

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 TUESDAY, SEPTEMBER 5, 2023

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

1. Proclamation – Childhood Cancer Awareness Month – Mayor McEachern read the Proclamation declaring September in Portsmouth as Childhood Cancer Awareness Month and urge the community to pause and remember the children we have lost to this terrible disease, and work to support the effort to find new therapies to treat and defeat pediatric cancer so children not only survive cancer but thrive.

Mayor McEachern presented the Proclamation to Amy Kindstedt who accepted it with thanks and appreciation.

2. Proclamation – National Library Card Month – Mayor McEachern read the Proclamation declaring September as Library Card Month and encouraged all members of the community to get a library card to discover all the services, resources, programs and dedicated staff who make the Portsmouth Public Library – free and open to all – one of the City’s greatest treasures.

Mayor McEachern presented the Proclamation to Library Director Friese who accepted it with thanks and appreciation.

3. Acceptance of Minutes – August 21, 2023 – **Voted** to accept and approve the minutes of the August 21, 2023 City Council meeting.
4. Public Comment Session – There were eight speakers: Roy Helsel (Proposed Budget Question); Rick Becksted (Budget 101); Esther Kennedy (Sewage Plant); Sue Polidura (Various); Petra Huda (Let’s Talk Snow “Plowing”); Francis Cormier (Another Air Show); Robin Rousseau (via Zoom) (Snow Plowing Announcements); and Mark from the Park, Eliot, Maine (American Flags).
5. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article IV, addition of new section – Section 1.413 – ARTS AND CULTURAL COMMISSION – Barbara Massar and Karen Rosania provided a brief presentation from the Arts and Cultural Commission. Barbara and Karen addressed the data collected and provided an overview of the cultural plan and spoke in support of making this a permanent commission.

Held a Public Hearing.

Voted to pass second reading and hold third and final reading at the September 18, 2023 City Council meeting.

Voted to suspend the rules to bring forward third and final reading of the ordinance.

Voted to pass third and final reading of the ordinance as presented.

6. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article IV, Section 1.402 – ECONOMIC DEVELOPMENT COMMISSION – Subsections A, B and C – Phil Cohen provided a brief presentation speaking in support of the ordinance which provides a fresh look to the Economic Development Commission ordinance.

Held a Public Hearing.

Voted to pass second reading and hold third and final reading at the September 18, 2023 City Council meeting.

Voted to suspend the rules in to bring forward third and final reading of the ordinance.

Voted to pass third and final reading of the ordinance as presented.

7. **Voted** to suspend the rules to bring forward Item X. D. – Public Hearing/Adoption of Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for necessary expenditures related to Contractual Obligations. The City Council has determined that the sum of the Eight Hundred Ninety Thousand (\$890,000.00) Dollars is to be appropriated from Unassigned Fund Balance to defray the expenditures related to contractual obligations for the Fiscal Year ending June 30, 2024 and Items XI. A. 1. – A. 5. – Approval of Tentative Agreements with the Firefighters Association of Portsmouth, Portsmouth Professional Fire Officers Association, Portsmouth Police Patrolman’s Union NEPBA Local #11, Portsmouth Police Ranking Officers Association, NEPBA Local #220 and Portsmouth Police Civilian Employees Association, NEPBA Local #111.
8. Public Hearing/Adoption of Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for necessary expenditures related to Contractual Obligations. The City Council has determined that the sum of the Eight Hundred Ninety Thousand (\$890,000.00) Dollars is to be appropriated from Unassigned Fund Balance to defray the expenditures related to contractual obligations for the Fiscal Year ending June 30, 2024 – Held a Public Hearing. On a unanimous roll call 9-0, **voted** to adopt the Resolution as presented.
9. Approval of Tentative Agreement with the Firefighters Association of Portsmouth – **Voted** to approve the agreement as presented.
10. Approval of Tentative Agreement with the Portsmouth Professional Fire Officers Association – **Voted** to approve the agreement as presented.
11. Approval of Tentative Agreement with the Portsmouth Police Patrolman’s Union, NEPBA Local #11 – **Voted** to approve the agreement as presented.
12. Approval of Tentative Agreement with the Portsmouth Police Ranking Officers Association, NEPBA Local #220 – **Voted** to approve the agreement as presented.
13. Approval of Tentative Agreement with the Portsmouth Police Civilian Employees Association, NEPBA Local #111 – **Voted** to approve the agreement as presented.

14. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article VIII – Code of Ethics – Preliminary, Section 1.801 – Definitions, and Section 1.802 – Conflicts of Interest – Held a Public Hearing. Moved to pass second reading and hold third and final reading at the September 18, 2023 City Council meeting.

Voted that the definition of the term Direct Personal Interest contained at Section 1.801 K of the proposed ordinance be amended by the addition at the end of the definition of the words “or loss”.

Voted that a new section J (e) be added to Section 1.802 to read as follows: J (e) A City employee or official acting in a quasi-judicial capacity shall not vote or participate in the discussion of any matter which would place the official in contravention of any Code of Ethics provision contained in this ordinance.

Voted to amend Section 1.802 – Conflicts of Interest, Subsection F – Gifts and Favors from \$350.00 per calendar year to \$100.00 per calendar year.

Voted to schedule second reading and public hearing of the ordinance at the September 18, 2023 City Council meeting.

15. **Voted** to suspend the rules to continue the meeting beyond 10:30 p.m.

16. Request for First Reading to Amend Various Sections Regarding Chapter 7, Snow Announcements **Voted** to schedule first reading for amendments to Chapter 7, Article III, Section 7.321, Snow Emergency Parking Ban, and Article X, Section 7.1002, Snow Removal Operations, at the September 18, 2023 City Council meeting.

17. New Hampshire Public Works Mutual Aid and Assistance Agreement – **Voted** to adopt the New Hampshire Public Works Mutual Aid and Assistance Agreement as presented and authorize the City Manager to name the Director of Public Works as the Authorized Representative to execute the Agreement.

18. Disposition of Used DPW Vehicles – **Voted** to authorize the Department of Public Works to dispose of the used vehicles identified through the trade-in process as described in the memorandum.

19. Consent Agenda – **Voted** to adopt the Consent Agenda.

A. Letter from The Music Hall requesting the closure of Chestnut Street on Friday, September 15th through Sunday, September 17th for The Music Hall’s annual Telluride by the Sea Film Festival – 2nd Request – Request for the closure of Chestnut Street on Thursday, October 12th through Sunday, October 15th for the annual New Hampshire Film Festival (***Anticipated action – move to refer to the City Manager with Authority to Act***)

B. Letter from Freddy Petrone, I Got Bridged Team, requesting permission to hold the I Got Bridged 3rd annual walkathon on Sunday, September 10, 2023 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

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

21. Letter from Paul and Alison Dunne, requesting permission to build a floating access dock near existing stairs located on Peirce Island – **Voted** to refer to the Legal Department and the Public Works Department for report back.
22. Memorandum from Greater Portsmouth Recovery Coalition summarizing the progress of the coalition – **Voted** to accept and place on file.
23. Appointments to be Considered – The City Council considered the appointments listed below that will be voted upon at the September 18, 2023 City Council meeting.
- Jen Scumaci to the Economic Development Commission
 - Erica Wygonik as a Regular Member to the Parking & Traffic Safety Committee
 - David Allen as an Alternate to the Parking & Traffic Safety Committee
 - Larry Booz to the Historic District Commission
24. Sustainability Committee Draft Ordinance – **Voted** to schedule a first reading on September 18, 2023 of the draft ordinance establishing at Sustainability Committee.
25. Acceptance of The Forensic Shield Grant for the Police Department NH Internet Crimes Against Children (ICAC) Task Force - \$1,300,000.00 – **Voted** to approve and accept the grant as presented.
26. City Manager's Informational Items – City Manager Conard made the following announcements:
- City staff will be holding a “Wastewater 101” presentation to the community on Wednesday, September 13th at 6:30 p.m. at the Levenson Room of the Public Library.
 - Household Hazardous Waste Collection Day will be held on Saturday, September 23rd between 8:00 a.m. and Noon.
 - The second FlashVote survey will be on the topic of parking and will be sent out in mid-September. The next FlashVote survey will be due out in October on the Climate Action Plan.
27. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting –
- Councilor Moreau announced that the Air Show will be held this weekend and there will be focus points with accessible access to enter the show.
- Councilor Blalock announced that the new turf field has been installed and Portsmouth Clipper's Football opening home game will be held on Friday evening against the Winnacunnet Warriors.
28. Adjournment – At 10:55 p.m., **voted** to adjourn.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk