

TO: KAREN CONARD, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN AT THE PORTSMOUTH CITY COUNCIL MEETING HELD IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS ON MONDAY, APRIL 15, 2024

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

ABSENT: COUNCILOR LOMBARDI

1. At 6:00 p.m. a Work Session was held regarding the South Meeting House.
2. Mayor McEachern requested that we take a few moments in memory of Joanne Grasso, who passed away on March 21st. Joanne was a loyal, faithful, and dedicated daughter of the City of Portsmouth. Born and raised here, she was a teacher of our children, 6-time member of this Council and known Citywide as a person on kindness and compassion. It is people like Joanne who have made this City the beacon which it has become.
3. Mayor's Award – Alexander Maillet – Mayor McEachern presented a Mayor's Award to Alexander Maillet in recognition of his extraordinary and quick thinking in saving the life of an employee in his workplace. Mayor McEachern said that Alexander is an inspiring example to our community.
4. Acceptance of City Council Minutes – **Voted** to approve and accept the minutes of the February 12, 2024; February 13, 2024; February 20, 2024; March 4, 2024; March 18, 2024 and April 1, 2024 City Council meetings.
5. Recognition of High School Future Business Leaders of America (FBLA) – Assistant Mayor Kelley, Advisor of the FBLA recognized the following students James Johnston, Henry Honeyman, Cam Patterson, Mason Patterson, Ben Gotlieb, and Joe Zingariello who competed in State competitions for Future Business Leaders of America representing Portsmouth High School. She announced that Mason Patterson came in 2nd for Healthcare Administration and Ben Gotlieb came in 1st for accounting. In recognition of their achievements Assistant Mayor Kelley on behalf of Mayor McEachern and the City Council presented the students with a gift bag and tokens of our appreciation for their success.
6. Public Comment Session – There were 12 speakers: Erik Anderson, John Logan, Ben VanCamp (Housing); Sue Polidura (Historic District); Petra Huda (Tabor Apology "Oath of Office"); Paige Trace (Portsmouth); Esther Kennedy (Small Businesses); Francis Cormier, Genevieve Becksted Muske, Rick Becksted, (via Zoom), (Sherburne School); Mike Mulhern (Zoning); Arthur Clough, (via Zoom) (Councilor Tabor).
7. First Reading of Ordinance amending Chapter 10, Article 4 – Zoning Districts and Use Regulations, Section 10.440, Article 8 – Supplemental Use Standards, Sections 10.810 and 10.843, Article 11 – Site Development Standards, Section 10.1112.32, and Article 15 – Site Development Standards, Section 10.1530 – Various amendments relative to Electric Vehicle Charging Stations – Moved to pass first reading and schedule public hearing and second reading for May 6, 2024 City Council meeting.

Voted to add a Section 10.1112.23 to Section 10.1112.20 “Calculation of Number of Required Spaces” that reads, “10.1112.23 Parking spaced occupied by EV charges and support equipment may count toward minimum parking requirements.

Voted to delete “(including, but not limited to, generators and transformers)” from Section 10.843.34 that now reads, “Except for EV fueling space A, all above ground EV charging support equipment (including, but not limited to, generators and transformers) shall be set back 10 feet from all lot lines.

Moved to add Section 10.450 “Table of Uses – Pease/Airport Districts” the following “21. Electric Vehicle Charging Stations” table:

21. Electric Vehicle Charging Stations	AIR AI PI ABC
<i>EV fueling Space A as an accessory use</i>	<i>Permitted</i>
<i>EV fueling Space B as an accessory use</i>	<i>Permitted</i>
<i>Motor vehicle service station as a principal use</i>	<i>Permitted</i>

The motion was withdrawn.

Voted to send a letter to the Pease Development Authority alerting them to zoning changes and recommend that they consider the changes to align with Portsmouth regulations.

Voted to amend that we include in the Table of Uses Level B Chargers in the Office Research Zone by Conditional Use Permit.

Main motion to pass first reading and schedule public hearing and second reading for May 6, 2024 passed as amended.

8. Public Hearing/Second Reading of Ordinance amending Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map, be amended to change the zoning designation of the following parcels described within the ordinance 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) – Held a public hearing. **Voted** to pass second reading and schedule a third and final reading at the May 6, 2024 City Council meeting.

Voted to suspend the rules to bring forward third and final reading of the ordinance.

Voted to pass third and final reading of the ordinance.

9. Approval of Renewal of Chief of Police Newport’s Employment Agreement On a roll call 5-3, **voted** to approve and accept the agreement as presented. Mayor McEachern, Councilors Tabor, Blalock, Moreau and Assistant Mayor Kelley voted in favor. Councilors Cook, Denton and Bagley voted opposed.
10. Request for 3-Month Extension of Existing Franchise Agreement with Comcast – **Voted** to authorize the City Manager to finalize and execute the Extension Agreement as presented.

11. Consent Agenda – **Voted** to remove Items C. & F. from the Consent Agenda.

- C. Letter from Debra Smith, Friends of the South End, requesting permission to hold the 20th Annual Fairy House Tour on Saturday, September 21, 2024 and Sunday, September 22, 2024 from 10:00 a.m. to 3:00 p.m. (**Anticipated action – move to refer to the City Manager with Authority to Act**)
- F. Letter from Mike Effenberger, Seacoast Jazz Society, requesting permission to hold Jazz In The Streets on six Saturdays this summer with street performances in three locations (Vaughan Mall stage, Tugboat open area, Market Square in front of North Church) and to set up musicians on the Vaughan Mall stage and allow light-volume percussion and light amplifications (**Anticipated action – move to refer to the City Manager with Authority to Act**)

12. Consent Agenda – **Voted** to adopt the Consent Agenda without Items C. & F.

- A. Letter from Michelle James, Yoga in Action, requesting permission to use Prescott Park for the annual series, “Yoga in the Park” Tuesday at Noon for the months of June, July, and August (**Anticipated action – move to refer to the City Manager with Authority to Act**)
- B. Letter from Allan Scholtz, Portsmouth Professional Firefighters Local 1313, requesting permission to hold Fill-the-Boot Drive on Saturday, August 3, 2024 from 8:00 a.m. to 4:00 p.m. for Muscular Dystrophy Association (**Anticipated action – move to refer to the City Manager with Authority to Act**)
- D. Letter from Tina Sawtelle, The Music Hall, requesting permission to close Chestnut Street to vehicular traffic for outdoor live music, special events, and festivals taking place in 2024 (**Anticipate action – move to refer to the City Manager for development and execution of a License Agreement**)
- E. Letter from Bruce Hurley, Seacoast Half Marathon, requesting permission to hold the 19th Annual Seacoast Half Marathon on Sunday, October 27, 2024 (**Anticipated action – move to refer to the City Manager with Authority to Act**)
- G. Letter from Mike Peabody, Millennium Running, requesting permission to hold Eastern States 20 Miler & Half Marathon on Sunday, March 16, 2025 (**Anticipated action – move to refer to the City Manager with Authority to Act**)

13. Letter from Debra Smith, Friends of the South End, requesting permission to hold the 20th Annual Fairy House Tour on Saturday, September 21, 2024 and Sunday, September 22, 2024 from 10:00 a.m. to 3:00 p.m. – **Voted** to refer to the City Manager with Authority to Act. Councilor Cook recused from voting on this matter.

14. Letter from Mike Effenberger, Seacoast Jazz Society, requesting permission to hold Jazz In The Streets on six Saturdays this summer with street performances in three locations (Vaughan Mall stage, Tugboat open area, Market Square in front of North Church) and to set up musicians on the Vaughan Mall stage and allow light-volume percussion and light amplifications – **Voted** to refer to the City Manager with Authority to Act. Councilor Cook recused from voting on this matter.

15. Email Correspondence – **Voted** to accept and place on file.
16. Letter from Mark Gianniny, McHenry Architecture, requesting the City Council consider a full refund of the building permit fee associated with permit number BLDG-220961 – **Voted** to place on file and refer back to the building inspector to exercise his authority under the building code.
17. Appointment to be Considered – Anthony Coviello as a Regular member of the Planning Board – The City Council considered the appointment and will take action at the May 6, 2024 City Council meeting.
18. Appointments to be Voted – *These reappointments are duplicates and were voted upon at the April 1st City Council meeting.*
 - 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
19. Approval of Tom Rooney and Peter Britz as Primary and Alternate Member Representatives to the Community Power Coalition of New Hampshire to replace Kevin Charrette and Peter Rice – **Voted** to approve Tom Rooney as Portsmouth’s Primary Member Representative to the Community Power Coalition of New Hampshire, along with Peter Britz, Portsmouth Planning and Sustainability Director, as Alternate Member Representative and to write a letter of thanks to Kevin Charrette and Peter Rice for their outstanding work as outgoing CPCNH board members.
20. Housing Committee Update/Requests – **Voted** to recommend that the City Council work towards the official disposition and land lease of the Sherburne School property for the creation of permanent below market rate housing.
21. Changes to Public Art Ordinances – **Voted** to request that the Governance Committee, in conjunction with the Legal Department, review the City ordinances and policies related to public art based on the memorandum presented to the City Council from the Public Art Review Committee (PARC), and combine the ordinances and policies, where possible, to create an ordinance related to public art.
22. Parking & Traffic Safety Committee Action Sheet and Minutes of April 4, 2024 – **Voted** to approve and accept the action sheet and minutes of the April 4, 2024 Parking & Traffic Safety Committee meeting.
23. Update on Community Policing Facility – Public Works Director Rice reported vigorous discussions were held to try and put the pieces in the right place for the facility and that they’re making good progress on the site. He stated they will be meeting with the working group to continue their work and will bring forward next steps to the City Council for siting the facility at this location.
24. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting – Councilor Cook announced that the Market Square Master Plan Initiative Launch will take place on April 24th.

Councilor Blalock thanked everyone that was involved in making Student Government Day a success.

Deputy City Attorney McCourt recommended postponing the Public Use and Necessity Hearing regarding Fleet Street Area and Maplewood Avenue Outfall Project scheduled for Monday, April 29th indefinitely. The City Council verbally agreed.

25. Adjournment – At 10:25 p.m., **voted** to adjourn the meeting.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk