

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, FEBRUARY 21, 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 Sessions and seal the minutes.
2. Proclamation – Exemplary Public Servant – Mayor McEachern presented Arthur Parrott with a Proclamation recognizing the exemplary public servant he is, and proclaiming February 21, 2023 as Arthur Parrott Day in Portsmouth. Arthur accepted the Proclamation with thanks and appreciation.
3. Acceptance of Minutes – November 16, 2022; December 5, 2022 and December 14, 2022 – **Voted** to accept and approve the minutes of the November 16, 2022, December 5, 2022 and December 14, 2022 City Council meetings.
4. **Voted** to suspend the rules to request a briefing from Police Chief Newport on the recent vandalism of businesses with hateful graffiti across the city which occurred this morning.
5. Police Chief Newport reported that the incident happened between the hours of 2:00 a.m. – 4:00 a.m. and there is a person of interest. He said the department is working across the city looking for any potential subjects and targets.
6. Public Comment Session – There were 14 speakers: George Remick , Jim Lee, Dave Hurwitz (Veteran Tax Credit); Shawn Muske, Ruben Yzaguille (Sherburne School); Aaron Garganta (Elderly Tax Exemption); Paige Trace (Portsmouth); Kevin Dwyer (Outdoor Dining); Petra Huda (Audit Contract); Esther Kennedy (Housekeeping); Zelita Morgan (Affordable Housing); Justin Richardson (Woodbury Avenue); Lisa Sweet of Rye and Lew Hitzrot of Exeter (Electric Aggregation Plan – Community Power).
7. Continued Public Hearing – Capital Improvement Plan (CIP) FY 2024-2029 – Continued the public hearing. **Voted** to extend the public hearing on the Capital Improvement Plan to the March 6, 2023 City Council meeting.
8. Public Hearing – Resolution pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$50,137 for a single taxpayer or \$68,598 for married taxpayers, inclusive of social security payments – Held a public hearing. **Voted** to adopt Option 1 – Proposed increase of Elderly Exemption by the Social Security cost-of-living increase 8.7%.

Single	\$50,137 increase of \$4,013
Married	\$68,598 increase of \$5,490

9. Public Hearing – Resolution pursuant to RSA 72:37-b the City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$50,137 for a single taxpayer or \$68,598 for married taxpayers, inclusive of social security payments – Held a public hearing. **Voted** to adopt Option 1 – Proposed increase of Disabled Exemption by the Social Security cost-of-living increase 8.7%.

Single	\$50,137 increase of \$4,013
Married	\$68,598 increase of \$5,490

10. **Voted** to suspend the rules in order to bring forward Item X.E. – Optional Veterans’ Tax Credit Resolution.

11. Public Hearing – Resolution that pursuant to 72:27-a, the City of Portsmouth hereby readopts the provisions of the Optional Veterans; Tax Credit pursuant to RSA 72:28,II in the amount of \$750 on the taxes due on the residential real estate of any resident who is a veteran as defined in RSA 21:50 and, served not less than 90 days on active service in the armed forces of the United States in any qualifying war or armed conflict listed in this section, and, continues to serve or was honorably discharged or, an officer who continues to serve or was honorably separated from service or, the spouse of surviving spouse of such resident provided that training for active duty by a member of the national guard or reserve shall be included as service under this subparagraph, or who was terminated from the armed forces because of service-connected disability or, the surviving spouse of such resident, or the surviving spouse of any resident who suffered a service-connected death – Held a public hearing. **Voted** to adopt the Resolution as presented. Councilor Lombardi abstained from voting on this matter.

12. Public Hearing – Resolution that pursuant to 72:27-a, the City of Portsmouth hereby readopts the provisions of the All Veterans’ Tax Credit pursuant to RSA 72:28,b, to be the same amount as the Optional Veterans’ Tax Credit under RSA 72:28, on the taxes due on the residential real estate of any resident who is a veteran, as defined in RSA 21:50, and, served not less than 90 days on active service in the armed forces of the United States and continues to serve or was honorably discharged or an officer who continues to serve or was honorably separated from service; or the spouse or surviving spouse of such resident, provided that training for active duty or state active duty by a member of the national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35 – Held a public hearing. **Voted** to adopt the Resolution as presented. Councilor Lombardi abstained from voting on this matter.

13. **Voted** to suspend the rules to bring forward Item XVI. B. – Approval of Emergency Management Performance Grant Agreement - \$79,910.00.

14. Approval of Emergency Management Performance Grant Agreement - \$79,910.00 – **Voted** to accept the terms of the Emergency Management Performance Grant as presented in the amount of \$79,910.00 for Emergency Operations Center equipment. Furthermore, the City Council acknowledges that the total cost of this project will be \$79,910.00, in which the city will be responsible for a 50% match (\$39,955.00). Further, City Manager Conard, Mayor McEachern, and Fire Chief McQuillen are authorized to sign all documents related to the grant.

15. Approval of Proposed Memorandum of Agreement for Portsmouth School District Paraeducators and Portsmouth Police Civilian Employees Association – Newly Revised – **Voted** to approve the revised agreement as presented.
16. Approval of Collective Bargaining Agreement with Portsmouth Non-Supervisory Cafeteria Personnel – **Voted** to approve the proposed agreement as presented.
17. Approval of Portsmouth Supervisory Management Alliance Memorandum of Understanding Re: Assistant Chief Plant Operator – **Voted** to approve the Memorandum of Understanding as presented.
18. Temporary Construction License for 89/99 Foundry Place – **Voted** to authorize the City Manager to execute and accept the temporary construction license for the term of March 20, 2023 through September 19, 2024.
19. Consent Agenda – **Voted** to adopt the Consent Agenda.

- A. Request from Tyler & Ryan McGill, Summer Sessions, to install a Projecting Sign at 82 Congress 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. Request from Tyler & Ryan McGill, Noa Café, to install a Projecting Sign at 86 Congress 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***

- C. Request from Lori Dennehy, Sea Love, to install a Projecting Sign at 60 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***

- D. Letter from Phil von Hemert, Sail Portsmouth, requesting permission to hold the Sail Portsmouth Maritime Event on Thursday, July 27, 2023, the Parade of Sail and Friday, July 28, 2023 through Monday, July 31, 2023 for the touring of two ships, moored at the Commercial Fish Pier and the Prescott Park Marina (***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 Perry Silverstein regarding outdoor dining rate structure – **Voted** to accept and place on file.

22. Appointments to be Voted to the Public Arts Review Blue Ribbon Committee – **Voted** to appoint Paul Burke, M. Christine Dwyer, Ellen Fineberg, Beth Hartnett, Jen Meister, Alyssa Murphy, Nancy Pearson, A. Robert Thoresen, Robert White and Mara Witzling to the Public Arts Review Blue Ribbon Committee.

23. Community Power – approve Energy Aggregation Plan to create a Community Power Program for Portsmouth – **Voted** to approve the Energy Aggregation Plan as developed by the Energy Advisory Committee in February 21, 2023 City Council packet, and submit it to the Public Utilities Commission for approval.

24. Outdoor Dining Policy February Updates 2023 – On a roll call 6-3, **voted** to suspend the rules to bring forward the outdoor dining policy for action and discussion. Assistant Mayor Kelley, Councilors Tabor, Moreau, Lombardi, Blalock and Mayor McEachern voted in favor. Councilors Denton, Bagley and Cook voted opposed.

25. **Voted** to suspend the rules in order to continue the meeting beyond 10:30 p.m.

26. Outdoor Dining Policy February Updates 2023 – **Voted** to rescind the January 2023 outdoor dining policy and to readopt the 2022 outdoor dining guidance with the following amendments:

- Time frame shall be May 1st through Indigenous People's Day, and;
- Establishments may not conduct outdoor dining that reverses a travel lane; except on any street or way in which the traffic count is below 1,000 cars per day and with such additional or special conditions as the City Manager deems appropriate.

In circumstances in which street closure will cause a burden to public safety operations, the City Manager has the authority to deny the permit. In addition, refer the matter of outdoor dining to the Economic Development Commission for a report back about potential ordinance.

Councilor Bagley voted opposed.

27. Parking and Traffic Safety Committee Action Sheet and Minutes of the February 2, 2023 meeting – **Voted** to accept and approve the action sheet and minutes of the February 2, 2023 Parking and Traffic Safety Committee meeting.
28. Report back from the Governance Committee on a proposed change to the Fee Study Committee – Councilor Cook provided a brief updated on the Governance Committee review to add an additional City Councilor to the Fee Study Committee.
29. Approval of Donation for the Skateboard Park Lighting Fund - \$1,717.00 – **Voted** to approve and accept the donation as presented.
30. McIntyre Update – City Manager Conard reported the city continues to consult with our financial experts regarding cost estimates, the structure of our financial arrangement and design engineering. She said for transparency purposes all the contracts will be on-line tomorrow for review and for individuals to see with whom we're engaging. She stated that we expect final numbers from all parties by the end of this week. She advised that the City's next check-in with GSA is scheduled for Tuesday, February 28, 2023. City Manager Conard reported that we will have met our milestone schedule as of February 28, 2023 and the next milestone beyond that would be for our outside counsel to finalize the negotiation of the development agreement and begin negotiating our financial documents with the developers counsel.
31. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting – City Manager Conard announced Monte Bohanan, our new Director of Communication and Community Engagement will be starting on Monday, February 28, 2023.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk