

*Item #32 was revised on 10/31/2022

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, OCTOBER 24, 2022

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

1. **Voted** to close the Non-Public Session and seal the minutes.
2. Public Comment Session – There were 10 speakers: Nicole LaPierre, Michelle Wirth (Neighborhood Parking Program); Petra Huda, Esther Kennedy (Audit Committee, Rule 43 – Public Comment Session); Chris White (Audit Committee); Sue Polidura (Audit/Ordinance); and Paige Trace (Portsmouth); Ken Goldman, *via zoom* (Neighborhood Parking PILOT Program); Zelita Morgan (CIP Process/Rule 43 – Public Comment); and Craig Welch, Executive Director of PHA (Housing Market Study).
3. First reading of Ordinance amending Chapter 1, Article IV – Commission and Authorities, Section 1.412 – Public Art Review Committee – **Voted** to pass first reading and schedule a public hearing and second reading at the November 14, 2022 City Council meeting.
4. First reading of Ordinance amending Chapter 1, Article XVII – Funding of Public Art, Section 1.1704 – Exemption and Section 1.1707 – Funding Accepted – **Voted** to pass first reading and schedule a public hearing and second reading at the November 14, 2022 City Council meeting.
5. Third and final reading of Ordinance amending Chapter 10, Article 5A, Section 10.5A21B, Amend Map For Building Height Standards, Incentive Overlay Districts, Sections 10.5A21.20 – Building Height Standards, Section 10.5A21.21 & 10.5A21.22, Section 10.5A43.32 – Building and Story Heights, Section 10.1530 – Terms of General Applicability – **Voted** to pass third and final reading, and adopt the Ordinance.
6. Third and final reading of Ordinance amending Chapter 1, Article IV, Section 1.414 – Commissions and Authorities – **Voted** to pass third and final reading, and adopt the Ordinance as presented. Councilor Denton voted opposed.
7. Approval of Employment Contract with Assistant Fire Chief Gionet – **Voted** to approve the proposed agreement as presented.
8. Approval of Employment Contract with Deputy Chief of Police Maloney – **Voted** to approve the proposed agreement as presented.
9. Approval of Collective Bargaining Agreement with Portsmouth Supervisory and Management Alliance – **Voted** to approve the proposed agreement as presented.

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10. Approval of Collective Bargaining Agreement with Association of Portsmouth School Administrators – **Voted** to approve the proposed agreement as presented.
11. Approval of Collective Bargaining Agreement with Portsmouth Association of Clerical Employees – **Voted** to approve the proposed agreement as presented.
12. Request for Public Hearing regarding Bonding Authorization for Purchase of Fire Apparatus – **Voted** to hold a public hearing and vote for a borrowing authorization of up to Eight Hundred Thousand Dollars for the purchase of a new Fire Apparatus at the November 14, 2022 City Council meeting.
13. Request for First Reading of Amendments to Chapters 12 & 15, The City's Building Code Ordinances – **Voted** to schedule first reading of new City Building Codes (Chapter 12 as rewritten) for the November 14, 2022 City Council meeting.
14. Request for First Reading of Amendments to Chapter 5, Article I – Section 5.101 and Chapter 5, Article IX – Fire Code – **Voted** to schedule first reading of amendments to Chapter 5 for the November 14, 2022 City Council meeting.
15. Request for First Reading of Amendments to Chapter 1, Article IV, Section 1.408 – Currently titled Cable Television and Communications Commission – **Voted** to schedule first reading on these proposed changes to Chapter 1, Article 1.408 at the City Council meeting of November 14, 2022.
16. Consent Agenda – **Voted** to remove Item C. – Letter from the New England BIPOC Festival Committee from the Consent Agenda.

- A. Request from Lilly Mullen, Springers Jewelers, to install a Projecting Sign at 100 Market Street (***Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning 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 Mariah Morgan, Stout Heart, LLC, to install a Projecting Sign at 205 Market Street (***Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning 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*

- C. Letter from the New England BIPOC Festival Committee requesting permission to hold the 3rd annual NEBIPOC Festival on Sunday, September 24, 2023 in Market Square with the closure of Pleasant Street from the intersections of Pleasant Street and Court Street to Pleasant Street and Congress Street (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- D. Letter from Anna Emerson, Big Brothers Big Sisters New Hampshire, requesting permission to hold the 13th Annual Stiletto Sprint on Saturday, September 23, 2023 from 1:00 p.m. to 4:00 p.m. with the closure of Pleasant Street (***Anticipated action – move to refer to the City Manager with Authority to Act***)

17. **Voted** to adopt the Consent Agenda Items A, B, and D.

18. Letter from the New England BIPOC Festival Committee requesting permission to hold the 3rd annual NEBIPOC Festival on Sunday, September 24, 2023 in Market Square with the closure of Pleasant Street from the intersections of Pleasant Street and Court Street to Pleasant Street and Congress Street – **Voted** to refer to the City Manager with Authority to Act. Assistant Mayor Kelley abstained from voting on this request.

19. Email Correspondence – **Voted** to accept and place on file.

20. Letter from Philip Miller regarding a Children's Theater at the Community Campus – **Voted** to accept and place on file.

21. CIP Subcommittee Announcement – Mayor McEachern announced he is appointing Councilors Tabor, Moreau and Blalock to the CIP Subcommittee.

22. Portsmouth 400th Committee – **Voted** to request a report back from the Portsmouth 400th Committee.

23. Resignation of Arthur Parrott from the Zoning Board of Adjustment – Mayor McEachern announced that it is with a heavy heart that he accepts the resignation of Arthur Parrott from the Zoning Board of Adjustment.

24. Appointments to be Considered – The City Council considered the appointments listed below and action will take place at the November 14, 2022 City Council meeting.

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- Appointment of Stewart Sheppard to the Conservation Commission
- Appointment of Brian Gibb as an Alternate to the Conservation Commission
- *Appointment of Assistant Mayor Kelley to the DOT Public Advisory Committee for Route 1 Bypass
- *Appointment of Marylou McElwain to the DOT Public Advisory Committee for Route 1 Bypass
- Appointment of Anne Weidman as a regular member of the Economic Development Commission
- Appointment of Charles Doleac to the Task Force to Study Private/Public Historical Archive
- Appointment of Kristen Peterson to the Task Force to Study Private/Public Historical Archive
- Appointment of Emma Stratton to the Task Force to Study Private/Public Historical Archive
- Appointment of Thomas Watson to the Task Force to Study Private/Public Historical Archive
- Appointment of Lawrence Yerdon to the Task Force to Study Private/Public Historical Archive

25. Appointments to be Voted – **Voted** to reappoint Everett Eaton and Thomas Watson to the Economic Development Commission until October 1, 2026; appointment of Richard Candee, Susan Sterry, Thomas Hardiman to the Task Force to Study Private/Public Historical Archives; appointment of Katinka de Ruitter and reappointment of Janaki Fonseka to the Board of Library Trustees until October 1, 2025.
26. Update in Community Power – Councilor Tabor announced the Portsmouth Energy Advisory Committee and Rye Energy Committee will be hosting NHSaves Button Up Workshop on Winter Energy Efficiency on Thursday, November 3, 2022 at the Portsmouth Public Library in the Levenson Room. He also announced that the Committee is working on developing a logo.
27. Proposal for a Residential Parking Program for the Islington Creek Neighborhood – **Voted** to suspend the rules to allow Councilor Bagley to speak on this item prior to Councilor Moreau.
28. **Voted** to suspend the rules to bring forward the Parking and Traffic Safety Committee Action Sheet and Minutes of the October 6, 2022 meeting.
29. Parking and Traffic Safety Committee Action Sheet and Minutes of the October 6, 2022 meeting – Move to accept and approve the action sheet and minutes of the October 6, 2022 Parking and Traffic Safety Committee meeting with the PILOT Program scheduled to end on December 4, 2022.
- Voted** to table the Parking and Traffic Safety Committee Action Sheet and Minutes of the October 6, 2022 meeting until the November 14, 2022 City Council meeting.
30. Taxi Stands, request to report back on removal of taxi only parking spots downtown and across the city, by City Council – **Voted** to eliminate all taxi stands except in front of Tuscan Steakhouse.
- Councilor Bagley would like to review grandfathering the Taxi Company.
31. Morning Street, request to restrict parking at Woodbury Avenue intersection, by resident – **Voted** to install No Parking Here to Corner signs 30 feet from Woodbury Avenue.

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32. *Neighborhood Parking Program, discussion and recommendation of program fee to Fee Committee – **On a unanimous roll call 9-0, voted** to end the pilot program on December 4, 2022, and to present the framework by the Parking Director as recommended by Parking and Traffic Safety Committee.
33. Proposal for a Residential Parking Program for the Islington Creek Neighborhood – **Voted** to schedule a Work Session at a date in November regarding a Parking Management Program.
34. Discussion of Council Rule 43 – Public Comment Session – No action taken this evening.
35. Deletion of City Council Policy #2014-02 – Policy Regarding Public Art & Adoption of City Council Policy #2022-02 – Public Art Referral and Acquisition Policy – **Voted** to delete City Council Policy #2014-02 regarding Public Art and adopt City Council Policy #2022-02 regarding Public Art Referral and Acquisition Policy.
36. Acceptance of Donation to the Cemeteries from Valerie Cunningham In Memory of Esther Whipple Mullinaux - \$20.00 – **Voted** to approve and accept the donation as presented.
37. Acceptance of Donation to the Cemeteries from Karen McDonnell - \$150.00 – **Voted** to approve and accept the donation to the Cemeteries.
38. NH State Library Moose Plate Conservation Grant - \$9,682.00 – **Voted** to approve and accept the grant from the New Hampshire State Library in the amount of \$9,682.00.
39. Acceptance of Donation from Fire Department - \$300.00 – **Voted** to approve and accept the donation as presented.
40. Acceptance of Housing Navigator Grant - \$250,000.00 – **Voted** to approve and accept the grant as presented.
41. Household Hazardous Waste Collection Day – City Manager Conard announced that Household Hazardous Waste Collection Day will be held on Saturday, November 12, 2022.
42. McIntyre Update – City Manager Conard reported that we are past the 50% design stage and tours have been held with general contractors to provide cost estimates of the building. She stated we expect to receive as many as 5 estimates in the middle of November on what it will cost to build. She informed the Council that we have had our third regular check-in that occurs every 90 days with the GSA and we are still anticipating a December Council vote to approve the submission of a packet to the National Park Service.
43. Report Back regarding Worth Lot Agreement – City Manager Conard advised the Council at a previous meeting, Mr. Peter Weeks, on behalf of the Worth Condominium Association was looking to have a matter resolved and asked for a presentation in front of the City Council. City Manager Conard reported that the matter has been solved administratively. She advised the Council that the City and the Condo Association have reached an agreement for the monthly rate and hours of enforcement for those reserved spaces for the remainder of the term. City Manager Conard informed the Council that Mr. Weeks does not need to make a presentation before the Council as both parties are satisfied with the agreement.

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44. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting – Mayor McEachern announced that Councilors Denton, Moreau and Tabor will be serving on the newly formed Audit Committee with Councilor Tabor serving as Chair.

Councilor Blalock announced that the Recreation Needs Study Input Session will be held on Wednesday, November 16, 2022 at 6:00 p.m. at Community Campus.

Councilor Cook announced for the 29th year in a row our Finance Department has received Certificate of Achievement for Financial Reporting. She said we need to recognize how outstanding our Finance Director and her team are. We also received for the 5th year an award for our Popular Finance Annual Reporting (PAFR) which we only created in the last 5 years. Councilor Lombardi inquired on the status of the relinquishment of the Robert J. Lister Academy. Mayor McEachern said we would have a Work Session on this matter and we will act upon this at the November 14, 2022.

45. Adjournment – At 9:45 p.m., **voted** to adjourn.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk