

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, JANUARY 16, 2024

PORTSMOUTH, NH  
TIME: 7:00PM

**Councilor Moreau moved to close the Non-Public Session and seal the minutes. Seconded by Councilor Blalock and voted.**

### **III. CALL TO ORDER**

Mayor McEachern called the meeting to order at 7:00 p.m.

### **IV. ROLL CALL**

**PRESENT:** Mayor McEachern, Councilors Tabor, Cook, Denton, Blalock, Bagley (via Zoom); Moreau and Lombardi

**ABSENT:** Assistant Mayor Kelley

### **V. INVOCATION**

Mayor McEachern asked everyone to join him in a moment of silent prayer.

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

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

### **PRESENTATIONS**

#### 1. Portsmouth High School Football Team – Celebration of their Season

Mayor McEachern and City Council recognized the Portsmouth High School Football Team for their undefeated season, which is the first time since 1976 to accomplish this feat. Mayor McEachern presented gifts to the four captains of the team for their accomplishment.

#### 2. Holiday Light Contest Winners

Mayor McEachern recognized the top three winners and honorable mention for participating in the event.

Top Three Winners:

- Best Traditional: Molly Wilson
- Most Creative: Kris Kraft
- Kid's Choice: Matt and Nicole Beyer

Honorable Mention Winners:

- Jana Goldstein
- Brent Guillot
- Brian McGuire

Mayor McEachern said this was a wonderful event and thanked all that participated.

## **PROCLAMATIONS**

### 1. Harold Whitehouse

Mayor McEachern read the Proclamation declaring January 16, 2024 as Harold Whitehouse Day and called upon the residents of Portsmouth to pause and remember his dedication and to model themselves as citizens on the best of what he taught us. Harold's granddaughters accepted the Proclamation with thanks and appreciation.

### 2. Stalking Awareness Month

Mayor McEachern read the Proclamation declaring January as Stalking Awareness Month and called on our citizens to come together to reaffirm their commitment to ending stalking and supporting survivors. Ryan Grogan, Witness Advocate, accepted the Proclamation with thanks and appreciation.

## **VII. ACCEPTANCE OF MINUTES – NOVEMBER 9, 2023; NOVEMBER 13, 2023; NOVEMBER 20, 2023 AND DECEMBER 4, 2023**

**Councilor Moreau moved to approve and accept the minutes of the November 9, 2023; November 13, 2023; November 20, 2023 and December 4, 2023 City Council meetings. Seconded by Councilor Tabor.**

**On a roll call 8-0, motion passed. Mayor McEachern, Councilors Tabor, Cook, Denton, Blalock, Bagley, Moreau and Lombardi.**

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

### 1. Safe Water Advisory Group (SWAG)

Mayor McEachern thanked the Safe Water Advisory Group for their report and said it would be placed on file.

## **IX. PUBLIC COMMENT SESSION**

Joe Caldarola spoke to the impact climate change is having on our environment. He said he supports solar panels on roof tops in the historic district and throughout the city.

Roy Helse spoke regarding developments in the city and how they are impacting our wetland areas. He recommended we receive a management report from the city manager on when the next audit will be done.

Martin Ryan said he is speaking as a resident and not a member of the Historic District Commission. He said it is misguided to take away solar panel decisions from the HDC. He spoke to the guidelines being followed by the HDC relating to solar panels. He addressed the need for a clean safe environment where one size doesn't fit all situations.

Esther Kennedy said she agrees with comments made by Mr. Ryan. She suggested the need for a work session regarding solar panels. She also addressed the matter of the potential removal of James Hewitt from the Planning Board.

Karen Rosania spoke in support of artists in the city. She said the city has seen a mass exodus of artists because there is not zoning which supports areas of living for artists. She urged the City Council to look at changes to the zoning ordinance to address this matter.

Chris White spoke regarding the impending action to remove James Hewitt from the Planning Board. He spoke opposed to such action by the Council and said it is a way to seek power by the City Council. He said Mr. Hewitt's only error was trying to seek further information for residents and the Planning Board.

Erik Anderson spoke regarding the efforts to remove James Hewitt from the Planning Board. He said whether Mr. Hewitt asked too many questions or did not agree with Planning Board decisions you should make a resolution without a public hearing and let him remain.

Reagan Ruedig said she would like the HDC and Planning Board to come together and work on solar panels. She said it could be more than just solar panels to promote efficiencies in the ordinance. She said she would like to see the guidelines rewritten.

Paige Trace said the City Council packet should not be used to condemn someone. She said it appears as though you have already tried the Planning Board member. She said it looks like a process to achieving a special result.

Peter Whelan (via Zoom) spoke regarding the impending removal of Planning Board member James Hewitt. He said there has been zero process and there are many other issues in the city that require City Council attention. He said Mr. Hewitt should be able to serve out his term on the board.

Pat Bagley (via Zoom) said that these are accusations against Mr. Hewitt and the process lacks dignity. She said Mr. Hewitt's background benefits the Planning Board.

Attorney Jeremy Eggleton for James Hewitt said Mr. Hewitt has done nothing wrong and should be able to serve out his term on the Planning Board. He said Mr. Hewitt has not neglected his duty as a Planning Board member or committed malfeasance.

Chris Dwyer (via Zoom), Public Art Review Committee, said the Public Art Review Committee will be conducting public input sessions regarding the percent for public art at Peirce Island on January 25<sup>th</sup> and February 15<sup>th</sup> at 6:30 p.m. at the Library and a Zoom opportunity would be held on February 12<sup>th</sup>. She said attendees should plan one hour of time for these sessions to bring ideas in for this project.

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

- A. First reading of Ordinance amending Chapter 6, License, Article XVII – Outdoor Dining Encumbrance Permit, Section 6.1701 - 6.1707

**Councilor Tabor moved to pass first reading and schedule a public hearing and second reading at the February 5, 2024 City Council meeting to amend Chapter 6, Licenses, Article XVII Outdoor Dining Encumbrance Permit, Sections 6.1701 - 6.1707. Seconded by Councilor Lombardi.**

**On a unanimous roll call vote 8-0, motion passed.**

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

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

#### **1. Confirmation of City Council Goals**

City Manager Conard said she is looking for the City Council to confirm their Citywide Goals for this upcoming fiscal year.

**Councilor Cook moved to confirm the FY25 Budget Goals as presented. Seconded by Councilor Moreau.**

**Councilor Tabor moved to add the City Council plans for a strategic retreat as done in the past. Seconded by Councilor Moreau.**

**On a unanimous roll call 8-0, motions passed.**

#### **2. Proposed Amendment Relative to Solar Panels**

City Manager Conard suggested referring a proposed amendment to the Planning Board or both the Planning Board and HDC.

Councilor Denton said the HDC Chair Ruedig was right that a holistic approach should be taken by homeowners to mitigate climate change. He said first a homeowner should seek insulating their home, replacing their windows and if it makes sense go ahead and consider solar panels.

**Councilor Denton moved to refer to the Planning Board recommendations amendments to Chapter 10, Article 6, Section 10.633.20, by adding a new numbered paragraph (28) solar energy panels flush mounted to rooftops of existing structures which do not require other alternations to existing structures, and by adding a new numbered paragraph (29) accessory elements to solar energy panels which do not require other alternations to existing structures. Seconded by Councilor Blalock.**

Deputy City Attorney McCourt spoke to Councilor Denton's motion which is different from the language in his memorandum to the City Council. He said the City Council has broad authority to regulate what is within and outside of the purview of the Historic District Commission and there is no legal difference in terms of authority between the two ordinances that have been proposed. He said it is just a difference of which the City Council prefers.

Discussion was held by the City Council regarding this matter.

**Councilor Moreau moved to request the Planning Board have a Work Session with the Historic District Commission on this matter and come back with recommendations to the City Council. Seconded by Councilor Tabor.**

**On a unanimous roll call vote 8-0, Councilor Moreau's motion passed.**

**On a unanimous roll call vote 8-0, the main motion passed.**

3. Adoption of Legislative Principles

City Manager Conard recommended that the City Council readopt these policies because it will allow the City to continue to be proactive and have a voice on important legislative matters until such time as the Legislative Subcommittee has an opportunity to meet and to bring forward to the 2024-2025 City Council any updates to these polices.

**Councilor Tabor moved to approve the City Council Principles for Legislative Positions and the Legislative Subcommittee's Procedures for Submission of Testimony as presented. Seconded by Councilor Cook.**

**On a unanimous roll call vote 8-0, motion passed.**

4. Revocable License for Arcadis U.S., Inc. for Property Located at 214 Bartlett Street

City Manager Conard reported that monitoring wells are on-site to assess water quality. She said Public Works and the State of New Hampshire have determined that installing two additional monitoring wells near the site will supplement the existing monitoring wells and provide data regarding environmental impacts to the site.

**Councilor Moreau moved to authorize the City Manager to negotiate, execute and deliver a Revocable License in a form similar as attached in the Council packet, to allow Arcadis to install monitoring wells to benefit property located at 124 Bartlett Street. Seconded by Councilor Blalock.**

**On a unanimous roll call vote 8-0, motion passed.**

5. City Council and Planning Board Joint Listening Session – Places to Live Study Circle Dialogue Report Out

City Manager Conard recommended a City Council and Planning Board Joint Listening Session where Howard Snyder, Housing Navigator, will report on the engagement process that 160 participants took part in.

**Councilor Tabor moved to establish a Joint Listening Session with the Planning Board on Thursday, February 22, 2024 at 6:00 p.m. in the Eileen Dondero Foley Council Chambers. Seconded by Councilor Cook.**

**On a unanimous roll call vote 8-0, motion passed.**

## XII. CONSENT AGENDA

- A. Request from Chet Schrader, Rounders Brewing Company d/b/a Lithermans Brewing Company, to install a Projecting Sign at 103 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. Letter from Maria Stephanou of Alzheimer's Association requesting to hold 2024 Annual Seacoast Walk to End Alzheimer's on Sunday, October 6, 2024

**Councilor Moreau moved to adopt the Consent Agenda. Seconded by Councilor Blalock.**

**On a unanimous roll call vote 8-0, motion passed.**

## XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Community Policing Facility Update – Suzanne Woodland, Deputy City Manager; Peter Rice, Public Works Director; and Mark Newport, Police Chief

Police Chief Newport reported that the focus was to have the new Community Policing Facility at Community Campus, but the Police Department would like to expand the Municipal Complex Police Facility outward. He spoke regarding the reduction of the square footage being requested for the facility to meet the needs of the department rather than their wants. He advised the City Council that an updated budget for the facility would be provided to them.

Public Works Director Rice said that this is a good opportunity to meet the goals of the City Council. He stated that this is purely informational at this time and would come back in April for a Work Session refining what they are doing.

Councilor Blalock said he appreciates we are looking at staying in the perimeters of the budget.

Councilor Lombardi asked if there is discussion of going up one level for the facility.

Police Chief Newport said they're looking at those things moving forward.

Discussion followed among the City Council on this matter.

- B. Letter from Mike Comeau, Portsmouth Water Taxi, requesting permission to attach sign to the chain link fence next to the public docks ramp, also placement of a sandwich board sign on the dock

**Councilor Moreau moved to refer this request to the City's Legal Department for a report back. Seconded by Councilor Blalock.**

**On a unanimous roll call vote 8-0, motion passed.**

- C. Letter from Marcia MacCormack regarding appeal to eliminate the Waterfront Business designation from Salter Street

**Councilor Moreau moved to refer this request to the City's Legal Department for report back. Seconded by Councilor Blalock.**

**On a unanimous roll call vote 8-0, motion passed.**

- D. Email Correspondence

**Councilor Moreau moved to accept and place on file. Seconded by Councilor Blalock.**

**On a unanimous roll call vote 8-0, motion passed.**

- E. Request for Public Hearing Pursuant to RSA 673:13 for the Removal of Mr. James Hewitt from the Planning Board

**Councilor Blalock moved to schedule a Public Hearing at the February 5, 2024, City Council meeting to determine if Mr. James Hewitt should be removed from the Planning Board pursuant to RSA 673:13. Seconded by Councilor Moreau.**

City Attorney Morrell said that this is a first step in the process to make an informed decision and whether a public hearing is the right approach to take. She spoke to the thumb nail approach and the process would be provided to Mr. Hewitt regarding the issues that would be presented at the public hearing. She said it is a hearing specific to the issue at hand and not public comment. She stated that the Legal Department and Mr. Hewitt could present information to the City Council and witnesses could make remarks. She further stated that when the hearing has concluded the City Council will vote on the matter.

Mayor McEachern asked who would be representing the City Council at the public hearing. City Attorney Morrell said it would be outside counsel.

The City Council discussed the date of February 5<sup>th</sup> and agreed to change it to February 12<sup>th</sup>.

**On a roll call vote 6-2, motion passed to schedule a Public Hearing on February 12, 2024, to determine if Mr. James Hewitt should be removed from the Planning Board pursuant to RSA 673:13. Councilors Tabor, Cook, Blalock, Moreau, Lombardi and Mayor McEachern voted in favor. Councilors Denton and Bagley voted opposed.**

#### **XIV. MAYOR McEACHERN**

1. Ethics Committee Drawing by Lot

The Ethics Committee Drawing by Lot was held with Councilor Denton being selected to be the City Council representative to the Ethics Committee.

2. Approval of City Council Rules and Orders

**Councilor Moreau moved to approve the City Council Rules and Orders. Seconded by Councilor Lombardi.**

**Councilor Cook moved to amend Rule 30 as outlined in Deputy City Manager Woodland's memorandum as follows:**

***Rule 30 – Ordinance Procedure***

***Each Ordinance shall pass through the following stages: There shall be a first reading at which amendments may be made. If the ordinance passes first reading, the Council shall, consistent with public notice requirements of law, set a time and place for a public hearing and second reading. Amendments may also be made at second reading. If amendments materially change the ordinance under consideration, a new public hearing and second reading shall be scheduled. If the ordinance passes second reading, there shall be a third and final reading. Passage of third reading shall constitute final passage. An ordinance may be rejected at any stage in its process.***

**Seconded by Councilor Denton.**

**On a unanimous roll call 8-0, motion passed as amended.**

3. Ratification of City Council Policies

**Councilor Moreau moved to ratify the City Council Policies as presented. Seconded by Councilor Blalock.**

**On a unanimous roll call vote 8-0, motion passed.**

4. Ratification of Blue Ribbon Committees
- African Burying Ground Memorial Park Blue Ribbon Committee
  - Citywide Neighborhood Committee
  - Governance Committee
  - Housing Committee
  - Portsmouth Energy Advisory Committee
  - Safe Water Advisory Group
  - Sister Cities Committee
  - Task Force on Portsmouth Historical Archives



**Councilor Blalock moved to ratify the Blue Ribbon Committees as outlined. Seconded by Councilor Moreau.**

**On a unanimous roll call vote 8-0, motion passed.**

5. Reappointments to the Rockingham County Planning Commission:
  - Beth Moreau, City Council Representative
  - Peter Britz, Planning and Sustainability Director (Alternate member)

**Councilor Blalock moved to reappoint Beth Moreau, City Council Representative and Peter Britz, Planning and Sustainability Director to the Rockingham County Planning Commission. Peter Britz will serve as an Alternate member of the Commission. Seconded by Councilor Cook.**

**On a roll call vote 7-0, motion passed. Councilor Moreau recused from voting.**

6. Appointments to be Considered
  - Donald Brabant as a regular member of the Audit Committee
  - Jeff Abrams as a regular member of the Cable and Broadband Internet Commission
  - Gary Lowe as a regular member of the Cable and Broadband Internet Commission
  - Talia Sperduto as an alternate member of the Conservation Commission
  - Jody Record reappointment as an alternate member of the Zoning Board of Adjustment

The City Council considered the appointments outlined and action will be taken at the February 5, 2024 City Council meeting.

## **XV. CITY COUNCIL MEMBERS**

### **A. ASSISTANT MAYOR KELLEY AND COUNCILOR TABOR**

1. Housing and Sherburne School Next Steps

Councilor Tabor said that the City Council has created a Housing Blue Ribbon Committee this evening. He spoke to the number of things that the Housing Blue Ribbon Committee could do and said that this is a major objective for the City Council. He said the Housing Blue Ribbon Committee would come back in February with recommended appointments and a mission and goals statement.

Councilor Cook said she feels it is important to have this type of committee. She said it would be counter productive to debate options and we need to be mindful of how much time is spent.

Mayor McEachern said that this is a focus on housing in a master plan view. He stated we will make sure we have a position as we move forward to the Planning Board.

Councilor Tabor said Assistant Mayor Kelley and he welcome comments on this and would like to get land use experts on the committee.

Councilor Bagley echoed Councilor Cook's comments and he would prefer that the land revert back to the city and be considered by the Committee.

Councilor Blalock said he echoes Councilor Bagley's comments that he would like to see a 50–100-year lease for the property.

**B. COUNCILOR BLALOCK**

1. Report Back on Potential Sister City or Friendship City with the City of Nelson, New Zealand

Councilor Blalock said he did work on the part of the City Council and met with Mayor Nick Smith in Nelson, New Zealand and discussed the potential Sister City or Friendship City relationship. He presented to the Nelson City Council this idea and they seemed interested in a relationship with Portsmouth. He spoke to similarities between the two cities, and that Nelson would like to set up a student exchange program for the future.

**Councilor Blalock moved to refer to Sister Cities Blue Ribbon Committee a potential Sister or Friendship Sister with the City of Nelson, New Zealand for report back to the City Council. Seconded by Councilor Denton.**

**On a unanimous roll call vote 8-0, motion passed.**

At 9:27 p.m., Mayor McEachern declared a brief recess. At 9:35 p.m., Mayor McEachern called the meeting back to order.

Councilor Bagley no longer participated via Zoom and his items will be brought forward at the next City Council meeting for action.

**C. COUNCILOR COOK AND COUNCILOR BAGLEY**

1. Meeting Notices Via SMS/Email

**Councilor Cook moved to request a report back from the City Manager on the possibility of an SMS or email triggered notice system, based on sign-up by keyword, to alert residents of topics of interest on any public meeting agenda to drive increased resident participation and attendance at city meetings. Seconded by Councilor Moreau.**

Councilor Cook said she was approached by a resident on this matter and there is a software program that would alert to a text or email notification. She said this would be explored and a report back would be provided to the City Council.

**Motion passed.**

**F. COUNCILOR MOREAU**

1. Gateway Rezoning

**Councilor Moreau moved to request that an ordinance amendment be drafted to change the zoning of the “consensus properties” as described in the memorandum and that the drafted ordinance amendment be sent to the Planning Board for its consideration and recommendation in February with the intention to bring back an ordinance amendment for first reading at the City Council meeting in March. Seconded by Councilor Blalock.**

Councilor Moreau said this started with close to 60 properties.

Councilor Blalock said all changes made were to allow more opportunities for owners to have housing.

Councilor Moreau said values may go up if owners take advantage of the change.

**Motion passed.**

## 2. Home Occupation Definition and Regulations – Zoning Ordinance

**Councilor Moreau moved to request a report back from the City Manager on how we might continue to advance the discussion during this next City Council session recognizing and balancing the City Council priorities such as housing, other ordinance amendments that are already further along in the development process, and staff workload. Seconded by Councilor Blalock.**

Councilor Moreau said this could be moved along and staff would prioritize it properly.

Councilor Cook said this discussion was sparked by a motion that she put forward in March of 2023. She stated it went to land use because it was urgent, and the new cultural plan will ask for additional artists housing. She indicated that this was a critical need because artists are moving to other communities. Councilor Cook said that this is overdue by 20 years and feels it is more urgent now.

Councilor Lombardi said that this is a very important matter.

Mayor McEachern said it seems like it is an issue of parking, and we need a better plan for traffic and parking.

Councilor Cook said there are many residents that don't realize they could offer classes in their home.

**Motion passed.**

## **XVI. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Donation to Department of Public Works from Mark Falzone, Scenic America - \$1,500.00 for the Planting of a Memorial Tree in Recognition of Dr. Geoffrey Clark

**Councilor Moreau moved to accept and approve the donation to the Public Works Department in the amount of \$1,500.00 for the planting of a Memorial Tree in the right-of-way of 152 Middle Street in Recognition of Dr. Geoffrey Clark. Seconded by Councilor Lombardi and voted.**

B. Acceptance of Grant for the Senior Center - \$10,000.00

**Councilor Lombardi moved to approve and accept the grant as presented. Seconded by Councilor Blalock and voted.**

C. Grant for the Police Department - \$12,499.00

**Councilor Blalock moved to approve and accept the grant as presented. Seconded by Councilor Moreau and voted.**

D. Grant for the Police Department - \$14,403.29

**Councilor Moreau moved to approve and accept the grant as presented. Seconded by Councilor Blalock and voted.**

E. Donation for the Police Department - \$7,000.00

**Councilor Lombardi moved to approve and accept the donation as presented. Seconded by Councilor Blalock and voted.**

F. Donation for the Police Department - \$2,500.00

**Councilor Moreau moved to approve and accept the donation as presented. Seconded by Councilor Lombardi and voted.**

G. Acceptance of Violence Against Women Act (VAWA) Grant - \$25,025.00

**Councilor Moreau moved to approve and accept the grant as presented. Seconded by Councilor Lombardi and voted.**

## **VII. CITY MANAGER'S INFORMATIONAL ITEMS**

### Report regarding recent Storm (not on agenda)

Public Works Director Rice spoke to the recent storm that resulted in the flooding of areas and reported that the Shaw Building at Prescott Park had twenty-six inches of water as a result of the storm, and they lost two of their boilers that are being replaced.

### Report Back on Jones Avenue Scrapyard

Deputy City Attorney McCourt advised the City Council that a more detailed update would be provided at the February 5, 2024 City Council meeting.

### Pease Development Authority Update

City Manager Conard provided a brief update regarding the Pease Development Authority recent meeting. She reported that the PDA would not be meeting in February.

**XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMANING UNFINISHED AT PREVIOUS MEETING**

Councilor Cook announced that the Public Art Review Committee will be conducting public input sessions regarding the percent for public art for Peirce Island on January 25<sup>th</sup> and February 15<sup>th</sup> at 6:30 p.m. at the Library and a Zoom opportunity would be held on February 12<sup>th</sup>.

**XIX. ADJOURNMENT**

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



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK