial five-year contract period.

Consequently, the Finance Department advises that, starting in FY26, the annual expense for this contract will be reported as a separate line item in the non-operating portion of the budget. It is effectively a SBITA (subscription-based information technology agreement) with a small amount of equipment costs.

Additionally, the Police Department advises that this is a sole source acquisition and they have provided extensive documentation to support this request. One firm dominates the market in the provision of tasers and coordinated subscription services to manage the body cameras.

Because this 1) represents a significant change in the manner of funding this acquisition, 2) carries a substantial cost over five years and will in future years as well, and 3) will be a sole source purchase, the Finance Department is taking the unusual step of calling out this change and recommending that the City Council specifically authorize the City Manager to proceed as described.

Assistant Mayor Kelley asked when we will implement the body cameras.

Police Chief Newport stated we will get them sooner now so will be able to implement after the first of the year.

Mayor McEachern stated this will be a change we see more and more going forward with subscription services and would like to see procurement from a single point as there are people who can review and negotiate these contracts.

Motion voted.

6. Street Naming for 105 Bartlett Street

Councilor Lombardi moved to authorize the use of Addorio Way as the private street name for the development at 105 Bartlett Street, seconded by Councilor Denton.

Councilor Bagley stated that the developers' grandmother lived in the North End that was lost to urban renewal and this is a memorial to her.

Motion voted.

7. Request to Donate Police Crown Victoria Vehicle

Assistant Mayor Kelley moved that the City be authorized to donate the Police Department's Crown Victoria to the Crown Victoria Museum. Seconded by Councilor Cook and voted.

8. Request for First Reading for Annual Omnibus Ordinance, Amending Chapter 7, Vehicles, Traffic and Parking

Councilor Bagley moved that the City Council schedule a first reading at the July 15, 2024 City Council meeting. Seconded by Councilor Moreau and voted.

9. Request to Schedule Public Hearing to Consider Cable Television Franchise Renewal

Councilor Tabor moved to schedule a public hearing for July 15, 2024, to consider the attached draft Cable Television Renewal Franchise Agreement with Comcast. Seconded by Assistant Mayor Kelley and voted.

Councilor Moreau thanked Robert Capone, committee member who was in attendance, and the other members for their work on this agreement.

XII. CONSENT AGENDA

At the request of Councilor Cook, Item E was removed from the Consent Agenda.

Assistant Mayor Kelley moved to adopt Items A, B, C and D of the Consent Agenda. Seconded by Councilor Moreau and voted.

- A. Letter from Sam Accardi, Yellowfin Events LLC., requesting permission to hold the Bikes & Beers cycling event on Saturday, July 20, 2024 from 8:00 a.m. to 12:30 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Mike Peabody, Millennium Running, requesting permission to hold the 2025 Restore New Castle 10k on Sunday, April 27, 2025 at 9:30 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Correspondence from Ian Coughlan requesting permission to hold Go Skateboarding Day 2024 on Saturday, June 22, 2024 from 3:00 p.m. to 7:00 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Letter from Mike Peabody, Millennium Running, requesting permission to hold the 2025 St. Paddy's 5k/10k on Sunday, March 9, 2025 at 10:00 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- E. Letter from David Topham, Granite State Wheelers, requesting permission to hold the annual Granite State Wheelers Seacoast Century Bicycle Ride on Saturday, September 21, 2024

Councilor Moreau moved to refer to the City Manager with Authority to Act, seconded by Assistant Mayor Kelley. Motion passed on a 6-1 vote, Councilor Bagley voted opposed, Councilor Cook abstained, Councilor Blalock not yet in attendance.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

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

B. Letter from Mark McNabb, One Market Square, LLC regarding Haven Court Changes

Councilor Moreau moved to refer the letter from One Market Square, LLC dated June 11, 2024 and the proposed land transfers described in that letter to the Planning Board for a report back, seconded by Assistant Mayor Kelley.

Councilor Moreau stated this sounds like a great project.

Councilor Cook asked if there is an anticipated response date.

City Manager Conard stated no, but the Planning Board will take it up soon.

Motion voted.

C. Letter from Marie Bodi, McNabb Properties, Ltd., regarding Fees for Outside Tables and Chairs

Councilor Lombardi moved to waive the sidewalk encumbrance fees for 63 tables and 186 chairs for McNabb Properties, Ltd. for the City sidewalk adjacent to 60 Penhallow Street for 2024, seconded by Councilor Denton.

Assistant Mayor Kelley stated that this falls under the sidewalk obstruction license and others have already paid so she is opposed to waving this fee.

Councilor Cook stated that this area enhances the spirit of community in town as a public space for all to use and doesn't think they should be charged for allowing everyone to use the space.

Councilor Bagley stated he agrees with Councilor Cook and feels that the Market Square public tables should be included in this motion as well.

Councilor Tabor clarified that the property is owned by Mark McNabb but is leased as a public space.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern stated that this is something that needs to be reviewed and maybe brought forward for next year but feels that it was understood that this fee needed to be paid and it sends the wrong message to others that have already paid.

Councilor Blalock arrived at 8:00 p.m.

Marie Bodie, representing McNabb Properties LTD, - stated that the chairs put out by Tuscan are put out, maintained and stored by the City. She stated that they just found out about the permit fee in May and had already paid \$60,000.00 on the furniture. She stated these are maintained and stored by McNabb.

City Manager Conard clarified that the City does not maintain or store the Tuscan tables. The city maintains the round picnic tables with attached seating.

Mayor McEachern stated this should go to the Fee Committee to review this as a whole.

Councilor Lombardi moved to refer to the Fee Committee, no second.

Councilor Bagley moved to amend by waiving or refunding fees for all tables and chairs that are open to the public, not separated by fencing or corral, seconded by Councilor Denton.

Mayor McEachern stated this has gone through the process for the current year and one person requesting a waiver shouldn't change it.

Councilor Cook stated that this location is new and they probably thought the space was different than the others. She does not feel it was intentional to avoid the fee but was a surprise to them.

Councilor Tabor stated they did receive a conditional use permit for density for this space but they didn't have to add the tables and feels these are a benefit to the city.

Discussion ensued.

Assistant Mayor Kelley returned gavel to Mayor McEachern

Motion to waive or refund fees for tables and chairs on city property not separated by fencing or corral, **FAILED** on a 3-6 roll call vote. Councilors Cook, Denton and Bagley voted in favor. Assistant Mayor Kelley, Councilors Tabor, Blalock, Moreau, Lombardi and Mayor McEachern voted opposed.

Main motion passed on a 6-3 roll call vote. Assistant Mayor Kelley, Councilor Blalock and Mayor McEachern voted opposed.

XIV. MAYOR McEACHERN

1. Appointment to be Considered:

- a. Appointment of Andrew Samonas as the Planning Board Representative to the Housing Committee
- b. Appointment of Mary Carey Foley to the Mayor's Blue Ribbon Sister City Committee
- c. Appointment of Robert F. Conard, Jr., to the Mayor's Blue Ribbon Sister City Committee

The aforementioned appointments were considered and will be voted at the July 15, 2024 Council meeting.

2. Appointment to be Voted:

- a. Appointment of Robert Sullivan to the Mayor's Blue Ribbon Sister City Committee

Assistant Mayor Kelley moved to appoint Robert Sullivan to the Mayor's Blue Ribbon Sister City Committee. Seconded by Councilor Blalock and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR COOK & COUNCILOR MOREAU

1. Historic Preservationist Review

Councilor Cook moved to request a report back by July 15th from a Historic Preservationist with experience in energy efficiency measures in historic districts on the impact the proposed changes on solar panel review to the Historic District Commission ordinance could have on the integrity of the Portsmouth Historic District and the Downtown National Register District, seconded by Councilor Moreau.

Councilor Cook stated it is important to have all of the information when deciding this important issue and feels we are fortunate to be able to get this opinion.

Assistant Mayor Kelley stated she wants a report back first on if there will be a cost for this information.

City Manager Conard stated we sought in writing what we had received verbally and is not sure that it is necessary to identify funding and it will not be ready for July 15th.

Councilor Cook stated she had a conversation on an opinion but feels the Council would want to hear it from the Historic Preservationist if there is an impact on the integrity of the Historic District and Downtown National Register District.

Councilor Blalock stated he wants to do this right but feels we are now looking for an opinion we want to hear. He stated he just wants it to be easier to install solar panels and feels we should be the leaders on this and not asking others.

Councilor Tabor stated we already have the information from the City Manager and if we were more liberal with solar panels it is not clear what the consequences would be. He stated he doesn't feel it will undo the historic value.

Councilor Cook reiterated that she is asking for this so we know any potential impact.

Mayor McEachern stated the changes we are bringing forward were what the Planning Board and Historic District Commission brought forward and is concerned that we are now questioning those changes.

Councilor Cook clarified that this was a compromise that was brought forward and the Council then changed it to approval at the staff level.

Councilor Bagley moved to include the City Manager correspondence received by City Manager Conard on June 14, 2024 from the CLG Coordinator, seconded by Councilor Blalock. Motion passed on a 6-3 vote, Councilors Cook Moreau and Lombardi voted opposed.

Main motion as amended passed 9-0.

XVI. APPROVAL OF GRANTS/DONATIONS

(There are no grants or donations on for approval this evening)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Community Policing Facility Update

Public Works Director Rice gave a brief update on the Community Policing Facility stating that they are reviewing the suggestions received at the Council Work Session and will look at options.

Councilor Tabor asked about a previous plan to relocate the City Clerk/Tax Collector/Tax Assessor and have the Police Department utilize that space.

Public Works Director Rice stated that this was reviewed in 2014 and would have included adding a Point of Service addition for those departments that would be displaced and they are revisiting this as well.

2. Pease Development Authority (PDA) Board of Directors Meeting Update

City Manager Conard gave a brief update of the recent Pease Development Authority meeting including plans for 4 dockings of Cruise Lines for 24 hour periods this coming summer.

She stated there will be no meeting in July.

3. Status of Sherburne Property RFQ

City Manager Conard reported that we received 8 letters of interest which were reviewed by internal staff who identified four to bring forward for interviews.

4. Status of South Meeting House RFP

City Manager Conard reported the RFP was issued today and she will give a report back at the August 5, 2024 Council meeting.

Assistant Mayor Kelley stated that the Housing Committee should have input as well.

Councilor Bagley asked when the 4 proposals selected for interviews will be released.

City Manager Conard stated she will bring this back at the July 15th meeting.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Blalock congratulated the Kiwanis Little League team for winning the Championship game.

Councilor Cook congratulated the Portsmouth High School LaCross team of winning the State Championship. She also asked everyone to join her at the upcoming Pride activities on June 22, 2024.

Mayor McEachern and the City Council recognized Deputy City Clerk French for her 15+ years of service to the City of Portsmouth and wished her well on her upcoming retirement. Deputy City Clerk French accepted with thanks and appreciation.

XIX. ADJOURNMENT

At 8:45 p.m., Assistant Mayor Kelley moved to adjourn the meeting. Seconded and voted unanimously.

Respectfully submitted,

VALERIE FRENCH
DEPUTY CITY CLERK