

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, MARCH 20, 2023

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

1. On a unanimous voice vote 9-0, **voted** to close the Non-Public Session and seal the minutes.
2. Proclamation – Youth Art Month – Mayor McEachern read the Proclamation declaring March as Youth Art Month and urged all citizens to celebrate the contributions of art educators and their students to the rich heritage of Portsmouth’s past, present and future. Anna Nutall accepted the Proclamation with thanks and appreciation.
3. Acceptance of Minutes – March 11, 2023 – **Voted** to accept and approve the minutes of the March 11, 2023 Special City Council meeting.
4. Portsmouth Energy Advisory Committee – Kevin Charette and Peter Somssich – Mr. Charette provided a report regarding the Portsmouth Energy Advisory Committee. He advised the City Council that the Community Power Coalition has made great strides with 30 communities now participating as members. He stated that the Coalition has gone out for procurement for 10 communities which will be going live shortly. He announced that the default rate is 15.8 cents and represents a 20% reduction. Mr. Charette said if we remain on schedule, we go out for procurement on April 11th for the City. Mr. Somssich spoke to the legislation for community power. He said Portsmouth joining the Coalition was important for the City and will make an impact for the city to choose greener energy.
5. Sijia Chen, Artist, PNH400 Legacy Project Sculpture Garden, Bohenko Gateway Park – Sijia spoke regarding the art she creates and stated that her work is driven by community engagement. She explained the sculpture she will be creating for Portsmouth as two sails joining together in a dance and the cutouts will be translated into maritime themes. She spoke to creating a website for the collaboration of her work with the people of Portsmouth.

Councilor Cook announced March 21, 2023 at the Library in the Levenson Room, Sijia is holding a free community engagement workshop to suggest the maritime themes she plans to incorporate in her design.
6. Public Comment Session – There were 10 speakers: Roy Helsel (City on impasse on many items); Mark Brighton (Ethics); Francis Cormier (Hate is Hate); Esther Kennedy (Rules); Petra Huda (McIntyre/Community Power); Peter Officer (Sherburne School); Sue Polidura (Couple of points); Liza Hewitt (Community Power); Zelita Morgan, via zoom (South Mill Pond path way); and Jacqueline Cali-Pitts, via zoom (Community Power).
7. **Voted** to suspend the rules and bring forward City Manager’s Informational Item regarding the McIntyre Update.

8. McIntyre Update – City Manager Conard reported that we remain at an impasse with our development partner. She said we continue to communicate with our development partner in an attempt to move past the impasse. She stated we continue to collect and analyze data generated by our two outside consultants, Cummings and RKG. She reported that the negotiation team consists of herself and City Attorney Susan Morrell and any city staff that seem appropriate. City Manager Conard said there has been no commitment of funding for the project amount, as it is not defined in the Settlement Agreement. She stated there is no commitment made or will be made before a public hearing or some type of work session is held where we can hear from the public. She said we had a check-in with the General Services on March 13th and we apprised them of the impasse and they thanked us for the information and asked for a copy of the vote taken, which we provided and our next check-in with them will be on March 31st.

City Attorney Morrell reported that our impasse involves the Development Agreement, which in 2019 was signed by both parties and the previous plan. She stated in that Development Agreement it had termination rights that was signed by the developer and the City. She said when the new project and the Settlement Agreement was signed in April of last year the new project needed a new Development Agreement. She said we had every expectation that those termination rights would be in that agreement, however the developer has not signed a version of the Development Agreement with those termination rights in it and that is one of the reasons why we are at an impasse.

9. First reading of Ordinance amending Chapter 10 – Accessory dwelling Unit – Use Regulations, Accessory Dwelling Units, Site Development Standards and Terms of General Applicability – **Voted** to pass first reading and schedule a public hearing and second reading at the April 3, City Council meeting.

Mayor McEachern requested if there are any amendments to bring forward at second reading that they be provided in the City Council packet for the Council and public to review.

10. **Voted** to suspend the rules to bring forward Item XV. B.2. – Changes to Cemetery Committee Ordinance.
11. Changes to Cemetery Committee Ordinance – **Voted** to schedule first reading of the ordinance change at the April 3, 2023 City Council meeting.
12. Consent Agenda – **Voted** to adopt the Consent Agenda.

- A. Letter from Ken La Valley, Chair, Out of the Darkness, requesting permission to hold the Out of the Darkness Community Walk on Saturday, September 30, 2023 from 10:00 a.m. to Noon (**Anticipated action – move to refer to the City Manager with Authority to Act**)
- B. Letter from Annie Zampitella, Leukemia & Lymphoma Society, requesting permission to hold the 2023 Light the Night New Hampshire on Saturday, September 16, 2023 from 5:00 p.m. to 8:00 p.m. (**Anticipated action – move to refer to the City Manager with Authority to Act**)
- C. Letter from Peter Splaine, Worshipful Master, St. John's Lodge, requesting permission to hold the annual St. John's Sunday Parade on Sunday, June 25, 2023 (**Anticipated action – move to refer to the City Manager with Authority to Act**)

- D. Letter from JerriAnne Boggis, Executive Director, Black Heritage Trail Juneteenth celebration, requesting permission to hold a Reggae Festival, Saturday, June 17th from Noon to 10:00 p.m. at Strawberry Banke and the African Burying Ground Memorial on Monday June 19th from 11:00 a.m. to 1:00 p.m. The Healing Rhythm of the Drums (***Anticipated action – move to refer to the City Manager with Authority to Act***)

13. Email Correspondence – **Voted** to accept and place on file.
14. Letter from Courtney Perkins, Prescott Park Arts Festival, requesting an exception to the City/Prescott Park Arts Festival lease agreement, to add a special tribute performance outside of the season, celebrating seminal musicians in Portsmouth’s musical history, the Shaw Brothers on Saturday, September 9, 2023 (rain date – September 10, 2023) – **Voted** to move to approve. Councilor Tabor abstained from voting on this request.
15. Letter from Robert McGuigan, Rolling Thunder NH, requesting establish a POW/MIA Chair of Honor program in Portsmouth – **Voted** to refer to the City Manager with Authority to Act.
16. Appointments to be Considered – The City Council consider the appointments listed below, which will be voted upon at the next City Council meeting.
- Ernest Carrier appointment as alternate to the Planning Board
 - Daniel Main reappointment to the Portsmouth Housing Authority
 - Jacqueline Cali-Pitts reappointment to the Recreation Board
 - Richard Duddy reappointment to the Recreation Board
 - Lauren Krans reappointment to the Recreation Board
 - Jessica Blasko appointment to the Blue Ribbon Sustainability Committee
 - John Patrick Carty appointment to the Blue Ribbon Sustainability Committee
 - Jeffrey Mattson appointment as regular member to the Zoning Board of Adjustment
 - ML Geffert appointment as alternate to the Zoning Board of Adjustment
 - Jody Record appointment as alternate to the Zoning Board of Adjustment
17. Community Power – **Voted** that the Portsmouth City Council hereby authorizes the City Manager to enter into the Cost Sharing Agreement and Member Services Contract for the Complete Service Bundle with the Community Power Coalition of New Hampshire (CPCNH) with City Manager Karen Conard as the Authorized Officer and with elections on p. 19 of the Agreement being “yes”; and be it further moved, that the Portsmouth City Council hereby approves CPCNH’s Data Security and Privacy, Energy Portfolio Risk Management, Rates, and Financial Reserves Policies, as presented.
18. City Council Donation Policy – **Voted** to bring forward the draft donation policy passed by the Governance Committee, included in the City Council packet, for action at the City Council meeting of April 3, 2023.
19. City Manager’s Informational Item – Pease Development Authority Update – City Manager Conard reported that she attended her first PDA meeting last week. She outlined the various committees that she sits on as part of the appointment to the PDA. She informed the Council that Director Ferrini pointed out at the meeting that when the Millionaire Project comes forward all information be made available one week in advance.
20. Adjournment – At 8:40 p.m., **voted** to adjourn.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC, City Clerk