

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 22, 2022
PRESENT: MAYOR McEACHERN, ASSISTANT MAYOR KELLEY, COUNCILORS TABOR, DENTON, MOREAU, BAGLEY, LOMBARDI, BLALOCK AND COOK

1. Recognitions and Volunteer Committee Reports – The Portsmouth High School Girls Alpine Ski Team received plaques in recognition for their victory in becoming Division 1 State Champions.
2. Public Comment Session – There were 14 speakers: Jeff Goss, Gretchen Rath, Sue Polidura, Kevin Dwyer, Marie Bodi – via zoom and Hannah Corcoran – via zoom (Outside Dining); Bill St. Laurent, Erik Anderson (Cargo At Pease/PDA); Rick Becksted (Just the Facts); Petra Huda (FY23 Budget/Tabor Motion and Denton Motion); Bill Downey (McIntyre); Alison Tanner (Community Power); Cliff Lazenby (November 18, 2021 Council Vote regarding McIntyre); Robert Smith – via zoom (Elwyn Park Sidewalks).
3. Continued Public Hearing – Capital Improvement Plan (CIP) – Continued the public hearing from the February 7, 2022 City Council meeting. **Voted** to continue the public hearing until the March 7, 2022 City Council meeting.
4. Third and Final Reading of Ordinance amending Chapter 3, Article XI, Section 3.1101 – 3.1105 – Face Coverings During the COVID-19 Pandemic – **On a unanimous roll call 9-0, voted** that third reading of the Face Coverings Ordinance be postponed indefinitely, not to be brought back before the City Council without one meeting prior notice.
5. Request for Public Hearing Regarding Elderly and Disabled Exemptions – **Voted** to schedule a public hearing at the March 7, 2022 City Council meeting.
6. Report Back on Recommendations for Outdoor Dining – A series of motions were made and the Council **voted** to withdraw all pending motions.

Moved to adopt the City Manager’s recommendations on outdoor dining.

On a roll call 7-2, voted to amend the fee structure to be \$3,000.00 to be charged at a 50% rate of \$1,500.00 per parking space in 2022. Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley, Lombardi and Mayor McEachern voted in favor. Councilors Blalock and Cook voted opposed.

Moved that sidewalk spaces and travel ways be set at a rate of \$2.00 per square foot with a minimum of \$600.00 for areas that exist in the public realm for the year 2022.

Friendly amendment accepted that sidewalk spaces and travel ways be set at a rate of \$5.00 per square foot with a minimum of \$1,000.00 for areas that exist in the public realm for the year 2022.

On a roll call 7-2, voted that the sidewalk spaces and travel ways be set at a rate of \$5.00 per square foot with a minimum of \$1,000.00 for areas that exist in the public realm for the year 2022. Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley, Lombardi and Mayor McEachern voted in favor. Councilors Blalock and Cook voted opposed.

Moved to amend that the time frame for outdoor dining end on October 16th for establishments that require jersey barriers. **On a roll call vote 2-7, motion failed to pass.** Councilors Tabor and Bagley voted in favor. Assistant Mayor Kelley, Councilors Denton, Moreau, Lombardi, Blalock, Cook and Mayor McEachern voted opposed.

Moved to amend under Proposed Changes for Traffic Circulation by striking the following language: *Any proposed use of the travel way must not impact traffic circulation downtown. Changes that results in a significant impact to the traffic patterns or that result in a change to the directional pattern of the street will not be considered.* **On a roll call vote 6-3, motion passed.** Assistant Mayor Kelley, Councilors Denton, Bagley, Lombardi, Blalock and Cook voted in favor. Councilor Tabor, Moreau and Mayor McEachern voted opposed.

Mayor McEachern requested a report back from Parking & Traffic Safety Committee to look at traffic mitigation for travel ways and where retractable bollards could be installed as a broader plan for the future.

Councilor Cook requested City Manager Conard report back on the number of businesses that chose not to apply for outdoor dining this year, and conduct a survey of those, asking if it was related to the fee structure.

On a unanimous roll call 9-0, voted to pass the main motion as amended.

7. Approval of Deer Street Associates Parking Agreement – **Voted** to authorize the City Manager to execute a Parking Agreement with Deer Street Associates in a form substantially similar to the attached agreement contained in the City Council packet dated February 22, 2022.
8. License Request for 64 Vaughan Mall – **Voted** to authorize the City Manager to execute and accept the temporary construction license for a term of March 5, 2022 to June 3, 2022 for the use of 35 square feet of land in the Vaughan Mall and fourteen (14) parking spaces in the Worth Lot as requested.

Voted to suspend the rules in order to allow Shayne Forsley, General Manager of Hampshire Development Corporation to speak to the project.

9. Consent Agenda – **Voted** to adopt the Consent Agenda.
 - A. Letter from Tina Sawtelle, The Music Hall, requesting permission to close Chestnut Street on Thursday, March 31, 2022 for Wentworth-Douglass Hospital’s rental fundraising event “The Seacoast Culinary Challenge” (***Anticipated action – move to refer to the City Manager with Authority to Act***)

- B. Letter from Tina Sawtelle, The Music Hall, requesting permission to close Chestnut Street for outdoor events beginning May 27, 2022 through August 27, 2022, and further approval to serve alcohol on Chestnut Street under The Music Hall's liquor license. All liquor service will cease by 9:30 p.m. **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- C. Request the New Hampshire Regiment and Jim Poole, CDR/US Navy retired seeking permission to fire their rifles and 6 pound cannon (no ammunition will be loaded) on April 24, 2022 at the John Paul Jones House **(Anticipated action – move to refer to the City Manager with Authority to Act)**
10. Email Correspondence – **Voted** to accept and place on file.
11. Letter from James Hewitt regarding the installation of EV stations – **Voted** to accept and place the letter on file.
12. Petition from residents of Elwyn Park opposed to the installation of sidewalks in neighborhood – **Voted** to accept and place the letter/petition on file.
13. Resubmission of letter from Gretchen Rath, Portsmouth Fabric Company, requesting retailers to be invited to any meetings convened regarding downtown parking – **Voted** to accept and place the letter on file.
14. Resubmission of letters from various downtown businesses regarding outdoor dining and the use of parking spaces – **Voted** to accept and place the letters on file.
15. Appointments to be Considered – The City Council considered the appointments below to be acted upon at the March 7, 2022 City Council meeting.
- Duncan MacCallum to the Cemetery Committee
 - Elaine Apatang-Butts to the Citywide Neighborhood Blue Ribbon Committee
 - Kathleen Boduch to the Citywide Neighborhood Blue Ribbon Committee
 - Lawrence Cataldo to the Citywide Neighborhood Blue Ribbon Committee
 - William Gatchell to the Citywide Neighborhood Blue Ribbon Committee
 - Lori Soloway to the Citywide Neighborhood Blue Ribbon Committee
 - Peter Somssich to the Citywide Neighborhood Blue Ribbon Committee
 - Anne Weidman as an Alternate to the Economic Development Commission
 - Heinz Sauk-Schubert as an Alternate to the Historic District Commission
 - Jeff Stern to the Library Board of Trustee
 - Jason Brewster to the Peirce Island Committee
 - Francesca Marconi Fernald to the Peirce Island Committee
 - Chris Gallot to the Peirce Island Committee
 - Steven Marison to the Peirce Island Committee
 - Stephen Philp to the Peirce Island Committee
 - Devan Quinn to the Peirce Island Committee
 - John Simon to the Peirce Island Committee
 - Richard Smith to the Peirce Island Committee
 - Marc Stettner to the Peirce Island Committee

- William Townsend to the Peirce Island Committee
 - Kathleen Bergeron to the Portsmouth Housing Authority
 - Lauren Krans to the Recreation Board
 - Phyllis Eldridge to the Zoning Board of Adjustment
16. Appointment to be Voted – Genevieve Aichele to the Blue Ribbon Committee on Portsmouth Arts & Non-Profits – **Voted** to appoint Genevieve Aichele to the Blue Ribbon Committee on Portsmouth Arts & Non-Profits.
 17. Appointment to be Voted – Jeffrey Barraclough to the Blue Ribbon Committee on Portsmouth Arts & Non-Profits – Mayor McEachern announced that Mr. Barraclough has withdrawn his application for appointment.
 18. Resignation – Craig Jewett from the Portsmouth Housing Authority – **Voted** to accept the resignation with regret and to send a letter to Mr. Jewett thanking him for his service to the City.
 19. Proposed City-wide Goals – **Voted** to approve and accept the proposed City-wide Goals as presented.

City Council Goals

- 1) *Invite and Honor Input from the Community and Encourage Increased Participation/Engagement of Youth*
- 2) *Identify and Promote Strategies for Local Business Retention and Preservation of Affordable Commercial Spaces*
- 3) *Leverage Local Resources and Partnerships to improve and Support Needs of Residents, Nonprofits, Arts and Culture Community*
- 4) *Proactively Pursue the Integration of Sustainability, Resilience, and Climate Change Mitigation Actions Throughout City Government and Community*
- 5) *Diversify and Enhance the Supply of Housing Choices*
- 6) *Continuously Enhance City Council Best Practices to Deliver a Trusted, Transparent and Responsive Process*
- 7) *Consistently communicate with Community Members and Stakeholders, Respecting Channels of Communication They Prefer and Keeping Them Informed*

General Government Organizational Goals

- 8) *Welcome and Support Diversity in the Workplace and Community*
- 9) *Maintain Financial Stability*
- 10) *Meet or Exceed State and Federal Legal/Regulatory Requirements Including Those for a Safe and Healthy Community and Environment*
- 11) *Deliver Services and Programs with Courtesy, Professionalism, and Efficiency*
- 12) *Maintain and Improve Infrastructure to Meet Needs of the Community*

School Board, Fire and Police Commission Goals

13) *Provide an Educational Environment that Affords Opportunity, Equity, Student Wellness and a Strong Sense of Community to Every Youth*

14) *Protect the Community Through Fire and Crime Cessation and Prevention for its Residents and Businesses*

20. **Voted** to suspend the rules in order to continue the meeting beyond 10:30 p.m.
21. Families First / COAST Bus – Mayor McEachern requested a report back on the feasibility of locating a COAST bus stop closer to Families First on Greenleaf Woods Drive and how can we provide input to transportation and COAST in terms of bus stops and their general availability in the community.

22. Community Power Coalition of New Hampshire – **Voted** that the City Manager is authorized to take any and all actions necessary within her judgment to cause the City of Portsmouth to become party to the Joint Powers Agreement of the Community Power Coalition of New Hampshire, as presented, which became effective on October 1, 2021.

Councilor Tabor requested to conduct a survey of the community to gauge their interests on a series of options available to them.

23. Proposed Outdoor Dining Fees – **Voted** that City staff work with the Fee Schedule Study Committee to develop fees for Food Service Establishments on City property that violate the composting requirements of the Distribution of Single-Use Disposables on City property ordinance.
24. Elwyn Park Traffic Calming and Pedestrian Improvements – Moved TSM-17-PL-59: Elwyn Park Traffic Calming and Pedestrian Improvements from FY24 and FY25 in the CIP to FY23 as \$1,660,000.00 to be bonded. Motion was rescinded.

Councilor Moreau requested a report back on whether adding the \$1.6 million will have an impact on our net debt as a percentage of the budget.

Mayor McEachern stated the Council would schedule a site walk on this matter.

25. Report Back regarding Proposed Cargo Facility at the Tradeport – Councilors Lombardi and Tabor advised that the planning process for a Cargo Facility is currently underway and they're exploring the feasibility for such a project. No action required.
26. Cultural Plan for Portsmouth – **Voted** to approve of a new Cultural Plan for Portsmouth to be commenced in 2022, based on a scope of work outlined by the Portsmouth Arts & Nonprofits Committee, noting that the request for development of a Cultural Plan in 2022 was included in the Committee's 2021 Year End Report to the City Council on December 20, 2021, and request that the City Manager identify the appropriate funding source for said Cultural Plan.
27. Acceptance of Wellness Reward - \$2,000.00 – **Voted** to approve and accept the Wellness Reward as presented.

28. Citywide Neighborhood Committee Meeting Minutes of January 26, 2022 – **Voted** to accept and place on file.
29. Adjournment – **At 11:20 p.m., voted to adjourn.**

Respectfully submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk