

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, NOVEMBER 13, 2023

PORTSMOUTH, NH
TIME: 7:00 PM

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:00 p.m.

Assistant Mayor Kelley moved to leave Non-public Session and seal the minutes. Seconded by Councilor Lombardi and voted.

IV. ROLL CALL

Present: Mayor McEachern, Assistant Mayor Kelley, Councilor Tabor, Councilor Denton, Councilor Moreau, Councilor Bagley, Councilor Lombardi, Councilor Blalock and Councilor Cook.

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

Mayor McEachern stated that long-time residents George and Barbara Remick have relocated to New Jersey to be with family. He thanked them for their service to the Quilts of Valor project and other volunteer efforts and they will be greatly missed by the City of Portsmouth.

Mayor McEachern led the Pledge of Allegiance.

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

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

IX. PUBLIC COMMENT SESSION

Mayor McEachern opened the Public Comment Session:

Jim Lamond – spoke regarding the Work Session on the new Police Facility stating that the proposal of the Clough Drive field should be removed from the list. He stated that its proximity to Little Harbour School and the safety and traffic issues should eliminate its consideration.

Kent Hubbard – stated he hopes and expects that the Police Department will get a facility that will meet its needs but also feels that the Clough Drive site is inappropriate for that use. He explained that its current use as a field/open space is much needed and would not want the history of the name “Clough Field” to be lost.

Chris Hackett – thanked Commissioner Shaheen for her support of the Police Department and need for a new facility. He stated that he is also against the use of Clough Field for that purpose due to its close proximity of children and the various individuals who would be in the area that should not be around children.

Brian and Lindsay Pappas – live in the area of Clough Drive and are also opposed to the police facility being located there for safety reasons and the loss of the field/open space.

Leslie Allen – appreciates the Police and all they do and agrees that they deserve a new facility, but it should not be at Clough Drive.

Jeff Dyer – thanked the City Council and Police Department for their work in often thankless jobs and stated he doesn't want to lose Clough Field as it is much used and needed by various local groups.

David Marvez – stated he is concerned with the Clough Drive location as well as the City Hall Lower Parking lot option due to its proximity to both Little Harbour School and the Middle School.

Dick Bagley – stated he feels that the locations that are on the list are being considered as they are city-owned property but feels that other factors need to be taken into consideration as well such as the rising costs the longer we wait. He stated that we agree that we need a new facility but we don't want it to be obsolete before it is finished and feels that salaries are what brings people here to work.

Pat Bagley – stated years ago she toured the current Police Department location and was appalled and embarrassed by the working conditions and feels that our police department deserve our investment in them and it will just cost more and more if we do not move quickly.

Cliff Hodgdon – stated he feels that the Granite Street location is the best option for the Police Facility and also doesn't want to see the current City Hall building sold and then have to relocate elsewhere.

Seeing no one else wishing to speak, Mayor McEachern closed Public Comment.

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

First Reading of Ordinances:

- A. First Reading of Ordinance amending Chapter 6, Article XVII, Sections 6.1701-6.1707 - Outdoor Dining Encumbrance Permit

Councilor Bagley moved to pass first reading and schedule a public hearing and second reading at the December 4, 2023 City Council meeting to amend Chapter 6, Licenses, Article XVII, Outdoor Dining Encumbrance Permit, Sections 6.1701-6.1707, seconded by Councilor Tabor.

Councilor Cook stated she was going to make a different motion as this was not what was presented by the Economic Development Commission and wants to postpone the first reading.

Mayor McEachern inquired what is different from this version.

Councilor Cook stated that loading zones are taken away and the reference to the number of cars.

Original motion was rescinded.

Councilor Cook moved to refer back to the Legal Department for revisions to reflect the Economic Development Commission recommendations at the January 16, 2024 meeting. Seconded by Councilor Moreau and voted.

- B. First Reading of Ordinance amending Chapter 1, Article III, Section 1.304 – Recreation Board Membership

Councilor Blalock moved to pass first reading, refer this amended ordinance to the Governance Committee and hold second reading and public hearing at the December 4, 2023 City Council meeting, seconded by Councilor Moreau.

Councilor Blalock stated that this is to clarify and define the terms and membership that has been in place but not codified.

Discussion ensued regarding potential changes to the membership and suggestion that the Governance Committee could review it in the future.

Assistant Mayor Kelley suggested that the Recreation Board should bring forward any recommendations if they want a change.

Motion passed.

- C. First reading of Ordinance amending Chapter 1, Article IX, Section 1.901 – Municipal Officials Disclosure

Councilor Cook moved to pass first reading and hold second reading and public hearing at the December 4, 2023 City Council meeting. Seconded by Assistant Mayor Kelley and voted.

Second Reading of Ordinance:

- D. Second Reading of Ordinance amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure

Councilor Denton moved to adopt the amendments proposed by Councilor Denton and to hold second reading and public hearing at the December 4, 2023 City Council meeting, seconded by Councilor Bagley.

Discussion ensued.

- Voted to split the motion to exclude Item C, (*blue text*)-of \$100.00 or more, ~~in excess of \$100.00~~, from the vote.
- **Voted** to adopt Councilor Denton amendments (*blue text*) in Items B and F on a 9-0 roll call vote.
Remaining amendment Item C (*blue text*):
- **Voted** to add back the deleted text and change to “each contribution **of \$100.00 or more and candidates will disclose the number of donations under \$100.00 and the total sum thereof**, since the last municipal election..... and “all such contributions **in excess of \$100.00** shall be reported...”
- **Voted** on a 6-3 roll call to change the amount in Item C from ~~\$100.00~~ to **\$50.00**. Assistant Mayor Kelley, Councilors Tabor and Lombardi voted opposed.
- **Voted** on a 5-4 roll call to amend Item I. Public Records: by eliminating the proposed (*red text*) amendment ...**and shall be published on the City website.**, Councilors Tabor, Denton, Bagley and Cook voted opposed.

Councilor Moreau moved to hold second reading and public hearing on the ordinance amendment as amended including **red text** items from original amendment at the December 4, 2023 City Council meeting. Seconded by Assistant Mayor Kelley and voted unanimously.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Approval of the 2024 City Council Calendar

Councilor Bagley moved to approve the proposed schedule for 2024 meetings as presented. Seconded by Councilor Blalock and voted.

2. Grays Lane Right of Way Easement

Councilor Moreau moved to authorize the City Manager to accept a right of way easement over land at 219 Sagamore Avenue from Thomas and Deirdre Hammar (Tax Map 221 Lot 19) Seconded by Councilor Blalock and voted.

3. Revocable License for 217 Austin Street

Councilor Moreau moved to authorize the City Manager to execute and deliver a Revocable License allowing Owners of 217 Austin Street to replace their existing steps and install pavers on City property. Seconded by Assistant Mayor Kelley and voted.

XII. CONSENT AGENDA

- A. Request from Ashley Dumont, Coastal Thyme Holistic Skin + Wellness, to install a Projecting Sign at 208 Market Street (***move to approve the aforementioned Projecting Sign License Agreement 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. Request from Andrea Schwanbeck, Brass Tacks Photography, to install a Projecting Sign at 78 Fleet 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***

Councilor Blalock moved to adopt the Consent Agenda as presented. Seconded by Assistant Mayor Kelley and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Email Correspondence

Councilor Tabor moved to accept and place on file. Seconded by Assistant Mayor Kelley and voted.

B. Letter from John Stebbins, Procon, requesting for accent lighting to be affixed to the city street light pole at the corner of Maplewood Avenue and Raynes Avenue to illuminate the sculpture, Hard on the Wind

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

C. Memo from Public Arts Review Committee regarding "Love Locks" Fence

Councilor Bagley moved to accept and place on file, seconded by Councilor Blalock.

Councilor Denton moved to suspend the rules to move to allow Chris Dwyer of the Public Arts Review Committee, to speak on the issue. Seconded by Councilor Bagley and voted.

Public Arts Review Committee member Chris Dwyer reviewed the report from PARC which concluded that the "Love Locks" Fence does not meet the qualifications of public art, but there are alternatives in dealing with these installations which are all over the world.

City Manager Conard stated that the Department of Public Works is replacing the entire fence with black/vertical fencing but will look at sections that can be preserved and placed elsewhere.

Motion passed.

D. Letter from Hearth Market, LLC, requesting permission to hold an Outside Beer Garden Event at Hearth Market from 2:00 p.m. to 8:00 p.m.

Councilor Denton moved to refer to the City Manager with Authority to Act, seconded by Assistant Mayor Kelley.

Assistant Mayor Kelley thanked Sean Clancy and the Mayor for bringing this forward and hopes that it will become an annual event and add other events as well.

Councilor Bagley stated that the retailers came up with the idea and Sean Clancy made it happen.

Motion passed.

XIV. MAYOR McEACHERN

Mayor McEachern announced the Holiday Lighting contest would be taking place within the next few weeks with winners to be announced at the December 18, 2023 Council meeting.

1. Resignations:

- Michelle Consolazio from the Citizens Advisory Committee
- Jonathan Sandberg from the Citizens Advisory Committee
- Allison Tanner from the Conservation Commission
- A. Robert Thoresen from the Public Art Review Committee
- John Kennedy from the Sustainable Practices Blue Ribbon Committee

Mayor McEachern announced the names of the individuals who have submitted resignations and thanked them for their service.

Councilor Cook stated she has served with several of the individuals and thanked them for their services.

Councilor Moreau thanked Allison Tanner for her many years of service to the Conservation Commission.

Councilor Moreau moved to accept the resignations and send letter of thanks and appreciation of service. Seconded by Councilor Lombardi and voted.

2. Appointments to be Considered:

- *Herb Lloyd to the Sustainability Committee
- *Aubrey Gewehr to the Sustainability Committee
- *Effie Malley to the Sustainability Committee
- *Jessica Blasko to the Sustainability Committee
- *Steve De Trolio to the Sustainability Committee
- *Bert Cohen to the Sustainability Committee
- *Torey Brooks to the Sustainability Committee
- William Lyons (application submitted) to the Sustainability Committee
- *Chas Sullivan (application submitted) to the Sustainability Committee

The above referenced appointments were considered and will be voted at the December 4, 2023 City Council meeting.

3. Appointments to be Voted:

- Annelise Hartley to the Citizens Advisory Committee

- Kirsten Barton to the Citizens Advisory Committee
- Sachiko Akiyama to the Cultural Planning Subcommittee

Councilor Blalock moved to approve the above stated appointments. Seconded by Assistant Mayor Kelley and voted.

4. Request Report Back regarding Status of Jones Avenue MAC Metals

Assistant Mayor Kelley moved to refer to the Legal Department for a report back at the December 4, 2023 City Council meeting. Seconded by Councilor Tabor and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR DENTON & COUNCILOR COOK

1. Draft Solar Array Overlay District

Councilor Denton moved that the City Manager report back on the best way to pursue the creation of a Solar Array Overlay District in our zoning ordinance. Seconded by Councilor Cook and voted.

B. COUNCILOR BAGLEY

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the October 5, 2023 meeting

Councilor Bagley moved to accept and approve the action sheet and minutes of the October 5, 2023 Parking & Traffic Safety Committee meeting. Seconded by Councilor Lombardi and voted.

2. Parking and Traffic Safety Committee Action Sheet and Minutes of the November 2, 2023 meeting

Councilor Bagley moved to accept and approve the action sheet and minutes of the November 2, 2023 Parking & Traffic Safety Committee meeting. Seconded by Councilor Lombardi and voted.

Councilor Bagley stated that the Parking Needs Assessment will be discussed at the next Parking and Traffic Safety Committee meeting which will be held in the evening.

Councilor Moreau requested a Notice of Possible Quorum be posted for that meeting.

City Manager Conard stated that the Parking Utilization Advisory Committee will be holding a meeting on November 13, 2023 and will also have a Notice of Possible Quorum posted for this meeting.

3. State Street Two-Way Study – Results

Councilor Bagley gave a brief update of the results of the State Street Two-Way Study stating that it would be beneficial for retail, pedestrians, bicyclists. He stated this is a part of a bigger community discussion of the Market Square Master Plan.

Discussion ensued regarding the possible improvements this change could provide to traffic flow, safety, etc.

Discussion ensued regarding funding alternatives and affects on other intersections and possibility of a conceptual trial, which City Manager Conard clarified could not be done.

C. COUNCILOR COOK

1. Draft Changes to the Sidewalk Policy

Councilor Cook moved that the Governance Committee requests review and approval of their recommended changes to the City Council sidewalk policy, seconded by Councilor Bagley.

Deputy City Manager Woodland stated that the intention is to have uniformity and fairness going forward. She clarified that it is a policy so the City Council can vote to make variations by petition if they want to do so.

Councilor Cook clarified that there is State RSA regarding rock sidewalks and that they remain because they are historic on lower Fleet Street and Marcy Street.

Motion voted.

2. Ethics and Transparency Policy

Councilor Cook moved that the Governance Committee requests review and approval of a new Ethics and Transparency Policy created to provide guidance on Ethics and Transparency Matters. Seconded by Councilor Tabor and voted.

XVI. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of the Pre-Disaster Mitigation Grant - \$965,333.33

Assistant Mayor Kelley moved to authorize the City Manager to enter into a Grant Agreement with the State of New Hampshire Department of Safety to accept \$965,333.33 with a City match of 25% from the Pre-Disaster Mitigation Grant Program. Seconded by Councilor Bagley and voted.

B. Acceptance of the Internet Crimes Against Children (ICAC) Grant, Supplement 2 - \$381,221.00

Assistant Mayor Kelley moved to approve and accept the grant presented. Seconded by Councilor Moreau and voted.

C. Acceptance of the Bulletproof Vest Grant - \$11,437.50

Assistant Mayor Kelley moved to approve and accept the grant as presented. Seconded by Councilor Moreau and voted.

D. Acceptance of Donation to the Police Department of a Television Monitor from The Home Depot for investigative purposes

Assistant Mayor Kelley moved to approve and accept the donation as presented. Seconded by Councilor Moreau and voted.

E. Acceptance of Donation for maintenance of historic cemeteries from Elise Parham in honor of Portwalk Place - \$100.00

Assistant Mayor Kelley moved to approve and accept the donation as presented. Seconded by Councilor Lombardi and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

City Manager Conard gave a brief update on the following items.

1. Update on Flashvote
2. Shop Around Town Event Announcement
3. *Food Permit Annual Update
4. *Right of Entry – Former Jones School Site at Pease

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Bagley discussed the Hillside Drive area stating that the approximately 40 residences in the area have recently lost the cut-through that they were able to access Lafayette Road safely and are requesting that sidewalks be added to the Capital Improvement Plan.

Councilor Blalock stated that the Hillside Drive residents did a great job presenting their case at the Parking and Traffic Safety Committee meeting.

XIX. ADJOURNMENT [at 10:30 p.m. or earlier]

Assistant Mayor Kelley moved to adjourn at 9:30 p.m., seconded and voted unanimously.

Respectfully submitted:

Valerie A. French
Deputy City Clerk