

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, JANUARY 9, 2023

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

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1. **On a unanimous roll call 9-0, voted** to close the Non-Public Sessions and seal the minutes.
2. Winners of 2022 Holiday Lights Contest – Mayor McEachern presented the winners of the contest with prizes and recognized Al Bailey for his years of contribution to the Holiday Lights Contest with a Mayor’s Award and a City of Portsmouth Door Stop. Mayor McEachern also recognized all the Honorable Mentions and provided prizes to those present.
  - Best Traditional – John Chavez
  - Most Creative – Matt & Nicole Beyer
  - Kid’s Choice – Ray Clauson
3. Presentation by Rotary Past President, Ben Wheeler – Mr. Wheeler said only once will the City of Portsmouth turn 400 at the same time as the Rotary Club turns 100. He announced that the Rotary Club will be donating funds in honor of Portsmouth’s 400<sup>th</sup> for the planting of 100 trees with a plaque in the area of where the trees will be planted recognizing the years of dedication and service to the Rotary Club and the greater Portsmouth community on behalf of Basil and Louise Richardson. Also, Rotary will partner with the City for making updates to make playgrounds more inclusive throughout the City. He stated the gift to the City will be \$30,000.00.
4. Recognition of Dave Lovely selected as the 2022 EPA Regional Wastewater Treatment Plant Operator of the Year Award – Mayor McEachern and the City Council recognized Dave Lovely for being selected as the 2022 EPA Regional Wastewater Treatment Plant Operator of the Year and thanked him for his service to the City of Portsmouth.
5. Recognition of Timothy Metivier selected as 2022 New Hampshire Code Official of the Year Award - Mayor McEachern and the City Council recognized Timothy Metivier for being selected as 2022 New Hampshire Code Official of the Year and thanked him for his service to the City of Portsmouth.
6. Public Comment Session – There were 9 speakers: Barry Heckler (TCL/64 Vaughan); Francis Cormier (“Simon Says”); Paige Trace (Portsmouth); Mark Brighton (Gutter Dining); Erik Anderson (Fees for Outdoor Dining); Kevin Dwyer (Outdoor Dining Program); Petra Huda (Budget Department/Outdoor Dining); Esther Kennedy (Dumping/Outdoor Dining); and Mark Brenner, Eliot, Maine (Prescott Park, etc).
7. **On a unanimous roll call 9-0, voted** to suspend the rules to bring forward Item X.C.- Public Hearing/Adoption of Resolution Authorizing a Supplemental Appropriation from the Unassigned Fund Balance for the Design and Engineering of Alternate Plans for the Redevelopment of McIntyre Federal Building and Surrounding Property. The City Council has determined that the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars is to be appropriated from Unassigned Fund Balance to defray the expenditures for the design and engineering of alternate plans for the redevelopment of McIntyre Federal Building and surround property for the Fiscal Year ending in June 30, 2023.

8. Public Hearing/Adoption of Resolution Authorizing a Supplemental Appropriation from the Unassigned Fund Balance for the Design and Engineering of Alternate Plans for the Redevelopment of McIntyre Federal Building and Surrounding Property. The City Council has determined that the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars is to be appropriated from Unassigned Fund Balance to defray the expenditures for the design and engineering of alternate plans for the redevelopment of McIntyre Federal Building and surround property for the Fiscal Year ending in June 30, 2023 – Held a public hearing. **On a unanimous roll call 9-0, voted** to adopt the resolution as presented.
9. First reading of Ordinance amending Chapter 7, Article IVA, Section 7A.408 – Taxi Stands Designated – **On a unanimous roll call 9-0, voted** to pass first reading and schedule a second reading and public hearing at the January 23, 2023 City Council meeting.
10. Public Hearing/Second reading of Ordinance amending Chapter 1, Article IV, Section 1.408 – Cable Television and Communications Commissions to be named Cable and Broadband Internet Commission – **On a unanimous roll call 9-0, voted** to pass second reading and schedule a third and final reading at the January 23, 2023 City Council meeting.
11. Amendment to Public Art Funds Ordinance – **On a unanimous roll call 9-0, voted** to place the Funding of Public Art Ordinance, Chapter 1, Article XVII, Section 1.1705, on the City Council's January 23, 2023 Agenda for first reading.
12. Temporary Construction License for 64 Vaughan Street – **On a unanimous roll call 9-0, voted** to authorize the City Manager to execute and accept the temporary construction license to encumber the use of ten (10) parking spaces in the Worth Lot for a term of 82 days as requested.
13. Easements for Hope for Tomorrow Foundation – **On a unanimous roll call 9-0, voted** to grant the City Manager the authority to both finalize and execute a sewer easement from the City to the Hope for Tomorrow Foundation, and to accept on behalf of the City the Access Easement for Water Service as presented.
14. Consent Agenda – **On a unanimous roll call 8-0, voted** to adopt the Consent Agenda. *Councilor Cook abstained.*
  - A. Letter from Maria Stephanou, NH Walk Manager, requesting permission to hold the annual Seacoast Walk to End Alzheimer's on Sunday, October 1, 2023 (**Anticipated action – move to refer to the City Manager with Authority to Act**)
  - B. Letter from Debra Smith, Friends of the South End, requesting permission to hold the annual Fairy House Tour on Saturday, September 23, 2023 and Sunday, September 24, 2023 (**Anticipated action – move to refer to the City Manager with Authority to Act**)
  - C. Letter from Evan Dolecki, New England Ventures Endurance, requesting permission to hold the 2023 Margarita Half Marathon & 5k on Sunday, April 30, 2023 (**Anticipated action – move to refer to the City Manager with Authority to Act**)

- D. Request from Mark McNabb, Hearth Food Garden, LLC, to install a Projecting Sign at 60 Penhallow 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***

- E. Request from Mark McNabb, River Wharf Hospitality, to install a Projecting Sign at 60 Penhallow 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***

15. Email Correspondence – **On a roll call 8-0, voted** to accept and place on file.

16. **On a unanimous roll call 9-0, voted** to suspend the rules in order to bring forward Item XVI. D. - Approval and Acceptance of NH Department of Safety, Division of Homeland Security and Emergency Management - Emergency Management Performance Grant (EMPG) - \$5,500.00.

17. Approval and Acceptance of NH Department of Safety, Division of Homeland Security and Emergency Management - Emergency Management Performance Grant (EMPG) - \$5,500.00 – **On a unanimous roll call 9-0, voted** to approve and accept the grant as presented.

18. Letter from Perry Silverstein requesting the City not favor one industry over others regarding outdoor dining – **On a unanimous roll call 9-0, voted** to accept and place on file.

19. Appointments to be Voted – **On a unanimous roll call 9-0, voted** the reappointment of Dana Levenson to the Trustee of the Trust Funds until January 1, 2026; reappointment of Phyllis Eldridge to the Zoning Board of Adjustment until December 1, 2027; and the appointment of Alan Cohen and Jeff Keefe to the Task Force to Study Private/Public Historical Archives Committee.

20. January 25<sup>th</sup> Budget Kickoff – **On a unanimous roll call 9-0, voted** for a report back on preliminary FY24 trends, major budget drivers, potential tax impacts and city manager guidelines at January 25, 2023 council budget kickoff work session.
21. **On a unanimous roll call 9-0, voted** to suspend the rules in order to continue the meeting beyond 10:30 p.m.
22. Selection of an Auditor – **On a unanimous roll call 9-0, voted** to unseal that portion of the City Council's non-public session meeting minutes dated December 14, 2022 relative to the selection of an auditor only.
- On a unanimous roll call 9-0, voted** to select CLA for a three year contract to perform audit services conditional upon satisfactory contract negotiations.
23. **On a unanimous roll call 9-0, voted** to suspend the rules in order to bring forward Item XV. C.1. – 2023 Outdoor Dining Season.
24. 2023 Outdoor Dining Season – **On a unanimous roll call 9-0, voted** to refer this matter to the Fee Committee with the invitation of Councilor Bagley and Councilor Cook to attend the meeting of the Fee Committee and a report back at the January 23, 2023 City Council meeting.
25. E-mail Addresses – **On a unanimous roll call 9-0, voted** for all members of the City Council to be given municipal e-mail addresses for official business.
26. Approval of Donations – **On a unanimous roll call 9-0, voted** to approve and accept the donations as presented.
- Acceptance of Donation to the Tree Fund from Judith A. Sabin - \$25.00
  - Acceptance of Donation to the Fire Department from Paul Gormley & Kimi Iguchi for the Discretion of the Fire Department - \$2,500.00
  - Acceptance of Donation to the Senior Activity Center from Anne Aoki for Senior Luncheon Funds - \$5,000.00
27. Miscellaneous Business Including Business Unfinished at Previous Meeting – Councilor Lombardi requested a status update on the water line crossing in Durham at the January 23, 2023 City Council meeting.
28. Adjournment – At 11:20 p.m., voted to adjourn.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC  
City Clerk