

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, MARCH 18, 2024

PORTSMOUTH, NH  
TIME: 7:00PM

**Assistant Mayor Kelley 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, 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 former City Manager Calvin Canney.

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

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

### **VII. ACCEPTANCE OF MINUTES – FEBRUARY 5, 2024**

**Assistant Mayor Kelley moved to approve and accept the minutes of the February 5, 2024 City Council meeting. Seconded by Councilor Tabor and voted.**

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

1. Public Art Review (PARC) Recommendation of Public Art for Bohenko Gateway Park

Councilor Cook invited Chris Dwyer of the Committee to come forward and speak to the public art for the Bohenko Gateway Park.

Ms. Dwyer said that this is a plan for artwork in the pavilion of Bohenko Gateway Park with funding from a left over grant from the 400<sup>th</sup> Legacy Committee. She announced that Terrence Parker is the artist that will be constructing the artwork.

Mr. Parker explained the artwork will transform the current structure aesthetically and add value to the site by bringing attention to relevant local history. He spoke to the story of the codfish being central to the maritime history of New England. He stated the proposed artwork is innovative in its use of materials and the incorporation of shadows and lighting, creating both day and nighttime interest. He said the fish will be constructed with materials related to boat building. He said that shadows created by the fish will create interest on the ground doubling the impact of the school of fish. He said the fish will be hung so that they are 10' above the ground at the lowest point with cables holding the fish to support 390 lb. He said that each fish will have two cables, fixed so that the fish does not swing.

Discussion followed regarding the maintenance of the artwork.

**Councilor Cook moved to accept the proposed plan for artwork, including support from the Department of Public Works for the painting and preparation of the site. Seconded by Councilor Lombardi and voted.**

## **IX. PUBLIC COMMENT SESSION**

Shawn Muske said that the Sherburne neighborhood does not support the development for workforce housing at the former Sherburne School. He expressed concern that the City Council may try to push this through.

Genevieve Becksted Muske spoke regarding what it means to be a good listener. She said that when the idea for workforce housing at the former Sherburne School came forward a presentation was prepared for the neighborhood and then the City Council stopped listening to the neighborhood. She expressed concern regarding the additional traffic of 320 vehicles and the issues that would cause. Ms. Muske said this is not the only location for this type of project.

Ruben Yzaquirre submitted a petition with 180 names against the housing project at the former Sherburne School. He said that this is not what the neighborhood wants. He said that the City Council is manufacturing a project that is not in the best interests of the neighborhood. He requested that Mayor McEachern deny the letter for the Portsmouth Housing Authority.

Jeff Dorrow spoke regarding the future use of the South Meeting House. He said living next to the South Meeting House is iconic as it sets high and anchors the south end. He stated he is pleased that there will be a work session on this in April.

Irish Mike said the City Council should show respect for all. He felt some of the people speaking on the Gaza situation were not listened to.

Robin Schnell spoke in support of Gateway 1 changes in zoning. She said we need complete neighborhoods with ranges in value. She said the cost of housing is very high and parking availability for neighborhoods needs to be addressed.

Erik Anderson spoke regarding Craig Welch's letter from the Portsmouth Housing Authority. He said no discussion has taken place by the Housing Committee that the former Sherburne School would be the primary site for workforce housing. He said there is no sense or feeling of transparency on this matter.

Manny Garganta said there has only been one meeting held by the Housing Committee. He said that the Portsmouth Housing Authority makes you feel like they are always under the gun to meet a deadline. He said if workforce housing does get developed, make it tasteful.

Elizabeth Bratter, owner of 159 McDonough Street, said the majority of housing in the city does not meet affordability. She spoke regarding the increasingly high cost to build a home. She stated by changing the Gateway zones you will create more traffic and parking issues. Ms. Bratter urged the City Council to review the information carefully before acting on this matter and changing the zoning.

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

**First Reading of Ordinance:**

- A. First reading of Ordinance amending Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map, be amended to change the zoning designation of the following parcels pursuant to Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 of the Zoning Ordinance. That the Zoning Map be amended so that the described parcels within the ordinance are rezoned from Office Research (OR) to Gateway Neighborhood Business (G1)

**Councilor Moreau moved to pass first reading and schedule public hearing and second reading for April 15, 2024 City Council meeting of the proposed Zoning Map Amendments. Seconded by Councilor Blalock.**

Councilor Moreau said we have been looking at this for a long time and the reason for the public hearing taking place on April 15<sup>th</sup> is due to noticing requirements.

**Motion passed.**

**Public Hearing/Second Reading of Ordinance**

- B. Public Hearing/Second Reading of Ordinance amending Chapter 7, Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.102 – Parking Meter Zones and Parking Meter Rates

• **PRESENTATION**

Parking Director Fletcher explained that on-street parking would become Zone A and the proposal supports the parking principles. He spoke regarding price points and economic principles. He said that this proposal will eliminate Zone B.

• **CITY COUNCIL QUESTIONS**

Assistant Mayor Kelley asked what percentage of users qualify under the residential discount. Parking Director Fletcher reported that 4% have enrolled in the application.

Mayor McEachern asked if we could have signage up for residents when registering their vehicles regarding the residential program. Parking Director Fletcher said he feels it is a good idea, but we need to look into the process more.

• **PUBLIC HEARING SPEAKERS**

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor McEachern closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

There were no additional questions by the City Council.

**Councilor Bagley moved to pass second reading and schedule a third and final reading at the April 1, 2024 City Council meeting to amend Chapter 7, Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.102 – Parking Meter Zones and Parking Meter Rates, to remove the standard Occupancy Zone (Zone B) and increase the parking rate discount for residents using the ParkMobile App. Seconded by Councilor Denton and voted.**

**Councilor Bagley moved to suspend the rules to take up third and final reading this evening. Seconded by Councilor Moreau and voted.**

**Assistant Mayor Kelley moved to pass third and final reading of the ordinance as presented. Seconded by Councilor Lombardi and voted.**

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

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

1. Request for Work Session Regarding South Meeting House

City Manager Conard said the Work Session would be held before the April 15<sup>th</sup> City Council meeting.

**Councilor Lombardi moved to schedule a work session on April 15<sup>th</sup> at 6:00 p.m. regarding the South Meeting House property. Seconded by Councilor Cook.**

Councilor Denton explained he would recuse from the vote and the work session because he is the Commander of the VFW and they’re interested in the building.

Councilor Cook said that the City Council should view the building and asked that City Manager Conard schedule a time. City Manager Conard said we could show the building in smaller groups to not create a quorum.

**Motion passed. Councilor Denton recused from the vote.**

2. License Agreement for Seacoast Eat Local Farmers’ Market 2024

City Manager Conard announced that the Farmers’ Market would open on May 4<sup>th</sup> and close October 26<sup>th</sup>.

**Councilor Denton moved to authorize the City Manager to execute the License Agreement as presented, which is in substantially similar form as the License Agreement from 2023, allowing SEL to operate a Farmers’ Market at the Municipal Complex on Saturday mornings from May 4, 2024, through October 26, 2024, and that the City Manager is further authorized to negotiate and execute any amendments to the Agreement that she deems consistent with its purpose. Seconded by Councilor Tabor.**

Councilor Denton said the market normally runs up to November. City Manager Conard said with the cold weather vendors drop off. She said that this was a thoughtful request of Seacoast Eat Local to end the season one week earlier.

**Motion passed.**

3. Authorization for Disbursement of \$2,350.00 from Trust for Administrative Costs for First Time Homebuyer Program

City Manager Conard said that we are excited to bring this program forward.

**Assistant Mayor Kelley moved to authorize the City Manager to disburse \$2,350.00 from the Portsmouth Housing Endowment Fund to be expended in FY24 on Community Development staff salaries and benefits associated with administering the City's first-time homebuyer loan program. Seconded by Councilor Blalock.**

Community Development Director Annunziata said that we are seeing an uptick, and currently have two applications in progress.

**Motion passed.**

**XII. CONSENT AGENDA**

- A. Request from Emily-Anne Boone, LIIV Medical Aesthetics, to install a Projecting Sign at 24 Ladd 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 Julia Johnson, Alliance for Greater Good, requesting permission to hold the Lantern Festival on Saturday, September 28, 2024 at the South Mill Pond from 5:00 p.m. to 7:30 p.m. (Rain date of Sunday, September 29<sup>th</sup>) (***Anticipated action – move to refer to the City Manager with Authority to Act***)

- C. Letter from Evan Dolecki, Loco Sports, LLC & Ventures Endurance, requesting permission to conduct the 8<sup>th</sup> Annual Margarita Half Marathon & 5K on Sunday, May 12, 2024 at 8:15 a.m. (***Anticipated action – move to refer to the City Manager with Authority to Act***)

**Councilor Tabor moved to adopt the Consent Agenda. Seconded by Councilor Lombardi and voted.**

### **XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

- A. Email Correspondence

**Councilor Lombardi moved to accept and place on file. Seconded by Councilor Denton and voted.**

- B. Letter from Chris Maden, Portsmouth Maritime Folk Festival, requesting the following:
- Use of spaces in Prescott Park on Saturday, September 28<sup>th</sup>, 11:00 a.m. to 3:00 p.m., and Sunday, September 29<sup>th</sup>, 1:00 p.m. to 5:00 p.m.
  - Use of space in front of North Church
  - Motorcycle Parking Ban in Market Square on Sunday, September 29<sup>th</sup> and some parking passes for their performers and volunteers

**Councilor Bagley moved to refer to the City Manager with Authority to Act. Seconded by Councilor Denton and voted.**

- C. Letter from Russ Grazier, PMAC, requesting permission to hold a one-time small parade for Jazz Appreciation Month on Friday, April 12, 2024 at 12:00 p.m.

**Councilor Cook moved to refer to the City Manager with Authority to Act. Seconded by Assistant Mayor Kelley and voted.**

- D. Letter from Craig Welch, Executive Director, Portsmouth Housing Authority, requesting a letter of support to accompany their request for congressionally directed spending funds from our congressional delegation for potential workforce housing at the Sherburne School property

**Councilor Tabor moved to recommend and authorize the mayor send a letter on behalf of the City Council. Seconded by Assistant Mayor Kelley.**

Assistant Mayor Kelley expressed concern with this matter not going through the Housing Committee first. She said that the Housing Committee is meeting on Thursday and the letter could be reviewed and considered.

Councilor Denton said it has been over ten years and looking at the request it is hard to tell what they're requesting. He said he would like to know what the letter would say.

Councilor Blalock said that the letter should come from the Housing Committee. He said the neighborhood would like the process to come out of the committee.

Councilor Moreau asked that a letter be drafted for the Housing Committee.

**Councilor Tabor moved to send to the Housing Blue Ribbon Committee for Authority to Act. Seconded by Assistant Mayor Kelley.**

Assistant Mayor Kelley said she wants the Portsmouth Housing Authority to come forward and answer questions of the Housing Committee.

Councilor Bagley asked if we could draft a letter that is not legally binding.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said he understands the desire to have a process move forward. He said we are trying to get federally earmarked money for this. He said he would like to keep the letter short and have it reviewed by the Housing Committee.

Councilor Tabor said a very brief letter from the Portsmouth Housing Authority doesn't tell us what we are supporting. He said we could vote on the idea of housing at the Sherburne location.

Councilor Tabor withdrew his motion and made a new motion.

**Councilor Tabor moved to send a letter of support for an application to request federal funding as contemplated by Portsmouth Housing Authority to the Housing Blue Ribbon Committee with Authority to Act and the Housing Committee can determine whether to send the letter based on their conversation with PHA and the application they would receive at that time. Seconded by Mayor McEachern and voted. Councilor Blalock voted opposed.**

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

At 8:30 p.m., Mayor McEachern called for a brief recess. At 8:40 p.m., Mayor McEachern called the meeting back to order.

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

1. Appointments to be Considered:
  - Reappointment of Samantha Collins to the Conservation Commission
  - Reappointment of Kathleen Bergeron to the Portsmouth Housing Authority
  - Reappointment of Kathryn Lynch to the Recreation Board

The City Council considered the reappointments that will be voted upon at the April 1, 2024 City Council meeting.

**Councilor Tabor moved to suspend the rules to put an item that is not on the agenda under his name. Seconded by Councilor Blalock and voted.**

## XV. CITY COUNCIL MEMBERS

### COUNCILOR TABOR

#### 1. Litigation with Redgate Kane

Councilor Tabor said as we know there is a lawsuit in process, and he feels he needs to make a disclosure. During the lawsuit discovery process, an email emerged in which he advised a friend after a McIntyre conversation, “best to delete all the McIntyre jottings in case of subpoenas” because the developer, who is very litigious, might find them...

I want to disclose this because it was an error in judgement on my part even though no litigation was underway at the time.

There is an extra layer of complication in that this friend had just become a volunteer on a city committee.

For my own part, it's my absolute belief that I never deleted or destroyed any of my own emails, texts, social media post, or printed documents about McIntyre. I knew that deleting any of these would be worse than keeping them. But I erred in what I advised my friend to do. For that I apologize to my friend, my fellow councilors, and to the public.

I only learned of this last Monday, and I am disclosing this as quickly as I can in the interest of transparency. I believe transparency counts the most when we as elected officials must acknowledge our mistakes.

Finally, upon the advice of the City Attorney in this matter, I hired my own counsel and we have confirmed that every piece of correspondence between me and others concerning McIntyre has been produced in discovery. I am willing to prove that by submitting to a forensic audit on all my devices, email and correspondence.

### A. COUNCILOR COOK

#### 1. Historic Preservation Grants and Sustainability

**Councilor Cook moved to request a report back to the Council by May 6<sup>th</sup> on federal and state grant programs in historic districts and the impact of not following Certified Local Government National Park Service guidelines and state guidelines in historic districts on grant eligibility, including eligibility for sustainability grant addressing sea-level rise and preservation of historic structures and neighborhoods. Seconded by Councilor Blalock.**

Councilor Cook spoke regarding maintaining historic integrity for properties in the historic district. She said minor changes could impact their ability to stay in the historic district. She said houses could be removed from the historic district and lose tax credits.

The City Council spoke regarding the need for a report back from the Historic District Commission. City Manager Conard said she will work to try to get an answer for the May 6<sup>th</sup> City Council meeting.



**Motion passed.**

2. Police Facility Process

**Councilor Cook moved to request a report back on the needs assessment process for the proposed Police Facility in advance of the work session of the Council with the committee. Seconded by Councilor Denton.**

Mayor McEachern said the process that went into the study on space needs could be discussed at the work session.

**Motion passed.**

**Assistant Mayor Kelley moved to suspend the rules to bring forward City Manager's Informational Item 6 – Community Policing Facility Update. Seconded by Councilor Denton and voted.**

Public Works Director Rice advised the City Council that regular meetings are taking place regarding this matter. He spoke about the cost and level of renovations and stated that the footprint has been reduced and we are working to stretch the dollars more.

Deputy City Manager Woodland said before we come back to the Council, we need to see how much we can get in the current section of the building. She stated we want to continue working before coming back with a report to the Council in a work session to be held in May.

**B. COUNCILOR BAGLEY**

1. **Action Item Needing Approval by City Council:**

- Market Square bus bay parking, voted to change the two 15-minute spaces in the bus bay to Zone A spaces

**Councilor Bagley moved to change the two 15-minute spaces in the bus bay to Zone A spaces. Seconded by Councilor Lombardi and voted.**

2. Parking & Traffic Safety Committee Action Sheet and Minutes of March 7, 2024

**Councilor Bagley moved to approve and accept the action sheet and minutes of the March 7, 2024 Parking & Traffic Safety Committee meeting. Seconded by Councilor Denton and voted.**

**XVI. APPROVAL OF GRANTS/DONATIONS**

- A. Approval of Victims of Crime Act Grant Award to the Police Department to fund the Legal Department Victim Witness Advocate - \$24,739.00

**Councilor Lombardi moved to approve and accept the Grant as presented. Seconded by Councilor Tabor and voted.**

B. Approval of Source Water Protection Grant Extension

**Councilor Denton moved to authorize the City Manager to enter into Amendment No. 1 of the Grant Agreement to extend the completion date of the \$25,000.00 grant from the State of New Hampshire Department of Environmental Services Local Source Water Protection Program by one year, to a completion date of May 31, 2025. Seconded by Assistant Mayor Kelley and voted.**

C. Approval of Grant Contract in the amount of \$1,000,000.00 for Community Campus Upgrades Project

**Councilor Blalock moved to approve and accept the Grant as presented. Seconded by Councilor Tabor.**

City Manager Conard said Recreation Director Henley worked to obtain this grant and there will be substantial changes to the building with more programming and services.

**Motion passed.**

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

1. Report Back on Salter Street Rezoning

City Manager Conard reported the Planning Board considered this request and voted to unanimously leave the existing zoning for Salter Street as Waterfront Business and to evaluate this and other waterfront designations through the Master Plan process.

2. Hanover Renovation Update – Hanover Street Entry/Exit Wait Times

City Manager Conard reported that this is a major renovation project, and the work will continue until early fall. She spoke of exit times being experienced by patrons. She spoke of the mitigation being done by the Parking Division to address this and other matters. She advised that repair work on the Hanover entry/exit area will extend to the elevator area in the coming weeks. City Manager Conard said the improvements presently underway will extend the useful life of the facility and enhance the overall experience for garage users.

3. Green Building Policy

City Manager Conard said the policy requires all new building construction or renovations over \$2,000,000.00 to be LEED Silver or equivalent.

4. Update on "Skip the Stuff" Ordinance

City Attorney Morrell said work needs to be done on the enforcement aspect of the ordinance. She said she hopes to have information back for the April 1<sup>st</sup> City Council meeting when the students participating in Student Government Day will be in attendance.

5. Pease Development Authority Update

City Manager Conard announced that the driving range at Pease is open. She reported that PDA is looking into a design to build an Event Conference Center to accommodate 220 people. She reported that Geno Marconi updated the PDA on the storm damage at the Port Authority and he advised that the Port will be bringing forth a Capital Improvement Plan for the first time.

7. FlashVote Survey Status Update

City Manager Conard advised the City Council that the last FlashVote Survey was on "Better Engagement." She reported that 387 participated in the survey and people are looking for social media services to keep updated on matters in Portsmouth.

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

**XIX. ADJOURNMENT**

**Assistant Mayor Kelley moved to adjourn the meeting. Seconded by Councilor Moreau and voted.**



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK