

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, AUGUST 22, 2022

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

1. **Voted** to close the Non-Public Session and seal the minutes.
2. Acceptance of Minutes – June 21, 2022 and July 11, 2022 – **Voted** to accept and approve the minutes of the June 21, 2022 and July 11, 2022 City Council meetings.
3. Recognitions of Fire Chief Germain – Mayor McEachern recognized Fire Chief Germain and his years of service to the City of Portsmouth and Fire Department. He spoke to Chief Germain's attention to detail and outstanding work in the department. Mayor McEachern presented a City of Portsmouth Coin to Fire Chief Germain in recognition of his excellence and upcoming retirement from the Fire Department. Fire Chief Germain thanked Mayor McEachern and the City Council for this recognition and the kind words expressed. He also thanked Mayor McEachern and the City Council for always supporting the Fire Department throughout the years.
4. **Voted** to suspend the rules in order to bring forward Item XI. A.1. – Approval of Deputy Fire Chief Contract.
5. Approval of Deputy Fire Chief Contract – **Voted** to approve the agreement with Deputy Fire Chief Patrick R. Howe as presented.
6. Public Comment Session – There were 9 speakers: George Dempsey (Fear & Ethics); Jim Lee (Committees); Peter Whelan, Sue Polidura (Audit Committee); Mark Brighton (Warm Milk & Cookies); Liza Hewitt (Public Engagement); Esther Kennedy (What Should Portsmouth Be!); Paige Trace (Portsmouth); and Rick Becksted (Appointments).
7. Public Hearing/Second reading of Ordinance amending Chapter 1, Article III – Boards – Held a public hearing. **Voted** to pass second reading and hold third and final reading at the September 19, 2022 City Council meeting.
8. Public Hearing/Second reading of Ordinance amending Chapter 1, Article IV – Commissions and Authorities – Held a public hearing. **On a unanimous roll call 9-0, voted** to postpone any action on Section 1.410 – Audit Committee until the September 19, 2022 City Council meeting and pass second reading of the proposed amendment as presented.

Voted to suspend the rules to take up third and final reading.

On a unanimous roll call 9-0, voted to pass third reading of those portions which have passed second reading with the exception of Section 1.410 – Audit Committee.

9. Public Hearing/Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or participation in the State Revolving Fund (SRF) Loan of up to One Million Two Hundred Thousand Dollars (\$1,200,000.00) for costs related to Sewer Service Connections related to the Sagamore Avenue Area Sewer Extension Project – Held a public hearing.

Assistant City Engineer Cronin provided a presentation regarding the Sagamore Avenue Sewer Extension. He reviewed the background of the project, cost apportionment and project costs. He reported that there are 30 properties on the North side and 9 properties on the South side for a total cost of \$1.5 million with the average cost to resident per connection of \$16,077. He informed the Council that approximately \$627,000.00 will be repaid to the city by residents over time. He indicated that an additional bond authorization of \$1.2 million is needed and before you this evening for approval.

On a unanimous roll call 9-0, voted to adopt the Resolution as presented.

10. **Voted** to suspend the rules in order to continue the meeting beyond 10:30 p.m.
11. Third and final reading of Ordinance amending Chapter 1, Article VIII – Code of Ethics – **On a unanimous roll call 9-0, voted** to pass third and final reading of the ordinance.
12. Approval of Welfare Guidelines – **Voted** to table the guidelines until the September 19, 2022 City Council meeting and have Welfare Administrator Tully present to speak to the changes in the guidelines.
13. Request to Schedule ARPA Work Session – **Voted** to hold the ARPA Work Session on September 12, 2022 at 6:00 p.m., in the Eileen Dondero Foley Council Chambers.
14. Neighborhood Pilot Parking Program – **Voted** to maintain the NPP program for 90 days during which time the City staff will bring to the Fee Committee a recommendation regarding the fees that should be adopted to sustain the program.
15. Wayfinding Easement for City Property Located at 93 Pleasant Street – **Voted** to authorize the City Manager to accept and record a Sign Easement over 93 Pleasant Street in substantially similar form to the easement deed from Dagny Taggart, LLC contained in the agenda packet.
16. Renewal of Coalition Communities 2.0 Membership Agreement – **Voted** on a voice vote 8-1, to authorize the City to continue to participate in the Coalition Communities 2.0 and authorize the City Manager to negotiate and execute a two year renewal of a MOU with the Coalition Communities 2.0 on behalf of the City in a form similar to the attachment contained in the agenda packet. Councilor Denton voted opposed.
17. Monitoring Well License Request for 60 Penhallow Street – **Voted** to authorize the City Manager to negotiate and execute a license with Dagny Taggart, LLC to locate NHDES required monitoring wells under the City sidewalk along Penhallow adjacent to the Brick Market Building.
18. Consent Agenda – **Voted** to adopt the Consent Agenda.

- A. Letter from Marcia Leach, North Church, requesting permission to hold the Seacoast Area Crop Walk on Sunday, October 16, 2022 (**Anticipated action – move to refer to the City Manager with Authority to Act**)

19. Email Correspondence – **Voted** to accept and place on file.
20. Capital Improvement Plan FY2024-2029 – Planning Director Zendt provided a presentation on the Kickoff to the Capital Improvement Plan and its development. She outlined what qualifies as a CIP project and where projects originate. She spoke to how projects are evaluated, prioritized and the funding sources for projects. Planning Director Zendt reported that the CIP process has no financial commitment and outlined the various public input opportunities. She spoke to the QR Code that has been created which outlines the process and how to submit a project application.
21. Status Update on Seacoast Greenway/Railtrail Project – Seth McNally and Dave Allen provided a status update on the Seacoast Greenway Railtrail Project. Seth reported that New Hampshire Seacoast Greenway Alliance has been recently incorporated as a 501(c)(3). He stated the purpose is to provide for regional coordination on policy development, Management, Maintenance, fundraising and promotion for the New Hampshire Seacoast Greenway. Dave reported that this is a DOT project and preliminary design has been completed. He informed the Council that the completion date is estimated end of 2024. Dave advised the City Council that the NHSG Community Connections will be conducting an afternoon bike ride on the corridor on Thursday, September 22nd and Friday, September 23rd there will be a drop-in workshop in the Levenson Room of the Portsmouth Library.
22. Letter from Barbara McMillan, Chair and on behalf of the Conservation Commission requesting reconsideration by the Council before proceeding with the plan to rehabilitate the entire Peirce Island Pool and associated systems – **Voted** for a report back regarding issues raised and a summary of the work that is being done at the pool.
23. Appointment of Assistant Mayor Kelley as City Council Representative to the Trees and Public Greenery Committee – Mayor McEachern announced that Assistant Mayor Kelley will serve as the Council Representative to the Trees and Public Greenery Committee.
24. Appointments to be Considered – The City Council considered the appointments listed below which will be voted on at the next City Council meeting on September 19, 2022.
- Appointment of Luis Rodriguez to the Cable Television & Communications Commission
 - Appointment of Torey L. Brooks to the Sustainable Practices Blue Ribbon Committee
 - Reappointment of Patricia Bagley to the Trees and Public Greenery Committee
 - Appointment of Jeffrey Mattson as an Alternate to the Zoning Board of Adjustment
25. Resignations – Mayor McEachern regretfully accepted the resignations of Henry Mellynychuk from the Conservation Commission and Andrea Ardito from the COVID Response Task Force Committee.
26. InvestNH Grant Program – Councilor Moreau reported that the city is working on obtaining grant funds. No action required.

27. Land Use Committee Update | Regulatory Amendments Pending Attached is a Memorandum updating the City Council on the work of the Land Use Committee and the progress of the various zoning ordinance amendments under consideration. In summary, the Planning Board is anticipated to act on August 18, 2022 on the Phase 1 amendments and the Land Use Committee is expected to finish its consideration of proposed Phase 2 amendments concerning Accessory Dwelling Units (ADUs) by early September. In anticipation of action by the Planning Board on August 18, 2022 to complete its review of the Phase 1 amendments – Voted to bring forward to first reading on September 19, 2022 the Phase I Zoning Amendments.
28. Parking and Traffic Safety Committee Action Sheet and Minutes of August 4, 2022 – Voted to accept and approve the action sheet and minutes of the August 4, 2022 Parking and Traffic Safety Committee meeting.
29. Request for 15-minute spaces at 22 Daniel Street by owner – Voted to approve two 15-minute spaces in front of 22 Daniel Street.
- Voted** to change three existing 15-minute spaces on south side of Daniel Street to regular Zone A spaces.
30. Arts & Nonprofits Cultural Plan Subcommittee – Request for Volunteers – Councilor Cook said the Arts & Nonprofits Cultural Plan Subcommittee is looking for volunteers to serve on updating the Cultural Plan.
31. Acceptance of Grant to the Public Works Department from the Department of Environmental Services – Household Hazardous Waste of up to \$4,238.00 – Voted to accept and expend up to a \$4,238.00 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.
32. Acceptance of Various Police Department Grants:
- Department of Justice through the ARPA for the NH Internet Crimes Against Children Task Force - \$700,000.00
 - USPCA AKC Reunite K9 Organization - \$7,500.00
- Voted** to accept and approve the Grants to the Police Department as presented.
33. City Manager's Informational Items – Prescott Park Public Forum Area – Mayor McEachern requested a report back from City Attorney Sullivan to define the public forum areas.
34. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting
- City Manager Conard reported that the RFP for Audit Services has been put out and is published on the website with responses due on October 12, 2022.
35. **Voted** to suspend the rules to hold third and final reading on Ordinance amending Chapter 1, Article III – Boards and allow third reading to take place under Miscellaneous Business of the agenda.

36. Third reading Ordinance amending Chapter 1, Article III – Boards – **Voted** to pass third reading of the ordinance amending Chapter 1, Article III – Boards.

37. Adjournment – At 12:01 a.m., **voted** to adjourn.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk