

TO: KAREN CONARD, CITY MANAGER

FROM: VALERIE A. FRENCH, DEPUTY CITY CLERK

RE: ACTIONS TAKEN AT THE PORTSMOUTH CITY COUNCIL MEETING HELD IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS ON MONDAY, JANUARY 23, 2023

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

1. **On a unanimous roll call 9-0, voted** to close the Non-Public Session and seal the minutes.
2. Public Comment Session – There were 16 speakers: Ross Laorenza, Kevin Dwyer, Peter Masci, Sean O’Doherty, David Hansen, Ian Troost (via zoom), Peter Harris, Alex Choquette and Al Fleury of Hampton, (Outdoor Dining); Paige Trace (Portsmouth); Liza Hewitt (Equity); Esther Kennedy and Petra Huda (Process); Mark Brighton (Gutter Dining Deux); Rob Capone (Cable Commission); Mike O’Hara (via zoom, various topics)
3. **Voted to suspend the rules** to bring forward Item XV B.1, Councilor Tabor and Councilor Denton Report Back on Fee Committee, and Items XV D.1 and D.2, Councilor Cook and Councilor Bagley Motion 1 regarding redesign of Market Square and Motion 2 regarding proposed outdoor dining policy.
4. Councilor Tabor and Councilor Denton – Report Back on Fee Committee – Councilors Tabor and Denton reported on the Fee Committee meeting that took place on January 17, 2023 at which the 2023 Outdoor Dining was discussed per City Council referral. They reported that no consensus was reached on the issue by the committee.
5. Councilor Cook and Councilor Bagley Sample Motion #1 – Move to include the downtown area bounded by Deer Street, the Piscataqua River, Prescott Park, Court Street, and Maplewood Avenue/Middle Street in the redesign of Market Square in 2023 with the goal of enhanced pedestrian access with expanded sidewalks, expanded sidewalk dining throughout downtown and reduced traffic congestion, including possible redesign of traffic flow (two-way traffic) on State Street – **A friendly amendment was added to the aforementioned motion to expand the Market Square study to include Congress, Pleasant, Market and Daniel Streets and to have a report back on the cost estimate of the impact of the additions to the study in the Capital Improvements Plan prior to the February 6, 2023 City Council meeting.** **Voted** to adopt motion to include friendly amendment as presented.
6. Councilor Cook and Councilor Bagley Sample Motion #2 – Move to adopt the attached proposed policy on outdoor dining – **Voted on a 9-0 roll call** to amend Policy Item 4, Sentence 1, to replace the word “impedes” with “reverses”. **Voted on an 8-1 vote** to remove Policy Item 1 in its entirety and to bring it back to the Council as a separate item. Councilor Cook voted opposed. **Voted on a 9-0 roll call to adopt** the proposed policy on outdoor dining as amended.
7. RECESS/RECONVENED 9:35 PM – 9:45 PM
8. **Voted to suspend the rules** to bring forward Item X1.A.2 – Approval of Proposed MOA for Portsmouth School District Paraeducators and Portsmouth Police Civilian Employees Association.

9. Approval of Proposed MOA for Portsmouth School District Paraeducators and Portsmouth Police Civilian Employees Association – **Voted** to approve the proposed agreement as presented.
10. First reading of Ordinance amending Chapter 1, Article XVII, Section 1.1705 – Public Arts Funds – **Voted** to pass first reading and schedule and second reading and Public Hearing at the February 6, 2023 City Council meeting.
11. Public Hearing/Second reading of Ordinance amending Chapter 7, Article IVA, Section 7A.408 – Taxi Stands Designated – Public Hearing held with 0 speakers. **Voted** to pass second reading and schedule a third and final reading at the February 6, 2023 City Council meeting.
12. **Voted to suspend the rules** to hold third and Final reading of Ordinance amending Chapter 7, Article IVA, Section 7A.408 – Taxi Stands Designated.
13. Third and final reading of Ordinance amending Chapter 7, Article IVA, Section 7A.408 – Taxi Stands Designated - **Voted** to pass third and final reading of ordinance as presented.
14. Third and Final Reading of Ordinance amending Cable Television and Communications Commissions to be named Cable and Broadband Internet Commission – **Voted** to pass third and final reading ordinance as presented.
15. Approval of Proposed MOA for Portsmouth School Custodial Supervisors –**Voted** to approve the proposed agreement as presented.
16. Approval of Collective Bargaining Agreement with Portsmouth City Employees, Local #1386B – **Voted** to approve the proposed agreement as presented.
17. Drainage and Water Services Access Easement for Property located at 1169/1171 Sagamore Avenue – **Voted** to authorize the City Manager to accept and record a drainage easement and an access easement for water services from Sagamore Group, LLC and to grant a drainage easement to Sagamore Group, LLC.
18. Public Access Easement for 238 Deer Street – **Voted** to grant authority for the City Manager to negotiate, execute, accept and record the Easement for Public Access in a form similar to the attached document as provided in the City Council packet of January 23, 2023.
19. Formal Acceptance of Longmeadow Road Property Located at Longmeadow Road – **Voted** to accept Longmeadow Road as a City street.
20. Acceptance of Hodgdon Way as a City Street – **Voted** to accept Hodgdon Way as a City Street.
21. Easements for Property Located at 951 Peverly Hill Road and 1400 Lafayette Road – **Voted** to authorize the City Manager to finalize, accept and record community space easements, a sidewalk easement, and an access easement for water services from 4 Amigos LLC and Yokens Townhomes, LLC.
22. Consent Agenda – **Voted** to adopt the Consent Agenda.
 - A. Request from Greg and Beth Danilowski, Richardson’s Market, to install a Projecting Sign at 142 State 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. Letter from Becky Kates, Krempels Center, requesting permission to hold the 26th Annual Cisco Brewers Portsmouth Memorial Day 5K on Sunday, May 28, 2023
(Anticipated action – move to refer to the City Manager with Authority to Act)
- C. Letter from Rich Clyborne, Gundalow Company, requesting permission to hold the 2023 Riverfest Event on Saturday, June 3, 2023 **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- D. Letter from Alex Cave and Wendy McCoole, Strawberry Banke Museum, informational listing of events being held on Strawberry Banke grounds in 2023. **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- E. Letter from Valerie Rochon, Portsmouth NH 400th Inc., informational listing of three upcoming signature events in celebration of the 400th anniversary of Portsmouth.
(Anticipated action – move to refer to the City Manager with Authority to Act)

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

24. Letter from Barbara McMillan, Chair, Conservation Commission, requesting City Council's support for review and proposed revisions to Article 10, Environmental Protections Standards of the Zoning Ordinance – **Voted** to accept and place on file.

25. Appointments to be Considered – The appointments of Anna Howard to the Economic Development Commission, alternate, and Anne Hayes to the COVID Response Task Force Blue Ribbon Committee were considered and will be voted at the February 6, 2023 City Council meeting.

26. Appointment of City Manager Karen Conard as the Portsmouth Representative to the Pease Development Board of Directors– **Voted** to appoint City Manager Karen Conard as the Portsmouth Representative to the Pease Development Board of Directors for a 3 year term to expire 01/22/2026.

27. Update on Sound Barriers – Mayor McEachern gave a brief update on the status of the installation of sound barriers in conjunction with upcoming work by the State DOT. He further stated there will be a page on the city website regarding sound barriers with links to the State of NH information.

28. Sherburne School Neighborhood Meeting – Mayor McEachern announced the upcoming neighborhood meeting regarding Sherburne School disposition will be held on January 31, 2023 at 6:00 p.m. He explained that this will be a dialogue and not a work session and Craig Welch of the Portsmouth Housing Authority will be in attendance.
29. Community Power update, motion to schedule Work Session – **Voted** to schedule a work session February 13, 2023 to present the Energy Advisory Committee Electric Aggregation Plan (EAP) and Community Power launch plans prior to February 21, 2023 proposal to the City Council from PEAC to adopt the EAP.
30. Parking and Traffic Safety Committee Action Sheet and Minutes of the January 5, 2023 meeting– **Voted** to approve and accept the action sheet and minutes of the January 5, 2023 Parking and Traffic Safety Committee meeting.
31. Acceptance of Donation to Playground Project from the Portsmouth Rotary - \$15,000.00 – **Voted** to approve and accept the donation as presented.
32. Acceptance of Donation to Portsmouth Tree Project from the Portsmouth Rotary - \$15,000.00 – **Voted** to approve and accept the donation as presented.
33. Acceptance of Donation to the Skatepark from Michelle Dupras - \$50.00 – **Voted** to approve and accept the donation as presented.
34. McIntyre Update – City Manager gave a brief update on the status of the McIntyre project stating that since the approval of the supplemental appropriation on January 9th, the city is under contract with two expert financial firms which are examining the developer’s construction cost estimates presented to the city and the various ways to finance the project to identify the best possible financial arrangement for the city. The first check-in of three is set for January 31st. She concluded that the license agreement extension with the GSA and the milestones set in the agreement are available on the city website.
35. Report Back on Disc Golf – Informational only.
36. Miscellaneous Business Including Business Unfinished at Previous Meeting – Councilor Lombardi reminded that he had requested a status update on the water line crossing in Durham for this meeting.
37. Miscellaneous Business Including Business Unfinished at Previous Meeting – Councilor Cook stated that with the City Manager on the Pease Development Authority Board she would like a report back on the proposed refueling facility.
38. Adjournment – At 10:30 p.m., **Voted** to adjourn.

Submitted by:

Valerie A. French
Deputy City Clerk