

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, MAY 6, 2024

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

1. Teacher's Appreciation Week – Mayor McEachern expressed the City Council's heartfelt gratitude to teachers for all the work they do for our youth.
2. National Police Week – Mayor McEachern expressed his sincere appreciation during this National Police Week for all the sacrifices police officers make to keep us safe. He also thanked our own police department for their efforts in educating the community and making it safer for those who serve and for all of us.
3. National Bike Month – Mayor McEachern recognized May as National Bike Month and thanked all of those who participated in the Mayor's Ride on Sunday, May 5th.
4. Proclamation – Poet Laureate – Mayor McEachern declared Lauren WB Vermette as Portsmouth Poet Laureate for a two-year term. He urged all Portsmouth citizens to get to know the work of our Portsmouth and New Hampshire poets, and to explore poetry in all its wonder and for the enjoyment, inspiration, insight, and encouragement that poetry affords.
5. Acceptance of Minutes – April 15, 2024 – **Voted** to approve and accept the minutes of the April 15, 2024, City Council meeting. Councilor Lombardi recused from the vote due to being absent from the meeting.
6. Recognition of Renewable Solar Energy Proposals from Portsmouth Middle School 8th Graders – Mayor McEachern and the City Council recognized each project and the students for putting together these outstanding proposals regarding Renewable Solar Energy.
 - Wyatt Howard Baker & Benjamin Fischer
 - Jasmine Parker & Jessica Schickling
 - Sara Edwards & Abby Craig
 - Lorelei Foster & Elizabeth Tremblay
 - Brandon Ganev & Charlie Ruedig
 - Thea Hartley
 - Madison Whitaker & Lily O'Donoghue
 - Ella Wiseman & Lucille Rhinesmith
 - Hannah Williams & Anya Pettigrew
7. Public Comment Session – There were 8 speakers: Cynthia Harriman, Kerry Vautrot, Sue Polidura, Christina Lusky, Petra Huda (Solar Panels/HDC); Stephanie Campbell (Memorial Plaque for Joan Christy); Esther Kennedy (Budget/HDC); and Paige Trace (Portsmouth).

8. First Reading of Ordinance amending 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 alterations to existing structures” and by adding a new numbered paragraph 29 “Accessory Elements to Solar Energy Panels which do not require other alterations to existing structures” – Moved to pass first reading and schedule a public hearing and second reading regarding Solar Energy Panel amendments to Chapter 10, Article 6, Section 10.633.20, as presented, on June 3, 2024.

Moved to amend paragraph 28 to add the phrase “made of materials other than slate or wood” after the word “rooftop”, so the paragraph would now read:

- 28) *Solar Energy Panels flush mounted to rooftops made of materials other than slate or wood of existing structures which do not require other alterations to existing structures.*

Voted to suspend the rules to bring forward Item XV. D.1. – Update from Planning Board regarding Revised Solar Amendments.

HDC Chair Ruedig and Planning Board Chair Chellman provided a report on the regulations and requirements for solar panels. They announced that there will be a public hearing by the Planning Board on this matter at their May 16th meeting and would like the opportunity to report back to the Council with their findings before the Council holds their public hearing and second reading of the ordinance.

On a roll call 5-4, voted to pass to amend paragraph 28 to add the phrase “made of materials other than slate or wood” after the word “rooftop”, so the paragraph would now read:

28) Solar Energy Panels flush mounted to rooftops made of materials other than slate or wood of existing structures which do not require other alterations to existing structures. Councilors Tabor, Denton, Blalock, Bagley and Mayor McEachern voted in favor. Assistant Mayor Kelley, Councilors Cook, Moreau and Lombardi voted opposed.

Voted to postpone first reading of the ordinance as amended until the June 3, 2024 City Council meeting.

9. **Voted** to suspend the rules to bring forward Items XVI. – Approval of Grants/Donations.
10. Acceptance of Donation from the Portsmouth Garden Club to the Senior Activity Center for a Memorial Garden - \$800.00 – **Voted** to approve and accept the donation as presented.
11. Acceptance of Memorial Bench in Honor of James Marchese – **Voted** to accept the donation of a memorial bench in honor of James Marchese to be placed on Peirce Island.
12. Acceptance of Memorial Plaque in Honor of Joan Christy – **Voted** to accept the donation of a memorial plaque in honor of former City Librarian Joan Christy to be placed at the base of an existing tree at the library.
13. Acceptance of Donation from the National Society of the Colonial Dames of America - \$2,500.00 – **Voted** to approve and accept the donation as presented.

14. Public Hearing/Second Reading of Ordinance amending Chapter 10, Zoning Ordinance – Electric Vehicle Charging Stations, Article 4, Zoning District and Use Regulations, Section 10.440, Table of Uses, Sections 11.20, 11.21, 19.60 and 19.70, Article 8, Supplemental Use Standards, Section 10.810 and Section 10.843, Article 11, Site Development Standards, Sections 10.1112.20 and 10.1112.32 and Article 15, Definitions, Section 10.1530, Terms of General Applicability – Held a public hearing. **Voted** to pass second reading and schedule a third and final reading at the May 20, 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.

15. Planning Board Recommendation on Home Occupation Amendments – **Voted** to schedule first reading of the proposed zoning amendments regarding home occupation at the May 20, 2024 City Council meeting.

16. Second Report Back on Request for Water Taxi - **Voted** to permit Mr. Comeau’s water taxi service to drop off and pick up passengers only at the Robert P. Sullivan Boat Launch at Peirce Island, and to grant the City Manager authority to negotiate a License Agreement for this request.

17. Request to Schedule Community Policing Facility Work Session – **Voted** to schedule a work session regarding the Community Policing Facility on May 20th at 6:00 p.m.

18. Consent Agenda – **Voted** to adopt the Consent Agenda.

- A. Request from Jordan Cashman, Sage, to install a Projecting Sign at 33 Deer Street Unit 3A (***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 Nancy Cassidy, Piscataqua Maritime Commission, requesting permission to hold the Sail Portsmouth Tall Ship Event, Friday July 26th through Sunday, July 28th (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- C. Letter from Alan Ammann, St. John’s Lodge, requesting permission to hold the annual St. John’s Parade, on Sunday, June 23, 2024 at 8:50 a.m. (***Anticipated action – move to refer to the City Manager with Authority to Act***)

- D. Letter from Jonathan Day, Portsmouth Halloween Parade, requesting permission to hold the 29th Portsmouth Halloween Parade on Thursday, October 31, 2024
(Anticipated action – move to refer to the City Manager with Authority to Act)

19. Email Correspondence – **Voted** to accept and place on file.
20. Letter from Katie Ross, Pure Barre Portsmouth, requesting permission to hold a Silent Yoga Class at Prescott Park on Friday, June 21, 2024 at 6:00 a.m. – **Voted** to refer to the City Manager with Authority to Act.
21. Letter from Jean Eno, Bucovina Cuisines, requesting the waiving of fees and grant Chef Oksana Karcha permission to sell food on Pleasant Street to raise funds for Ukraine on the four dates: May 19th, June 16th, July 14th, and August 25th from 3:00 p.m. – 6:00 p.m. – **Voted** to refer to the City Manager with Authority to Act.

Assistant Mayor Kelley requested a report back on the number of Truck and Street Vendors the city currently has licensed.

22. Letter from Herbert & Jeannette Lloyd requesting a Landscape License Agreement for the maintenance of city-owned property located at 5 Ruth Street – **Voted** to refer to the City Manager with Authority to Act.
23. Letter from Elizabeth Bratter regarding Gateway Zoning – **Voted** to accept and place on file.
24. Letter to SAU 52 Communities regarding workforce housing – Mayor McEachern reported to the Council that he sent this letter to the Town of Greenland, Town of New Castle, Town of Newington, and Town of Rye regarding workforce housing. No action required.
25. Appointments to be Considered – The City Council considered the reappointments to be voted upon at the May 20, 2024 City Council meeting.
- Reappointment of Luis Rodriguez to the Cable and Broadband Internet Commission
 - Reappointment of Stewart Sheppard to the Conservation Commission
 - Reappointment of Daniel Brown to the Historic District Commission
 - Reappointment of Michael Griffin to the Trees & Public Greenery
 - Reappointment of Dennis Souto to the Trees & Public Greenery
26. Blue Ribbon Committee Appointments to be Voted – **Voted** the appointments outlined below.
- Christian Berling to the Citywide Neighborhood Committee until December 31, 2025
 - William Gatchell to the Citywide Neighborhood Committee until December 31, 2025
 - Kenneth Hale to the Citywide Neighborhood Committee until December 31, 2025
 - Colleen Ovecka to the Citywide Neighborhood Committee until December 31, 2025
 - Chuck Raye to the Citywide Neighborhood Committee until December 31, 2025
 - Peter Somssich to the Citywide Neighborhood Committee until December 31, 2025
 - Ben VanCamp to the Sister Cities Blue Ribbon Committee until December 31, 2025
27. Appointment to be Voted – Anthony Coviello to the Planning Board – **Voted** to appoint Anthony Coviello as a Regular member of the Planning Board until December 31, 2024 filling the unexpired term of Jane Begala.

28. Acceptance of Resignation – Aubrey Gewehr from the Sustainability Committee – **Voted** to accept the resignation of Aubrey with regret and to send a letter of thanks for his service to the Sustainability Committee.

29. Energy Advisory Committee Update – Councilor Tabor provided an update on the Energy Advisory Committee. He reported that the Solar workgroup is working on three work areas:

- Education and networking: educating the community about the benefits of residential solar and learning from those who've succeeded.
- Identify barriers and disincentives and make recommendations to the City Council to remove them.
- Build a pipeline of municipal solar or other renewable projects to reduce carbon and cost for taxpayers.

The second group has been researching federal “Energy Efficiency Block Grants” which flow from the Biden administration’s Inflation Reduction Act. The state will distribute \$49,999,999 for weatherization, public transportation, improving energy efficiency at water treatment plants, waste reduction, diversion and recycling and other measures.

The Solar workgroup of the PEAC hopes to present a proposal to the City Council for a **no cost** feasibility study of wind, solar and other “behind the meter” renewable energy solutions for Pease and Peirce Island wastewater treatment plants.

The Community Power Coalition of New Hampshire has hired a full-time local projects director and is negotiating Power Purchase Agreements with local solar and hydro generators.

30. Mojalaki Holdings v. City of Franklin – Councilor Denton explained this case involved the matter of installing solar panels and thought it would be of interest to the Council. No action required.

31. City Manager’s Informational Items:

Updated on Community Policing Facility – Public Works Director Rice said at the work session scheduled for May 20th at 6:00 p.m. there will be a discussion of where we are at and what direction the Council would like to see moving forward. He stated that cost figures would be refined, updated, and a 3-D dimensional drawing would be provided for a vision from a massing standpoint.

Sherburne Property Disposition – City Manager Conard reported that staff is working to draft a Request for Qualifications (RFQ) to solicit from qualified parties their credentials for the development of permanent below market rate housing specific to the Sherburne School property. She stated the RFQ will include additional language that considers inclusion of other uses which would provide a demonstrated community benefit.

Report Back on Historic Grants – City Manager Conard stated that staff will provide a verbal update relative to Councilor Cook’s inquiry at the March 18th City Council meeting.

Update on Tax Deeded Properties from the Legal Department – City Manager Conard announced that the Court issued an order staying the litigation until May 6, 2024 to provide Appledore Associates LLC an opportunity to register with the Secretary of State’s office. She said the Legal Department recommends the City Council avoid taking up this matter until such a time as the stay is lifted.

PDA Board Meeting Update – City Manager Conard highlighted what took place at the recent PDA meeting. She reported that operating expenses are down. She said the PDA has a CIP of \$67,000,000.00 with no outstanding bonds or debt. She said the patio covering went up and is open with all golf leagues started playing at the end of April. The airport remains viable for federal funding due to increases in flights.

Hillside/Greenleaf Sidewalks (Not on agenda) – City Manager Conard reported funding is in the CIP and we are working on interim steps. She said that survey, design, and easement securements would need to come along. She advised that Trees and Greenery will be removing a tree that would allow for passage along a greenery area for pedestrians.

32. Miscellaneous Business Including Business Remaining Unfinished At Previous Meeting – Councilor Moreau reported that the Rockingham Planning Commission will be bringing her name forward for Chair of the Commission at their annual June 12th meeting.

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

Respectfully submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk