

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 4, 2024

PORTSMOUTH, NH
TIME: 7:00PM

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:10 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 him in a moment of silent prayer in memory of Police Officer Phil Miles who recently passed away. He asked that everyone keep his wife Tina and children in their hearts and minds.

VI. PLEDGE OF ALLEGIANCE

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

Mayor McEachern recognized Tammy Joslyn, USA Today Network Woman of the Year for New Hampshire. He said Tammy is a highly respected figure in New Hampshire social services realm. He noted that Tammy was a former Operation Blessing client, and named the community recovery and assistance organization's executive director in April 2017. Mayor McEachern said we are delighted that USA Today Network saw what we see every day, her door is always open. Because, as she says, "there's a little bit of me in everyone I serve."

MAYOR'S AWARDS

1. Portsmouth High School Boys Ski Team Division I State Champions

Mayor McEachern provided Mayor's Awards to all members of the team and congratulated them on this achievement. He said after coming in 2nd place last year, the boys team worked hard in the off-season to finally attain the first boys alpine ski championship in Portsmouth High School's history!

2. Elijah Josey 190 lbs. Wrestling Division I State Champion

Mayor McEachern provided Elijah with a Mayor's Award in recognition of his accomplishment of being 190 lbs. Division II State Champion. He said Elijah also won the Division II championship last year as a sophomore as well. He said that Elijah won first place at the Meet of Champions for the 190 lbs. division. The Meet the Champions consists of the top five wrestlers from Division I, Division II, and Division III, so for Elijah to finish in 1st place is an incredible accomplishment that he can add to his high school career resume. He went on to say that Elijah competed in New England's held in Rhode Island recently and finished as the runner-up in the 190 lbs. division. And to top things off, Elijah picked up his 100th career victory by his junior year, which is an incredible accomplishment. We all look forward to seeing what his senior year brings!

VII. ACCEPTANCE OF MINUTES – JANUARY 2, 2024 AND JANUARY 16, 2024

Councilor Tabor moved to approve and accept the minutes of the January 2, 2024 and January 16, 2024 City Council meeting. Seconded by Councilor Cook and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Written Progress Report of the Cemetery Committee (no verbal presentation)

Councilor Lombardi moved to accept the Cemetery Committee Progress Report. Seconded by Councilor Moreau and voted.

Councilor Cook moved to suspend the rules to bring forward Item XV. B.2. – Cultural Plan and voted.

XV. CITY COUNCIL MEMBERS

B. COUNCILOR COOK

2. Cultural Plan

Councilor Cook moved to approve and adopt the 2023 City of Portsmouth Cultural Plan presented in your packet. Seconded by Councilor Lombardi.

Councilor Cook recognized the committee and their work on the plan. She said that this is the first cultural plan in the last 20 years to be done.

IX. PUBLIC COMMENT SESSION

Ari Alexenberg spoke on the Israel and Gaza Resolution. He said he watched the last meeting and was applaud by the repeated comment of genocide. He spoke opposed to acting on this Resolution in the City of Portsmouth when this is a matter for Israel.

Cynthia Harriman spoke in support of solar panels in the historic district of the city. She said the Historic District Commission provides historic content.

Irish Mike said everyone is entitled to a better life but perhaps it is time for the city to close the doors. The City Council needs to act now because the open-door policy doesn't work anymore.

Seth Levine spoke opposed to the Israel Gaza situation.

Yussra Ebrahim spoke in support of the Israel Gaza Resolution and thanked Councilors Cook and Denton for bringing it forward this evening. She urged the City Council to pass the Resolution. She said lives hold value and all lives matter.

Yasmin Alani thanked Councilors Cook and Denton for bringing the Resolution forward for consideration by the City Council. She said that this is genocide against people and everyday people are being starved to death or killed. She urged the City Council to do the right thing.

Jeffrey Cooper said the Resolution needs to demand all hostages should be freed. He said a ceasefire takes two sides.

Leslie Allen said today is day 150 of the hostages being held. She spoke to the killings taking place in Gaza.

Mark Kaplan said that this is not the business of the City of Portsmouth. He said that this is not the only international incident happening of concern. He urged the City Council not to act on this Resolution.

Cliff Hodgdon said the City of Portsmouth might be considering giving a 17-year lease to the VFW. He said this property includes 17-20 free parking spaces. He urged the City Council to think carefully about considering this request.

Andrea Stein Goldsworthy urged the City Council to act on the Resolution this evening. She said that this is a war that the United States has provided the weapons. She spoke regarding the truth and lies regarding this situation.

Mike Schwartz (via Zoom) said he hopes there is a ceasefire. He said the Resolution is not the solution and comes across as one sided, unfortunately.

Larry Booz (via Zoom) spoke on the Resolution and said the City Council was not elected to take positions on international politics. He said Portsmouth is a beacon of light, please abstain from this vote. He said there is great risk with this it a polarizing position.

Ellen Quaadgras (via Zoom) said that it is a catastrophic what is taking place in Gaza. She said we need to act now and violence just fuels more violence. She urged the Council to use their voice for a ceasefire immediately.

Nicole Benoit, Kittery, Maine, spoke to the need for a ceasefire. She said she is asking for peace.

Bradley Conway, Manchester, NH spoke in support of the Resolution for a ceasefire. He said there are people starving in Gaza and we need to act with urgency to stop what is taking place.

Ken Kowalchek, Hampton, NH said he worked overseas with the State Department and has lost people due to terrorists. He said this terror needs to stop.

Chris Brodeur, spoke against the South Meeting House being taken over by the VFW. He said that there needs to be a process for reviewing the building and determining who will take it over.

Jeff Dorrow spoke against the South Meeting House being used for the VFW. He said he purchased his home last year and the VFW is a respected institution, but they are open late at night, and this is a family neighborhood which needs to be considered when deciding on who will take the building over.

Caroline Stemonia, Kittery, Maine, said that she attended a human rights meeting in 2016 and this is a textbook case of genocide.

Salamat Harake, Hampton, NH said what is occurring in Gaza is against humanity and we need to do what is right.

Alexia Goodwin, Stowe, Vermont, said that Gaza is a human zoo. She spoke to Israel having control over the food and water and they have no other choice but to defend themselves. She said that this is a crisis that needs to end now.

Mary Grace Allen spoke in support of the Resolution and said this is unacceptable. She expressed anger that we are the country funding this. Ms. Allen said Portsmouth could be known as the city that called for a ceasefire.

Dawn Persyckin spoke against the Resolution and said Israel has a right of self-defense. She said that Hamas is an extremely well-funded group with an organized military.

Councilor Denton moved to suspend the rules to bring forward Item XV. C.1. Seconded by Councilor Cook.

On a roll call 3-6, motion failed to pass. Councilors Cook, Denton and Mayor McEachern voted in favor. Assistant Mayor Kelley, Councilors Tabor, Blalock, Bagley, Moreau and Lombardi voted opposed.

Councilor Moreau moved to suspend the rules to bring forward Item XV. E.1. Seconded by Assistant Mayor Kelley and voted. Councilors Denton and Bagley voted opposed.

XV. CITY COUNCIL

E. COUNCILOR MOREAU

1. Chairman Chellman and Chairwoman Ruedig, plan to give a brief update to council on the joint meeting and be available to answer any questions the council might have about the plan moving forward

Planning Board Chair Chellman and Historic District Commission Chair Ruedig requested that the City Council allow the Planning Board & HDC to work together over the next two months on bringing forward amendments to the zoning ordinance regarding solar panels.

Councilor Denton moved to hold first reading on April 1, 2024, to amend 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.

Councilor Denton said it has been eight years since he brought this matter forward originally. He said it was again brought forward two months ago and he would like to schedule first reading April 1st and amendments could be made at first reading or second reading. He said if a resident wants to do something to limit climate change, they should be able to do so.

Councilor Blalock said that this keeps the ball moving forward. He looks forward to working with the Historic District Commission and Planning Board.

Councilor Tabor said that we asked the Planning Board and Historic District Commission to make recommendations to change solar panels and asked how they would like to see the process work.

Chair Ruedig, HDC, said she would like this to go as quickly as possible. She said we have great guidelines and documents to work through. She said they would come forward with ideas to streamline the process.

Chair Chellman, Planning Board, said more time would be a good thing. He stated he understands the frustration brought forward eight years ago but feels this can be done in two months.

Mayor McEachern said if we schedule the first reading April 1st and April 15th for public hearing and second reading with third and final reading on May 6th, which would be two months.

Chair Chellman said the land use boards are doing what the City Council has asked them to do. He said the Planning Board and staff are all in on this process.

Councilor Lombardi said the motion makes assumptions that preconceive some actions. He said we need to give the Planning Board and HDC time to come forward with recommendations.

Councilor Moreau said if we held the first reading at the first meeting in May, she would have something complete and ready to go.

Councilor Bagley said he gathered information to move forward and HDC has an important role to play, and residents would be able to make their homes more efficient.

Councilor Blalock said we need to give respect to the land use boards and have the public hearing the first meeting in May.

Councilor Denton said he is fine pushing back a month.

Councilor Cook thanked the HDC and Planning Board for spending so much time on this matter. She said she is surprised with the speed of this process. She said that we need to get to yes with solar panels in the historic district. She spoke to good and right guidelines that are needed.

Councilor Denton accepted a friendly amendment to have May 6th as the public hearing.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Motion to hold First Reading on May 6, 2024, to amend 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” passed. Councilor Cook voted opposed.

At 9:00 p.m., Assistant Mayor Kelley called for a 10-minute break.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

At 9:15 p.m., Mayor McEachern called the meeting back to order.

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

Continue Public Hearing – Capital Improvement Plan (CIP) / Adoption of CIP:
(Continued Public Hearing that was held open per action of the City Council at the February 5, 2024 meeting)

A. CAPITAL IMPROVEMENT PLAN (CIP) FY 2025-2030

- **PRESENTATION** *(Presentation was held at the January 17, 2024 Work Session)*

- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**

Mayor McEachern reopened the Public Hearing.

John O'Leary said he is not speaking as a member of the Community Policing Facility Working Group, he said we need to listen to the experts on this matter and City Administration. He said past projects have been successful because the project needs to bring quality services for their residents and provide a facility at a reasonable cost. He said this is a process the City Council would then direct the City Manager on how to proceed. Mr. O'Leary said if a reduction is made it would be difficult to provide quality services for its residents and a 35% reduction would be irresponsible. He stated the working group needs to continue its work.

Greg Hebert said we thank you for this advancing forward for the Hillside neighborhood sidewalk request as it would serve as a traffic calming element.

After no further speaker, Mayor McEachern closed the public hearing on the Capital Improvement Plan.

Councilor Bagley moved to suspend the rules to bring forward Item XI. A.1. – Amendments to Capital Improvement Plan FY2025-2030. Seconded by Councilor Moreau and voted.

Councilor Bagley moved to remove CIP Page 83 – Sheltering and Public Health Resources (\$250,000.00 – Suggested use of ARPA) from the CIP or pushed to an out-year. Seconded by Councilor Blalock.

Councilor Bagley said he does not feel it is an urgent matter to spend this money on this matter.

Councilor Denton asked if we had cots available during COVID. Health Officer McNamara said we had 48 cots at that time. She stated we would like to purchase additional cots to have them available when needed. She said we need to plan for three days without any assistance. Mayor McEachern asked what the life span for a cot would be. Health Officer McNamara said 50 years. Mayor McEachern said spending \$250,000.00 for a cot seems expensive. He said he would not support the motion but appreciates the sentiment for this.

Councilor Moreau said she would not support the motion.

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

Councilor Moreau moved CIP Page 87 – City of Portsmouth Master Plan Update - \$150,000.00 out one year in the CIP. Seconded by Councilor Tabor.

Councilor Bagley said the statute recommends a Master Plan Update every ten years, but it is not required.

Motion passed.

Councilor Moreau moved to approve the remainder of the City Manager's recommended reductions as outlined. Seconded by Councilor Blalock and voted.

- CIP Page 78 – Permanent Records Storage Facilities - \$25,000.00
- CIP Page 90 – Existing Outdoor Recreation Field and Facility Improvements - \$25,000.00
- CIP Page 95 – Peirce Island Recreation Improvements - \$150,000.00
- CIP Page 102 – City Hall HVAC Improvements - \$200,000.00
- CIP Page 107 – Sound Barriers in Residential Area Along I-95 - \$50,000.00
- CIP Page 116 – Citywide Information Technology Upgrades & Equipment Replacements - \$261,858.00

Councilor Bagley moved to push out to FY2030 the \$1,300,000.00 for CIP Page 112 – Mechanic Street Wharf/Pier. Seconded by Councilor Denton.

Assistant Mayor Kelley asked if there are consequences with pushing this out. City Manager Conard said if we did not move forward we would need to wait until 2030.

Public Work Director Rice said until we get into design we cannot see what the cost would be but the bids came in higher than expected. He said that this is a want not a need and we are comfortable pushing the project out.

Motion passed.

Councilor Bagley moved to push out for one year the \$350,000.00 for CIP Page 135 – Wayfinding System. Seconded by Councilor Denton.

City Manager Conard said that this would come from parking revenues and not impact the general fund.

Councilor Bagley said it might be more prudent to do the Market Square signage after the Market Square Redesign.

Motion passed.

Councilor Bagley moved to push out for one year the \$150,000.00 for CIP Page 70 – Fire Station Security Upgrade. Seconded by Assistant Mayor Kelley.

Assistant Mayor Kelley said she would like to hear from Fire Chief McQuillen on this matter. Fire Chief McQuillen said this would get all three stations on key card access which is a security matter.

On a voice vote 1-8, motion to push out for one year the \$150,000.00 for CIP Page 70 – Fire Station Security Upgrade failed to pass. Councilor Bagley voted in favor. Assistant Mayor Kelley, Councilors Tabor, Cook, Denton, Blalock, Bagley, Moreau, Lombardi and Mayor McEachern voted opposed.

Councilor Bagley moved the taser replacement out. Seconded by Councilor Blalock.

Councilor Denton expressed concern whether or not this would put police officers at risk. Police Chief Newport said the current tasers are at the end of life and if they failed it would put the officers at risk.

Assistant Mayor Kelley asked if we could do replacements in five-year increments. Police Chief Newport said we would want to bring them all onboard at once.

Councilor Blalock said he would not want to put any officers at risk.

Councilor Bagley withdrew his motion.

Discussion followed regarding the bleachers/grandstands and bathroom facilities at Leary Field. The City Council requested that CIP Page 94 – Leary Field – Bleachers/Grandstands - \$50,000.00 be directed for upgrades to the bathroom facilities that was agreed upon by Public Works Director Rice.

Councilor Bagley moved to push out for one year the \$4,500,000.00 for CIP Page 100 – Prescott Park Master Plan Implementation. Seconded by Councilor Denton.

Discussion followed among the City Councilors regarding the Shaw Building at Prescott Park and various improvements.

On a roll call vote 2-6, motion to push out for one year the \$4,500,000.00 for CIP Page 100 – Prescott Park Master Plan Implementation ***failed*** to pass. Councilor Tabor recused from voting. Councilors Denton and Bagley voted in favor. Assistant Mayor Kelley, Councilor Cook, Blalock, Moreau, Lombardi and Mayor McEachern voted opposed.

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

Councilor Moreau moved to suspend the rules to bring forward Item XV. F.1. – Verbal Report out on our Tour of the Dover NH Police Department. Seconded by Assistant Mayor Kelley and voted.

Councilor Cook said the tour was interesting and the Dover Police Department is similar in size.

Councilor Bagley said Dover has a larger population. He said there are approximately 10,000 more residents in Dover. He said Dover expressed concerns regarding not having enough key card access and there being no shooting range. He said we should investigate the building in Dover more.

Assistant Mayor Kelley thanked everyone for going to look at the Dover building. She said she would like to know the breakout cost for the parking garage.

Mayor McEachern said we should have the consultant present to answer these questions.

Councilor Cook said that we should move this out a year to make sure we get what we need. She said we need clear answers to determine what we need to spend.

Mayor McEachern said that this is a plan not the final cost for a new police facility. Councilor Cook said she does not agree when we put something into the CIP we are not moving forward with a project/plan.

Councilor Tabor said we decided we needed to move ahead with a new policing facility. He said this is a core function of what the city does and that this has been in the CIP for two years. He reported that we have 50,000 calls for service each year and Dover has 29,000 calls. Councilor Tabor said that there is not enough data to cut the project by 35%.

City Manager Conard spoke to a work session being held on the Community Policing Facility In April and that we should leave the figure at \$38,000,000.00 until we are better informed.

Mayor McEachern said discussion should be around square foot costs for the facility.

Councilor Cook said it is important to note, we did not vote to bring the cost down to \$38,000,000.00 and she has never agreed to that figure. She stated if we commit to the money here, we could not do any more projects until 2047. She said we did not give them guidance of \$38,000,000.00.

Assistant Mayor Kelley said it was a request from the working group for a number and she came forward with the number of \$20 million to \$38 million. She stated we may need to schedule another work session before April and get a consensus from the City Council.

Councilor Blalock said to bring a number forward now would be premature.

Councilor Moreau said we need to be fiscally responsible.

Councilor Moreau moved to suspend the rules to bring forward Item XVII. 1. – Report Back on State Street Two-Way Redesign. Seconded by Councilor Cook and voted.