

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 20, 2024

PORTSMOUTH, NH
TIME: 7:00PM

- I. **6:00PM - WORK SESSION – COMMUNITY POLICING FACILITY**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – N/A**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**

Mayor McEachern called the meeting to order at 7:20 p.m.

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Cook, Denton, Blalock (arrived at 7:50 p.m.), Bagley, Moreau and Lombardi (via zoom)

- V. **INVOCATION**

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

- VI. **PLEDGE OF ALLEGIANCE**

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

- VII. **ACCEPTANCE OF MINUTES – *(There are no minutes on for acceptance this evening)***

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

1. Presentation – Energy Advisory Committee

Herb Lloyd of the Energy Advisory Committee gave a brief presentation regarding renewable energy power for City wastewater treatment plants and an opportunity to engage the National Renewable Energy Lab under the Clean Energies to Communities program to do a feasibility analysis. Mr. Lloyd explained that there are different challenges to each of the 2 sites, Peirce Island and Pease but the company is willing to do the feasibility study.

Councilor Denton thanked the committee for bringing this forward and asked about an aerobic digester which turns sludge into energy and was first explored and added to the FY17 CIP.

Mr. Lloyd stated he is assuming that will be looked at as part of the feasibility study.

Peter Somssich, Energy Advisory Committee, spoke in support of the information as provided by Mr. Lloyd.

Councilor Tabor moved to suspend the rules to bring forward Item XV.A, seconded by Councilor Cook and voted on an 8-0 roll call vote, Councilor Blalock not yet present.

XV-A. Renewable Power for City Wastewater Treatment Plants

Councilor Tabor moved that the city engage the National Renewable Energy Lab under the Clean Energies to Communities program to do a feasibility study analysis and provide funding options for wind and/or solar power at the city's two wastewater treatment plants, at no cost. Seconded by Councilor Cook and voted on an 8-0 roll call vote. Councilor Blalock not yet present.

IX. PUBLIC COMMENT SESSION (*This session shall not exceed 45 minutes*) – (*participation may be in person or via Zoom*)

Karen Rosania – representing the Arts and Cultural Commission, spoke in favor of the Home Occupation Ordinance and submitted a letter of support.

Roy Helse – spoke regarding the budget stating he wants to see a zero balance budget.

Paige Trace – stated that the citizens of Portsmouth are excited for the new booklet on Ancillary Dwelling Units and are glad the Council is standing by their wanting affordable housing. She then handed the Mayor a document entitled ““Accessory Dwelling Unit (ADU) Handbook”.

Byron Matto, School Board member – (via zoom) – spoke regarding the proposed school budget asking the Council to support as presented. He reviewed the cuts to positions that were made as a result of the loss of ARPA funds. He also discussed the modular classrooms at Dondero Elementary School stating that the School Board is focused on equitable distribution of students and the modular classrooms need to be funded for the coming year as there is no-short term solution.

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

First Reading of Ordinance:

A. First Reading of Ordinance amending Chapter 10, Article 4, Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, Section 19.22 and Article 15, Section 10.1530, Terms of General Applicability, regarding Home Occupation

Assistant Mayor Kelley moved to pass first reading of the proposed amendments regarding home occupation and to schedule a public hearing and second reading at the June 17, 2024 City Council meeting, seconded by Councilor Moreau.

Councilor Cook thanked the Planning Board and Chair Chellman for bringing this forward and for giving consideration to artists.

Motion passed on a 9-0 roll call vote.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Water Service Access Easement for Property Located at 686 Maplewood Avenue

Councilor Tabor moved to authorize the City Manager to accept and record a Water Service Access Easement Deed in substantially similar form to the easement deed from Chinburg Development, LLC contained in the agenda packet, seconded by Councilor Bagley. Motion passed on an 8-0 roll call vote, Councilor Denton abstained.

2. Water Service Access Easement for Property Located at 1155 Sagamore Avenue

Councilor Denton moved to authorize the City Manager to accept and record a Water Service Access Easement Deed in substantially similar form to the easement deed from 1155 Sagamore Avenue CBC, LLC contained in the agenda packet, seconded by Councilor Blalock. Motion passed on a 9-0 roll call vote.

3. Sidewalk Easement for Property Located at 212 Woodbury Avenue

Councilor Cook move to authorize the City Manager to accept and record a Sidewalk Easement Deed in substantially similar form to the easement deed from Chinburg Development, LLC contained in the agenda packet, seconded by Assistant Mayor Kelley. Motion passed on an 8-0 roll call vote, Councilor Denton abstained.

4. Release of Sewer Easement and Acceptance of City Property Located at 2 Russell Street

Councilor Blalock moved to authorize the City Manager to execute and record a release of the 1936 sewer easement and accept and record the fee interest in three parcels, all as shown on the drawing included in the City Council packet. These conveyances are subject to the following conditions:

- (1) Property owner will provide deeds to the City in a form acceptable to the Legal Department; and
- (2) Property owner will provide adequate evidence of title in a form acceptable to the Legal Department

seconded by Assistant Mayor Kelley. Motion passed on a 9-0 roll call vote.

XII. CONSENT AGENDA

Councilor Bagley moved to adopt the Consent Agenda, seconded by Assistant Mayor Kelley. Motion passed on a 9-0 roll call vote.

- A. Request from Mark McNabb, Hearth Market, LLC, to install a Projecting Sign at 60 Penhallow Street (*Anticipated action –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 Bryan Curley, Pack & Boots 5K Road Race, requesting permission to hold the 2024 Veterans Count 5K Road Race, Sunday, September 22, 2024 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

Councilor Moreau moved to accept and place on file, seconded by Councilor Cook. Motion passed a 9-0 roll call vote.

- B. Letter from Meganne Fabrega, Library Board of Trustee member, regarding Library Budget

Councilor Moreau moved to accept and place on file, seconded by Councilor Tabor. Motion passed on a 9-0 roll call vote.

XIV. MAYOR McEACHERN

1. Responses Received from Neighboring Communities re: Affordable Housing

Mayor McEachern stated that he has received several responses to his outreach regarding Affordable Housing within the SAU52 communities. He stated the towns of Greenland, New Castle and Newington highlighted some of their own initiatives and he is encouraged by their feedback and feels this is the first of many conversations.

2. Appointments to be Considered:

- Appointment of Amy-Mae Court to Recreation Board

The appointment of Amy-Mae Court to the Recreation Board was considered and will be voted on at the June 3, 2024 City Council meeting.

3. Acceptance of Resignation:

- Robert Bogardus from the Recreation Board

Councilor Blalock moved to accept the resignation of Robert Bogardus from the Recreation Board with appreciation of service and a letter of thanks, seconded by Councilor Bagley. Motion passed on a 9-0 roll call vote.

4. Appointments to be Voted:

- 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

At the request of Councilor Bagley, the Reappointment of Daniel Brown to the Historic District Commission was removed from the list to be voted separately.

Assistant Mayor Kelley moved accept and approve the aforementioned reappointments, seconded by Councilor Blalock. Motion passed on 9-0 roll call vote.

- Reappointment of Daniel Brown to the Historic District Commission

Assistant Mayor Kelley moved to accept and approve the reappointment of Dan Brown to the Historic District Commission, seconded by Councilor Blalock.

Councilor Bagley acknowledged the work of the Historic District Commission but is disappointed that they are not accepting the recommendation of the Building Inspector in relation to the demolition of a building and feels it is a matter of safety of the general public over aesthetics.

Mayor McEachern stated that we can certainly question actions of the HDC and other boards but Mr. Brown has a good attendance record and meets the criteria for reappointment. He stated if there are further policies or ordinances that we want them to enforce or not, then take that up as a Council.

Motion passed on a 7-2 roll call vote. Councilors Denton and Bagley voted opposed.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

1. Renewable Power for City Wastewater Treatment Plants (***Councilor Tabor moved that the city engage the National Renewable Energy Lab under the Clean Energies to Communities program to do a feasibility analysis and provide funding options for wind and/or solar power at the city's two wastewater treatment plants, at no cost, seconded by Councilor Denton***)

(Previously addressed)

B. COUNCILOR COOK AND COUNCILOR BAGLEY

1. Report back on changing zoning to permit overnight parking in commercial lots at owners' discretion

Councilor Bagley moved to request a report back on changing zoning to permit overnight parking in commercial lots at owners' discretion, seconded by Councilor Cook.

Councilor Cook explained that this is something that happens in many communities and it should be up to the commercial property owners to have the choice to allow this or not.

Motion passed on a 9-0 roll call vote.

C. COUNCILOR DENTON

1. Memorial Day events

Councilor Denton gave an update on the upcoming Memorial Day related events and stated it will be his last year as the Commander of the VFW.

D. COUNCILOR BAGLEY

1. Parking & Traffic Safety Committee Action Sheet and Minutes of May 2, 2024

Councilor Bagley moved to approve and accept the action sheet and minutes of the May 2, 2024 Parking & Traffic Safety Committee meeting, seconded by Assistant Mayor Kelley.

Councilor Bagley stated there will be an omnibus ordinance coming forward for first reading which will adjust sidewalk ordinances to prohibit use of electric bikes, scooters and skateboards.

Assistant Mayor Kelley asked about a concern about the parking at the Rail Trail on Banfield Road.

Councilor Bagley stated the parking is being addressed through a Grant.

Motion passed on a 9-0 roll call vote.

XVI. APPROVAL OF GRANTS/DONATIONS

1. Acceptance of Community Development Block Grant in the amount of \$527,797.00 from the U.S. Department of Housing and Urban Development.

Assistant Mayor Kelley move to accept and expend a Community Development Block Grant in the amount of \$527,797.00 from the U.S. Department of Housing and Urban Development, seconded by Councilor Moreau. Motion passed on a 9-0 roll call vote.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Sherburne School Disposition Update

City Manager Conard reported that the 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 have been sent out to 18 developers. She stated there will be an update to the City Council at the June 17, 2024 Council meeting.

2. Fiscal Year 2025 Draft Budget Resolutions

City Manager Conard explained that the draft budget resolutions were included in the packet for informational purposes. She stated there is a budget review work session on May 23, 2024 and anticipated vote scheduled for June 3, 2024.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

At the request of Councilor Cook, City Manager Conard reported that the RFP for the South Meeting House will be sent out soon.

Councilor Moreau announced some dates coming up related to a Charette for the Service Credit Union.

XIX. ADJOURNMENT

At 8:25, Councilor Moreau moved to adjourn the meeting. Seconded by Assistant Mayor Kelley and voted.

Respectfully submitted,

VALERIE FRENCH
DEPUTY CITY CLERK