

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, NOVEMBER 14, 2022 TIME: 6:30PM

Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:

https://us06web.zoom.us/webinar/register/WN_6XmiMV7yTVS4XFYk1QmejA

6:30PM – ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A

1. COLLECTIVE BARGAINING AGREEMENT – RSA 91-A:3, II (a)
2. CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3, II (l)

AGENDA

**Regular portion of City Council meeting to begin at 7:00 p.m.*

- I. WORK SESSION – THERE IS NO WORK SESSION THIS EVENING
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – **N/A**
- III. CALL TO ORDER [7:00 p.m. or thereafter]
- IV. ROLL CALL
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE
- VII. ACCEPTANCE OF MINUTES – AUGUST 22, 2022
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
- IX. PUBLIC COMMENT SESSION (*This session shall not exceed 45 minutes*) – (*participation may be in person or via Zoom*)
- X. PUBLIC HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

First Reading of Ordinances:

- A. First reading of Ordinance amending Chapter 12 and Chapter 15 – City’s Building Code (***Sample motion – move to pass first reading and schedule a public hearing and second reading at the December 5, 2022 City Council meeting***)
- B. First reading of Ordinance amending Chapter 5, Article I – Fire Department, Section 5.101 – Personnel and Article IX – Fire Code (***Sample motion – move to pass first reading and schedule a public hearing and second reading at the December 5, 2022 City Council meeting***)
- C. First reading of Ordinance amending Chapter 1, Article IV, Section 1.408 – Cable Television and Communications Commission (***Sample motion – move to pass first reading and schedule a public hearing and second reading at the January 9, 2023 City Council meeting***)

Public Hearings/Adoption of Resolutions:

- D. Public Hearing/Adoption of Resolution Appropriating Eighty-Five Thousand Dollars (\$85,000.00) from American Rescue Plan Act (ARPA) Grant to Pay Costs Associated with the Purchase of an Ambulance and the Payment of Costs Incidental and Related Thereto

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

(Sample motion – move to adopt the Resolution as presented) (Two-thirds vote required for adoption)

- E. Public Hearing/Adoption of Resolution Appropriating Eight Hundred Thousand Dollars (\$800,000.00) to purchase one Fire Apparatus, and Authorizing a Bond Issue, and/or Notes, of up to Eight Hundred Thousand Dollars (\$800,000.00) to Meet this Appropriation

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

(Sample motion – move to adopt the Resolution as presented) (Two-thirds vote required for adoption)

- F. Public Hearing/Second reading of Ordinance amending Chapter 1, Article IV – Commission and Authorities, Section 1.412 – Public Art Review Committee

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

(Sample motion – move to pass second reading and hold third and final reading at the December 5, 2022 City Council meeting)

- G. Public Hearing/Second reading of Ordinance amending Chapter 1, Article XVII – Funding of Public Art, Section 1.1704 – Exemption and Section 1.1707 – Funding Accepted

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

(Sample motion – move to pass second reading and hold third and final reading at the December 5, 2022 City Council meeting)

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Approval of Collective Bargaining Agreement with Professional Management Association
2. Approval of Collective Bargaining Agreement with Portsmouth City Employees - Local #1386A
3. Request for Restoration of Involuntarily Merged Lots of 880 Woodbury Avenue
4. Approval of 2023 City Council Meeting Calendar
5. Drainage Easement for 140 West Road
6. Temporary Construction License for 93 Pleasant Street
7. *Request for Public Arts Trust Funds to be Reallocated to the Bohenko Park Sculpture Garden from the Foundry Place Public Art Project

XII. CONSENT AGENDA

(Proper Motion for Adoption of Consent Agenda – move to adopt the Consent Agenda)

- A. Request from James Gaudreault, Bryce Harrison and Ian Lubkin , J & B Food Services LLC, d/b/a Cheese Louise to install a Projecting Sign at 76 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***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. 2022 Data Collection Presentation by City Assessor
- B. Greater Portsmouth Recovery Ready Community Coalition Presentation – Mark Lefebvre, Pinetree Institute
- C. Email Correspondence ***(Sample motion – move to accept and place on file)***

XIV. MAYOR McEACHERN

1. Approval of Employment Agreement with City Manager Conard (***Sample motion – move to approve the proposed Employment Agreement as presented***)
2. Appointment to be Considered:
 - Appointment of David Rheame to the Zoning Board of Adjustment
3. *Appointments to be Voted:
 - Appointment of Stewart Sheppard to the Conservation Commission
 - Appointment of Brian Gibb as an Alternate to the Conservation Commission
 - Appointment of Assistant Mayor Kelley to the DOT Public Advisory Committee for Route 1 Bypass
 - Appointment of Marylou McElwain to the DOT Public Advisory Committee for Route 1 Bypass
 - Appointment of Anne Weidman as a regular member of the Economic Development Commission
 - Appointment of Charles Doleac to the Task Force to Study Private/Public Historical Archive
 - Appointment of Kristen Peterson to the Task Force to Study Private/Public Historical Archive
 - Appointment of Emma Stratton to the Task Force to Study Private/Public Historical Archive
 - Appointment of Thomas Watson to the Task Force to Study Private/Public Historical Archive
 - Appointment of Lawrence Yerdon to the Task Force to Study Private/Public Historical Archive
4. Vintage Christmas Shuttle

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

1. Community Power Survey Planned for December

B. COUNCILOR DENTON

1. Amend All Veterans Tax Credit (***Sample motion #1 – move the draft resolution increasing the Optional Veterans' Tax Credit from \$500.00 to \$750.00 be brought back with any necessary changes to the City Council for readoption before March 31, 2023***)

(Sample motion #2 – move the draft resolution expanding the All Veterans Tax Credit eligibility to those that currently serve be brought back with any necessary changes to the City Council for readoption before March 31, 2023)

C. COUNCILOR MOREAU

1. Phase 2 ADU and Assisted Living Amendments (***Sample motion – move to refer the Phase 2 ADU and Assisted Living amendments to the Planning Board for a recommendation and to bring recommended amendments back to the City Council for first reading***)

D. COUNCILOR BAGLEY

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the October 6, 2022 meeting (*Tabled at the October 24, 2022 City Council meeting*) (**Sample motion – move to postpone until the December 5, 2022 City Council meeting**)
2. *Holiday Parking Enforcement (**Sample motion – move to establish Holiday Parking Enforcement from Saturday, December 17, 2022 through Monday, December 26, 2022 for payment of parking. Time limits would still be in effect**)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. *NH Department of Natural and Cultural Resources/Division of Historical Resources Moose Plate Conservation Grant for Repair of North Cemetery Wall - \$20,000.00 (**Sample motion – move to approve and accept the grant from the New Hampshire Division of Historical Resources in the amount of \$20,000.00**)
- B. InvestNH Municipal Planning and Zoning Housing Opportunity Grant - \$82,000.00 (**Sample motion – move to accept the InvestNH Housing Opportunity Grant funding and authorize staff to enter into a formal grant agreement**)
- C. Donation to the Annual Tree Planting from Robert Grantham & Cynthia Nix for future planting of trees - \$5,000.00 (**Sample motion – move to approve and accept the donation from Robert Grantham and Cynthia Nix for Annual Tree Planting - \$5,000.00**)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *McIntyre Update
2. Report Back on Dog Ordinance
3. Historic Cemetery Committee Report

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

1. Citywide Neighborhood Committee Meeting – October 19, 2022 Minutes
2. Citywide Neighborhood Committee Neighborhood Outreach Forum – Ward 1 – October 26, 2022 Minutes

XIX. ADJOURNMENT [at 10:30 p.m. or earlier]

**Indicates verbal report*

**KELLI L. BARNABY, MMC/CNHMC
CITY CLERK**



CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@cityofportsmouth.com
(603) 610-7201

Karen S. Conard
City Manager

Date: November 10, 2022

To: Honorable Mayor McEachern and City Council Members

From: Karen S. Conard, City Manager *KSC*

Re: City Manager's Comments on City Council Agenda of November 14, 2022

X. Public Hearings and Votes on Ordinances and/or Resolutions:

A. First Reading of Ordinance Amending Chapter 12 and Chapter 15, the City's Building Code:

On October 24, 2022, the Inspection Department brought forth a request for first reading to amend Chapters 12 and 15 of the City's building code ordinance.

The City's building code ordinance was last amended in December of 2019. At that time, the City Council adopted amendments to our building code ordinances (Chapters 12 and 15) to reflect the current version of the State Building Code and to update our local regulations and amendments to those codes. This version consists of 55 pages in two separate Chapters.

The Inspection Department has received complaints from the public that the City's existing building code ordinances are too long and are not user friendly. When the public cannot find local requirements and Code amendments, the building code ordinance is more difficult to administer. This is caused in part because our current ordinances track and amend different sections of the State Building Code that repeat the same language.

In July of 2022, the State of New Hampshire adopted the 2018 version of the International Codes and other national codes ("State Building Code"). The adoption of these new codes create an opportunity for the City to update and revise our existing building code ordinance.

This proposed amendment, as presented, removes Chapter 15 in its entirety, resulting in one completely revised building ordinance – a new Chapter 12 consisting of approximately 20 pages. Chapter 12, as rewritten, will be the City Building Code which adopts the current State Building Code as well as our local regulations and amendments to the State Building Code, which are permitted when they are stricter than the State Building Code.

The statutes governing local amendments to the State Building Code will be amended as of January 1, 2023. The current statute requires only that local building code ordinances be filed with the State Building Code of Review (“Board”). The amended statute creates a complicated process whereby all local building code amendments must be reviewed by the Board prior to passage in order to verify that the local requirements do not “conflict” with the current State Building Code. There is no definition of “conflict” in the amended statute, thus calling into question the ability of municipalities to make any local regulations and amendments to the State Building Code.

I therefore recommend that the Council vote to schedule a public hearing and second reading of the amended Chapter 12 at its December 5, 2022 meeting. The Inspection Department has scheduled a public information session for November 21, 2022 at 2:00 p.m. at the Community Campus Movie Room, 100 Campus Drive. Prior to that informational public meeting, the City will establish a separate page on [the Inspection Department’s website](#) that contains a copy of Chapter 12, as amended, along with the redlined versions of Chapter 12 and 15, and updated State Building Code information.

I recommend that the City Council move to pass first reading, and schedule a public hearing and second reading at the December 5, 2022 City Council meeting.

B. First Reading of Ordinance Amending Chapter 5, Article I – Fire Department, Section 5.101 and Chapter 5, Article IX – Fire Code:

The City’s fire code ordinance was last amended in December of 2019. In July of 2022, the State of New Hampshire adopted the State Fire Code, which adopts by reference the Life Safety Code, NFPA 101, 2018 edition, and the Uniform Fire Code NFPA 1, 2018 edition. When the State Fire Code is updated, the Fire Department reviews and makes housekeeping amendments to Chapter 5. The City does not adopt any amendments to the State Fire Code. However, in addition to the adoption of the State Fire Code, the City also adopts the International Fire Code.

The Fire Department is recommending that the City [amend Chapter 5, Article I – Section 5.101 and Chapter 5, Article IX](#) to adopt the current State Fire Code and the updated version of the International Fire Code, 2018 Edition. The amendments are primarily housekeeping edits to reference the correct section of the International Fire Code, 2018 edition. Some local amendments have been deleted as they are now included within the published codes and are no longer necessary. Additionally, we have deleted the local amendments regarding solar installations as the State has amended these requirements within the State Fire Code.

Of note, consistent with the City’s past practice, the Fire Department has scheduled a public information session on code updates on November 21, 2022 at 2:00 p.m. at the Community Campus Movie Room, 100 Campus Drive. Prior to that informational public meeting, the City will establish a separate webpage that contains a copy of Chapter 5, as amended, and updated State Fire Code and International Fire Code information.

I recommend that the City Council move to pass first reading, and schedule a public hearing and second reading at the December 5, 2022 City Council meeting.

C. First Reading of Ordinance Amending Chapter 1, Article IV, Section 1.408 – Cable Television and Communications Commission:

Attached please find [proposed amendments to Chapter 1, Article IV, Section 1.408](#) currently titled “Cable Television and Communications Commission.” The Commission proposes changes to their title and powers to broaden their responsibility beyond cable television and to include broadband internet services via any physical transport method (including both physical cabling and over-the-air delivery such as cellular). The Commission developed these proposed changes over the course of several meetings this year, and referred these proposed changes to the Governance Committee for review and input; the Governance Committee supported the Commission’s desire to broaden their powers. Deputy City Manager/Deputy City Attorney Suzanne Woodland provides staff support for the Commission and has worked with them to develop these proposed changes.

I recommend that the City Council move to schedule a public hearing and second reading on these proposed changes to Chapter 1, Article IV, Section 1.408 at the January 9, 2023 City Council meeting.

D. Public Hearing and Adoption of Resolution Appropriating Eighty-Five Thousand Dollars (\$85,000) from the American Rescue Plan Act (ARPA) Grant to Pay Costs Associated with the Purchase of the an Ambulance and the Payment of Costs Incidental and Related Thereto:

Due to increases of prices and demand for ambulances and their chassis, the appropriation for the Fire Department’s ambulance is \$85,000 less than the cost of the vehicle. Funding options include use of ARPA funding to meet this shortfall, or to delay capital funding for the next ambulance replacement and instead re-direct it to this purchase.

[Attached is a resolution](#) appropriating \$85,000 from ARPA funding to pay costs associated with this purchase.

I recommend that the City Council move to adopt the resolution as presented.

E. Public Hearing and Adoption of Resolution Appropriating up to Eight Hundred Thousand Dollars (\$800,000) to Purchase One Fire Apparatus, and Authorizing a Bond Issue, and/or Notes, of Up to Eight Hundred Thousand Dollars to Meet this Appropriation:

The replacement of an aging fire engine is currently in the FY25 rolling stock schedule. Normally the borrowing resolution would be authorized in the year that the apparatus is needed. However, current production time to order and build the new apparatus is 24 months out due to multiple factors in supply and demand.

Fire Chief McQuillen is requesting a [borrowing authorization of up to \\$800,000](#) in order to sign a contract for the new fire engine to ensure the apparatus will be delivered in July of 2024, and keeps the replacement schedule on track.

Additionally, the contract and order guarantees the price in today’s dollars avoiding the certain increases in costs that will be coming, including a 7% increase that would add an additional \$53,000 to the cost of the vehicle if not ordered before the end of this calendar year.

As payment of the apparatus is not due until delivery, borrowing of the funds would not take place until FY25, making the first payment of the bond due in FY26 as scheduled in the current projected debt schedule.

I recommend that the City Council move to adopt the resolution as presented.

F. Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article IV – Commission and Authorities, Section 1.412 – Public Art Review Committee:

Attached please find a proposed ordinance amending Chapter 1, Article IV – Commissions and Authorities, Section 1.412 – Public Art Review Committee.

I recommend that the City Council move to pass second reading, and schedule a third and final reading at the December 5, 2022 City Council meeting.

G. Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article XVII – Funding of Public Art, Section 1.1704 – Exemption and Section 1.1707 – Funding Accepted:

Attached please find a proposed ordinance amending Chapter 1, Article XVII – Funding of Public Art, Section 1.1704 – Exemption and Section 1.1707 – Funding Accepted.

I recommend that the City Council move to pass second reading, and schedule a third and final reading at the December 5, 2022 City Council meeting.

XI. City Manager’s Items which Require Action:

1. Approval of Collective Bargaining Agreement with Professional Management Association:

Attached please find a memorandum from the City’s Labor Negotiator, Tom Closson, along with a proposed employment agreement with the Professional Management Association.

I recommend that the City Council move to approve the proposed agreement as presented.

2. Approval of Collective Bargaining Agreement for Portsmouth City Employees – Local #1386A:

Attached please find a memorandum from the City’s Labor Negotiator, Tom Closson, along with a proposed employment agreement with the Portsmouth City Employees – Local #1386A.

I recommend that the City Council move to approve the proposed agreement as presented.

3. Request for Restoration of Involuntarily Merged Lots of 880 Woodbury Avenue:

At the July 11, 2022 City Council meeting, the Council voted to refer a request for the restoration of involuntarily merged lots at 880 Woodbury Avenue to the Planning Board and the Assessor for a report back. This report back, along with supporting documentation, is attached for your review.

At its October 20, 2022 meeting, the Planning Board voted to restore the property to its pre-merger status.

I recommend that the City Council move to restore the property located at 880 Woodbury Avenue to its pre-merger status and direct the City GIS and Assessing staff to update the zoning and tax maps accordingly.

4. **Approval of 2023 City Council Meeting Calendar:**

Attached please find [the proposed 2023 City Council meeting calendar](#).

I recommend that the City Council move to approve the proposed 2023 meeting calendar as presented.

5. **Drainage Easement for 140 West Road:**

At its regularly scheduled meeting on Thursday, August 18, 2022, the Planning Board granted site plan approval for property located at 140 West Road. Site plan approval was required to permit the site alterations at that property. Since August, Road to the West, LLC acquired the property and the related site plan approvals.

As a part of site plan approval, the Planning Board approved a plan which directs stormwater from the public right of way over and across 140 West Road to existing City drainage infrastructure. The Planning Board recommended that this infrastructure be secured in an easement deed to the City. [A drawing is included within the packet as Exhibit A](#), which shows the approximate location of this 2,590 square foot easement.

The Planning and Public Works Departments reviewed and approved the configuration of the new drainage infrastructure, and the Legal Department reviewed and approved the terms of the drainage easement, which is [attached as Exhibit B](#). The Planning, Public Works and Legal Departments recommend the City Council accept a drainage easement from Road to the West, LLC, in the form attached.

I recommend that the City Council move to authorize the City Manager to accept and record a Drainage Easement Deed in a substantially similar form to the easement deed from Road to the West, LLC contained in the agenda packet.

6. **Temporary Construction License for 93 Pleasant Street:**

On January 19, 2022, the Planning Board granted site plan approval for the redevelopment of a four story building and the construction of a new three story building for property located at [93 Pleasant Street](#), located in the Historic Downtown Overlay and Character District 4, Tax Map 0107-0074-000 (“Property”). The property was conveyed to Dagny Taggart, LLC in December of 2021.

The Construction Mitigation and Management Plan (CMMP), signed on October 20, 2022, identified temporary encumbrances for project-related work during the project’s construction. Encumbrances for a duration longer than 30 consecutive working days require a license

approved by the City Council. In addition, the license associated with this project is subject to the “License Fee for Encumbrance of City Property” policy.

The license is a request to use 1,200 square feet of sidewalk along Court Street that abuts the Property for 517 days, from December 1, 2022 through April 30, 2024. [The request for a License](#) is to enable the Owner to construct the project and provide a safety perimeter. Signage will be required to redirect pedestrians. The Owner will be required to apply for separate flagging permits when deliveries encumber Court Street.

The License Fee per day for the use of 1,200 square feet of city sidewalk is \$60 (1,200 sq. ft x \$0.05 = \$60). \$60 x 517 days = the total License Fee is \$31,020.

The Legal and Planning Departments have reviewed and approved the form of [the attached License](#).

If the Council agrees to grant the temporary construction license for use of 1,200 square feet of City sidewalk along Court Street that abuts the Property, an appropriate motion would be *to move that the City Manager be authorized to execute and accept the temporary construction license for the term of December 1, 2022 to April 30, 2024 as requested.*

7. **Request for Public Arts Trust Funds to be Reallocated to the Bohenko Park Sculpture Garden from the Foundry Place Public Art Project:**

In April 2018, the City Council approved and appropriated \$150,000 into the Public Arts Trust for the purpose of purchasing artwork for the Foundry Garage. At the completion of this project, \$21,100 of these funds remains in the Trust. I would like to request that the City Council approve the reallocation of these remaining Foundry Art Funds (\$21,100) to be used for the Bohenko Gateway Park Sculpture Garden.

I recommend that the City Council move to find that the Bohenko Park Sculpture Garden is a public art purpose consistent with the Public Art Ordinance of the City and that the Council approve the reallocation of remaining Foundry Art Funds in the amount of \$21,100 from the Public Arts Trust to be used for the Bohenko Gateway Park Sculpture Garden. Be it further moved that the City Manager is authorized to take any and all steps necessary to accomplish the reallocation of the forgoing Trust Funds.

XII. Consent Agenda:

A. **Projecting Sign Request - 76 Congress Street:**

Permission is being sought to install a projecting sign at [76 Congress Street](#) that extends over the public right of way, as follows:

Sign dimensions: 42.5” diameter

Sign area: 9.85 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, *I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) *The license shall be approved by the Legal Department as to content and form;*
- 2) *Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- 3) *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, 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.*

XIII. Presentations and Written Communications:

A. 2022 Data Collection Presentation by City Assessor:

The City's Assessor, Rosann Maurice-Lentz, will present information regarding the upcoming 2022 Data Collection process at this evening's meeting. [A memorandum from Assessor Maurice-Lentz is attached](#) for your review and information.

B. Greater Portsmouth Recovery Ready Community Coalition Presentation:

Mark Lefebvre, Director of Community Engagement at the Pinetree Institute, will be presenting the status of the Greater Portsmouth Recovery Ready Community Coalition at this evening's meeting.

XVI. Approval of Grants/Donations:

A. NH Department of Natural and Cultural Resources/Division of Historical Resources Moose Plate Conservation Grant for Repair of North Cemetery Wall - \$20,000:

The Cemetery Committee is pleased to announce that it has secured for the City a \$20,000 Moose Plate Grant for the purpose of rebuilding a stone retaining wall at the North Cemetery along the North Mill Pond. The Committee identified the rebuilding of the wall as a priority need. Eva Boice, member of the Cemetery Committee, prepared the application, Co-Chair Susan Sterry worked with a local contractor and the Public Works Department to obtain the needed estimate for the work, and minor oversight and support was provided by the Deputy City Manager. Funds from the Department of Works to support and round-out the total cost of the Phase 1 work (an additional \$9,000) were identified prior to the application being filed and remain available for the work. Work will be done by a contractor and overseen by the Department of Public Works. Grant funds will be distributed and administered by the City.

I recommend that the City Council move to approve and accept the grant from the New Hampshire Division of Historical Resources in the amount of \$20,000.

B. InvestNH Municipal Planning and Zoning Housing Opportunity Grant - \$82,000:

Attached please find a memorandum from Planning Director Beverly Mesa-Zendt regarding a grant that the City has been awarded from the InvestNH Municipal Planning and Zoning Grant Program in the amount of \$82,000.

I recommend that the City Council move to accept the Invest NH Housing Opportunity Grant funding and authorize staff to enter into a formal grant agreement.

C. Acceptance of Donation - \$5,000:

Attached please find a donation form from the Public Works Department requesting acceptance of \$5,000 for future tree planting on Heritage Avenue.

I recommend that the City Council move to approve and accept the donation as presented.

XVII. City Manager's Informational Items:

1. McIntyre Update:

I will provide a verbal update on the McIntyre Redevelopment Project at this evening's meeting.

2. Report Back on Dog Ordinance:

After receiving letters from resident Bob Newby regarding the dog leash law in Portsmouth, the City Council requested a report back on dog leash laws at its October 3, 2022 meeting.

Research was conducted by the City's Legal Intern, Reuben Pandeiro, on dog leash laws in effect in cities and towns in Rockingham and Strafford County as well as Manchester, Concord, and Nashua.

Of the 52 municipalities that were examined:

- 31 municipalities require dogs to be leashed at all times;
- 5 municipalities require dogs to be leashed in certain areas such as parks or cemeteries;
- 13 municipalities have no discernable leash laws; and
- 3 allow dogs to be unleashed as long as they are under control of verbal commands.

In summary, most municipalities require dogs to be leashed at all times. However, several municipalities make certain exceptions to the leash law. These exceptions include when dogs are hunting, herding, competing, or training. There are only three municipalities that specify that dogs do not need a leash but must respond well to voice control. [See the attached summary of municipal ordinances.](#)

Animal Control Officer Bonnie Robinson has also provided her input on the subject matter. Robinson believes that the leash law that Portsmouth has in place is effective and appropriate as is. Robinson has stated that any change to the current leash law could result in harm of both dogs and people.

Former Commissioner of Animal Control Mimi Clark also has provided similar input on the leash law claiming that unleashed dogs will lead to general chaos regarding dogs.

Additionally, Police Chief Mark Newport does not feel there is any reason to change it at this time and supports ACO Robinson's opinion. The Legal Department recommends keeping the leash law the same as any changes will make enforcement much more difficult.

3. **Historic Cemetery Committee Report:**

The [attached summary report](#) is submitted to the City Council in order to update the City Council on the work of the Cemetery Committee over this past year.