

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, OCTOBER 3, 2022
PRESENT: MAYOR McEACHERN, ASSISTANT MAYOR KELLEY, COUNCILORS TABOR, DENTON, MOREAU, BAGLEY, LOMBARDI, BLALOCK AND COOK

1. **Voted** to close the Non-Public Sessions and seal the minutes.
2. Proclamation – Breast Cancer Awareness Month – Mayor McEachern read the Proclamation declaring October as Breast Cancer Awareness month.
3. Proclamation – Domestic Violence Awareness Month – Mayor McEachern read the Proclamation declaring and recognizing October as Domestic Violence Awareness Month. Members from Haven came forward to accept the proclamation with thanks and gratitude.
4. Recognition of State Representative Laura Pantelakos – Mayor McEachern recognized State Representative Laura Pantelakos for her 44 consecutive terms representing Portsmouth over the last 22 years. Mayor McEachern said he has looked up to Laura his whole life and her quality of work.

State Representative Pantelakos thanked the City Council for recognizing her this evening. She said she is very proud and thanked the residents of Portsmouth for honoring her by voting for her to represent the City of Portsmouth for 44 consecutive terms.

5. Acceptance of Minutes – August 1, 2022 – **Voted** to approve and accept the minutes of the August 1, 2022 City Council meeting.
6. Public Comment Session – There were 13 speakers: Mark Brighton (Far away Galaxy); Irish Mike (Park and downtown Trump Flag Waves); Sue Polidura, Chris White, Petra Huda, Liza Hewitt (Audit Committee); Francis Cormier, Fred Orlando, Shane Sunderland (Dover, NH) (Prescott Park); Esther Kennedy (Skateboard Park/Audit Committee); Arthur Clough (It's all in the resume); Mark from the Park (Eliot, ME) (Park, Audit Committee); and Nancy Pearson (Public Art Policies).
7. **Voted** to suspend the rules in order to bring forward Item XV. C.1. – Presentation from Ernie Greenslade and Valerie Rochon regarding the Portsmouth NH 400 Legacy projects pillar and the sculpture garden they are working towards installing in a public park and the RFP that has been created to gather the art communities' ideas.
8. Presentation from Ernie Greenslade and Valerie Rochon regarding the Portsmouth NH 400 Legacy projects pillar and the sculpture garden they are working towards installing in a public park and the RFP that has been created to gather the art communities' ideas – Ernie Greenland provided a presentation regarding the Portsmouth NH 400 Legacy projects pillar and sculpture garden. She reported the new sculpture garden will have a maritime theme, celebrating the river and all that is connecting with it through public art, which will be located at the Bohenko Park.

Voted to accept donation and approve the placement of sculptures to be commissioned by Portsmouth NH 400 in the public property known as Bohenko Park.

9. Public Hearing/Second Reading of Ordinance amending Chapter 10, Article 5A, Section 10.5A21B, Amend Map For Building Height Standards, Incentive Overlay Districts, Sections 10.5A21.20 – Building Height Standards, Section 10.5A21.21 & 10.5A21.22, Section 10.5A43.32 – Building and Story Heights, Section 10.1530 – Terms of General Applicability – Held a public hearing. On a unanimous roll call 9-0, **voted** to pass second reading and hold third and final reading at the October 24, 2022 City Council meeting as presented.

10. Third and final reading of Ordinance amending Chapter 1, Article IV, Section 1.414 – Commissions and Authorities – Move to pass third and final reading of the Ordinance as presented.

Move to postpone third and final reading until the October 24, 2022 City Council meeting.

Voted to suspend the rules in order to bring back second reading of the Ordinance to allow for amendments.

Voted to amend Section A to reinsert the original language of the ordinance around terms for the appointed members that are not City Councilors. Further, to amend Section B to eliminate the last sentence – *The Audit Committee will be able to retain the services of professionals, as necessary, in municipal finance and audits, and experts hired will have no past employment as City staff or current relationships therewith, or employment with the auditing firm or current relationships therewith, and shall be independent.* Motion passed with Councilors Tabor and Denton voting opposed.

Motion to postpone third and final reading until the October 24, 2022 passed. Councilor Denton voted opposed.

11. Request to Establish Polling Hours – **Voted** to establish polling hours for the November 8th General Election from 8:00 a.m. to 7:00 p.m.

12. Right of Way Easement Deeds for properties located on Chevrolet Avenue – **Voted** to authorize the City Manager to accept and record Right of Way and Utility Easement Deeds in substantially similar form to the easement deeds from Public Land Holdings LLC and Catherine R. Whelan contained in the agenda packet.

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

A. Letter from Jake Dodge, The Greg Hill Foundation, requesting permission to hold the 10th Annual Jingle All The Way 5k Road Race on December 10, 2022 at 10:00 a.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 14th Annual Turkey Trot 5k on Thursday, November 24, 2022 at 8:30 a.m. **(Anticipated action – move to refer to the City Manager with Authority to Act)**

C. Letter from Kathryn Garcia & Joanne Wolfe, Alliance for Greater Good, requesting permission to use South Mill Pond and adjacent areas for the Portsmouth 400 Lantern Festival on Saturday, September 30, 2023 (rain date of Sunday, October 1, 2023) **(Anticipated action – move to refer to the City Manager with Authority to Act)**

- D. Letter from Tina Sawtelle, The Music Hall, requesting approval for the closure of Chestnut Street on Monday, October 24, 2022 for Strategic HR's Conference from 7:00 a.m. to 5:30 p.m. (**Anticipated action – move to refer to the City Manager with Authority to Act**)
- E. Letter from Laurie Mantegari, Scarecrows of the Port Committee, requesting permission to place scarecrows in designated locations throughout the downtown area for the 14th year beginning Sunday, October 16, 2022 through Sunday, November 6, 2022 (**Anticipated action – move to refer to the City Manager with Authority to Act**)
14. Email Correspondence – **Voted** to accept and place on file.
15. Letter from James Albion, Generations United, Inc. d/b/a Generations Arcade LLC, requesting an open discussion regarding possibly opening one of their Console Arcades at the Skateboard Park – **Voted** to accept the letter and place it on file.
16. Letters from Bob Newby regarding Dog Ordinance – **Voted** to request a report back on the existing Dog Ordinance as it currently stands in the City and information on what is the best policies in regards to dogs and dog walking in other cities.
17. Letter of Recognition of Elaine Syracuse – Mayor McEachern read a letter of recognition of Elaine Syracuse and her 30 years of service to the Recreation Board. No action required.
18. Appointments to be Considered – The City Council considered the appointments listed below, which will be acted upon at the October 24, 2022 City Council meeting.
- Appointment of John Mayer to the Arts & Nonprofit Committee – Cultural Plan Subcommittee
 - Reappointment of Everett Eaton to the Economic Development Commission
 - Reappointment of Thomas Watson to the Economic Development Commission
 - Appointment of Richard Candee to the Task Force to Study Private/Public Historical Archives
 - Appointment of Susan Sterry to the Task Force to Study Private/Public Historical Archives
 - Appointment of Thomas Hardiman, Jr. to the Task Force to Study Private/Public Historical Archives (*Not on agenda*)
 - Appointment of Katinka de Ruitter to the Board of Library Trustees
 - Reappointment of Janaki Fonseka to the Board of Library Trustees
19. Request to Change Date of December 19, 2022 City Council meeting – **Voted** to change the City Council meeting date of December 19, 2022 to Wednesday, December 14, 2022.
20. Citizen Input into ARPA Funding, 2022 Recreation Study and Community Campus – **Voted** to authorize the City Manager to implement a citywide survey process to determine residents' values and priorities for use of ARPA funds, updated city recreation initiatives, and future use of the Community Campus and adjoining property.
21. Climate Change Impacts – **Voted** that the Legal Department explore potential legal remedies to recover costs incurred by the City of Portsmouth, residents, and businesses due to climate change impacts.
22. Public Art Policy/Ordinances – **Voted** to bring forward for first reading at the October 24, 2022 City Council meeting.

- Public Art Policy Changes
- Amending to Article 17 – Funding of Public Art Ordinance
- Draft Public Art Review Committee Ordinance

23. Auditor Rotation Policy – On a roll call 7-2, **voted** to recommend that the Auditor Rotation Policy be reviewed by the Audit Committee with a report back to the City Council. Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Lombardi, Blalock and Mayor McEachern voted in favor. Councilors Bagley and Cook voted opposed.
24. Skateboard Park Update – Councilor Blalock reported that the committee is hopeful to break ground and complete the park by this time next year.
25. Approval of Donation for a Memorial Park Bench in the South Mill Pond Dog Park in honor of Joshua Fogel - \$2,350.00 – **Voted** to approve and accept the donation from Maggie Fogel for a bench in memory of Joshua Fogel as presented.
26. Approval of Donation to the Portsmouth Police Explorers Program from the Barrington Fireman Association - \$240.00 – **Voted** to approve and accept the donation as presented.
27. Approval of The Violence Against Women Act (VAWA) Grant from the NH Department of Justice to the Victim Witness Advocate Position – includes a cash match contribution - \$25,025.00 – **Voted** to approve and accept the grant to the Police Department as presented.
28. Approval of The Office of Highway Safety Grant from the NH Department of Safety which includes thirteen different highway safety initiatives – includes a 20% match - \$53,510.66 – **Voted** to approve and accept the grant as presented.
29. McIntyre Update – City Manager Conard provided a brief update regarding McIntyre and reported the McIntyre group continues to meet every Tuesday and work to advance all parts of the effort. She also informed the Council that the Legal Department has started to review a draft of development agreement.
30. Report Back Re: Demolition Ordinance – **Voted** to request staff review the recommendation brought forward and draft a new ordinance that is legally sufficient.
31. Miscellaneous Business Including Business Remaining Unfinished At Previous Meeting – Councilor Tabor requested that the Community Campus webpage include an updated map of the entire 36 acre site.
32. **Voted** to schedule a Work Session and Public Dialogue Session sometime in the future regarding Community Campus.
33. Adjournment At 9:50 p.m., **voted** to adjourn.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk