

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, SEPTEMBER 18, 2023

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

1. Proclamation – Constitution Week – Mayor McEachern read the Proclamation declaring the week of September 17 through September 23, 2023 as Constitution Week and ask our citizens to revisit and reaffirm the ideals the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this declaration of our rights and liberties.
2. Acceptance of Minutes – September 5, 2023 – **Voted** to approve and accept the minutes of the September 5, 2023 City Council meeting.
3. Dedication of POW/MIA Chair – Robert McGuigan, Rolling Thunder presented the POW/MIA Chair to Mayor McEachern and City Council to be displayed in the Chambers representing the more than 80,000 missing in action. Mr. McGuigan stated the chair is an extension of our voices to represent the POW/MIA and thanked the City Council and City of Portsmouth for joining their voices with Rolling Thunder.
4. Economic Development Commission Outdoor Dining Report – Chairman Cohen stated the EDC recommends that the new outdoor dining ordinance supersede the existing Sidewalk Café Policy No. 2012-02 adopted in 2012 and as subsequently amended but that most of the provisions of Policy 2012-02, not inconsistent with the recommendations contained herein (e.g., insurance requirements, alcohol service, etc.) be incorporated in the new ordinance and associated design standards. He spoke regarding City Staff input on outdoor dining for specific areas of traffic, ground floor business approval, fee recommendations, design standards, and partnerships.

Voted to refer the framework of the Economic Development Commission to the Legal Department to come back to the City Council with a draft ordinance.
5. **Voted** to suspend the rules to bring forward XV. D.1. – “Spirit of Portsmouth” KC-46A Pegasus.
6. Councilor Bagley advised the City Council that the Pease Air National Guard Base gifted an aircraft panel of the original KC-46A as a thank you to the City of Portsmouth for their dedicated support. The aircraft panel will be hung in the Portsmouth Room.
7. Public Comment Session – There were 13 speakers: Zeltia Morgan (Upcoming Elections); Roy Helsel (Portsmouth Development & Redevelopment); Peter Whelan (McIntyre); Joan Hamblet (Extending Voting Hours); Francis Cormier (The \$64,000.00 Dollar Question); Sue Polidura (Various); Irish Mike (September 11th); Petra Huda (What is “Spend”); Esther Kennedy (Spending); Paige Trace (Portsmouth); Peter Harris (Ethics Ordinance & Outdoor Dining); Rick Becksted (Aircraft Panel); and Mark from the Park (Rule 43).
8. **Voted** to suspend the rules to bring forward Mayor McEachern’s McIntyre Update.

9. McIntyre – Mayor McEachern provided a brief update on McIntyre. He reported that the General Services Administration (GSA) feels because they did not build a new federal building that they are not required to provide the McIntyre building to the city. He stated the city is looking for a clear answer from the GSA on what their position is regarding McIntyre.
10. First Reading of Ordinance amending Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban and Chapter 7, Article X – TOWING, Section 7.1002 – Snow Removal Operations – **Voted** to pass first reading and schedule a public hearing and second reading at the October 2, 2023 City Council meeting.
11. PUBLIC HEARING/SECOND READING of Ordinance amending Chapter 1, Article VIII – Code of Ethics, Section 1.802 – Conflicts of Interest, amending Subsection F – Gifts and Favors: No officer or employee shall accept any gift, over \$100.00 per calendar year – Held a public hearing. **Voted** to pass second reading and hold third and final reading at the October 2, 2023 City Council meeting. Councilor Denton and Councilor Bagley voted opposed.
12. Request for Street Naming – Grapevine Run – **Voted** to authorize the use of Grapevine Run as the private street name for the development at 212, 214, 216 Woodbury Avenue.
13. Authorization to Facilitate Installation of Dock – **Voted** to authorize the City Manager to negotiate and execute any agreements or approvals which are necessary for Roger and Elizabeth Trudeau, 10 Crescent Way, to construct a proposed 10' x 10' deck, 40' seasonal gangway, and 10' x 20' seasonal float as presented.
14. Request for Extension of Temporary Construction License for 147 Congress Street – **Voted** to authorize the City Manager to execute and accept an extension of the temporary construction license to encumber the sidewalks along Maplewood Avenue that abut 147 Congress Street as requested.
15. Request to Establish Polling Hours for the Municipal Election – **Voted** to establish polling hours from 8:00 a.m. to 7:00 p.m. for the November 7, 2023 Municipal Election.
16. Consent Agenda – **Voted** to adopt the Consent Agenda.
 - A. Letter from Marcia Leach, North Church of Portsmouth, requesting permission to hold the annual Crop Walk for Hunger on Sunday, October 15, 2023 beginning at 12:30 p.m. **(Anticipated action – move to refer to the City Manager with Authority to Act)**
 - B. Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the 15th Annual Seacoast Rotary Turkey Trot 5k on Thanksgiving, November 23, 2023 **(Anticipated action – move to refer to the City Manager with Authority to Act)**
 - C. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events:
 - First Night Portsmouth 2024 – Sunday, December 31, 2023
 - Children's Day – Sunday, May 5, 2024
 - 47th Annual Market Square Day Festival & 10K Road Race – Saturday, June 8, 2024
 - 21st Annual Summer in the Street – Saturday evenings – June 29, July 6, 13, 20, 27, 2024**(Anticipated action – move to refer to the City Manager with Authority to Act)**

- D. Letter from Effie Malley, Portsmouth Climate Action, requesting use of the Bridge Street Lot on Sunday, October 22, 2023, for the 4th Annual Electric Vehicle Show (**Anticipated action – move to refer to the City Manager with Authority to Act**)

17. Email Correspondence – **Voted** to accept and place on file.
18. Letter from Tina Sawtelle, The Music Hall, requesting permission to close a portion of Portwalk Place, but to allow alcoholic beverages (wine, beer, and spirits) to be served inside the event's enclosure for the New Hampshire Film Festival Hospitality Party on October 14, 2023 from 9:00 a.m. – 3:30 p.m. – **Voted** to refer to the City Manager with Authority to Act.
19. Letter from Riah & Chris Zarembo & Petition from 9 homes requesting that a small portion of Islington Street have the sidewalk repaired and maintained, with the safety of pedestrians on a busy street taken into consideration or to rip up the old sidewalk to the curb, re-grade and loam, and lay seed down to redirect pedestrians to the side of the street with the appropriate sidewalk – **Voted** to refer to the City Manager for report back.
20. Appointments to be Voted – **Voted** the following appointments:
Jen Scumaci to the Economic Development Commission filling unexpired term of Alan Gold until October 1, 2025.
Erica Wygonik as a Regular Member to the Parking & Traffic Safety Committee filling unexpired term of Harold Whitehouse until September 17, 2024.
David Allen as an Alternate to the Parking & Traffic Safety Committee until August 4, 2026.
Larry Booz as an Alternate to the Historic District Commission filling the unexpired term of Johanna Landis until June 1, 2025.
21. 10-year Spending History – Councilor Tabor reviewed the chart he created showing the 10-year spending history. No action required.
22. Amend Rule 43 A – **Voted** to suspend the rules to vote on amendment to Rule 43 A this evening.
Voted to amend Rule 43 A, by adding between the fourth and fifth sentence, a new sentence that reads, "The playing of music, videos, or the recording of others is prohibited.
23. Soundwall Construction – Councilor Moreau reported that engineering for the soundwall has been completed and construction would be completed by 2025. No action required.
24. Request for First Reading of Election Candidate Financial Disclosure Ordinance – **Voted** to schedule first reading at the October 2, 2023 City Council meeting of the amendments proposed by the Governance Committee to Section 1.902 Election Candidate Financial Disclosure of the Administrative Ordinance, Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure.
25. Acceptance of Grant in Support of Household Hazardous Waste Collection Events - \$4,265.00 – **Voted** to accept and expend a \$4,265.00 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract.
26. Acceptance of Office of Highway Safety Grant for the Police Department - \$31,300.00 - **Voted** to approve and accept the grant for the Police Department as presented.

27. Community Policing Facility Public Meeting – City Manager Conard invited the public to the second Community Policing Facility Public Meeting on Thursday, September 21, 2023 at 5:30 p.m., in the Eileen Foley Dondero Council Chambers. She reported that updates on the project will be heard from City staff and our consultants, including site selection, site options, and program test fit.

28. FlashVote Survey #2 Results – Monte Bohanan, Communications and Community Engagement Director spoke to the latest FlashVote on Parking Downtown and the October FlashVote Survey will be regarding the Climate Action Plan.

29. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting – Councilor Denton reported there will Climate Action Plan discussion at the Liar’s Bench on Wednesday, September 27, 2023 from 6:00 p.m. to 8:00 p.m.

Assistant Mayor Kelley extended an invitation to the New England BiPoc Fest on Sunday, September 24, 2023 from Noon to 5:00 p.m. at Vida Cantina.

Councilor Cook announced that Fairy House Tours will be held on September 23, 2023 and September 24, 2023 from 10:00 a.m. to 3:00 p.m. on the grounds of Strawberry Banke Museum, Governor John Langdon House and Prescott Park.

City Manager Conard announced that there were 94 public submissions for the Capital Improvement Plan.

30. Adjournment – At 10:00 p.m., **voted** to adjourn.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk