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, FEBRUARY 7, 2022

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

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1. On a unanimous roll call 9-0, voted to come out of Non-Public Session and seal the minutes.

2. Acceptance of Minutes – December 20, 2021; January 3, 2022; January 13, 2022 and January 24, 2022 – **Voted** to accept and approve the minutes of the December 20, 2021, January 3, 2022, January 13, 2022 and January 24, 2022 as presented.

3. Proclamation- Recognition of Black History Month – Mayor McEachern read the Proclamation declaring the month of February, 2022 in Portsmouth, New Hampshire as Black History Month and urged all citizens to improve our record of equity and inclusion and be welcoming of diversity throughout our community.

4. Public Comment Session- There were 8 speakers: Rick Becksted (Appointments); Kevin Dwyer (Outdoor Dining); Esther Kennedy (Cemetery Committee Appointments, Fire Department MOA and Face Masks in Schools); Carly Gullante, Sean Maloney, Shelley Saunders and Sam Kenny (Face Mask Mandate); Robin Rousseau (Neighborhood Parking Program Extension).

5. Public Hearing – Capital Improvement Plan (CIP) – Held a public hearing which will remain open until February 22, 2022. *Action on the CIP to take place at the March 7, 2022 City Council meeting.*

6. Public Hearing/Second Reading of Ordinance amending Chapter 3, Article XI, Section 3.1101 – 3.1104 – Face Coverings During the COVID-19 Pandemic – Held a public hearing. Moved to passed second reading and hold third and final reading at the February 22, 2022 City Council meeting. Agreed to accept friendly amendment to the ordinance to include the redline version of the ordinance dated January 28, 2022 contained in the Council packet. Agreed to accept friendly amendment to amend Section 3.1104 to add at the end of the Public Health Directives: *Any health directive issued by the Health Department that is more restrictive than this ordinance, be brought as an amendment to this ordinance for first reading within 10 days of that health directive being issued. That health directive would remain in effect until the amended ordinance is defeated at second reading, defeated at third reading, or successfully passes third reading.* **On a unanimous roll call vote 9-0, motion passed** as follows: **Voted** to pass second reading and hold third and final reading at the February 22, 2022 City Council meeting and include the redline version of the ordinance dated January 28, 2022 contained in the Council packet. Amend Section 3.1104 to add at the end of the Public Health Directives: Any health directive issued by the Health Department that is more restrictive than this ordinance, be brought as an amendment to this ordinance for first reading within 10 days of that health directive being issued. That health directive would remain in effect until the amended ordinance is defeated at second reading, defeated at third reading, or successfully passes third reading.

7. Presentation by Mark Debowksi, Consulting Engineer Project Manager for NHDOT Rail Trail Project – Mark addressed the seacoast rail project that is currently in design that goes through Hampton, North Hampton, Greenland, Rye and Portsmouth and will improve the condition of the existing railroad corridor to accommodate bicycles and pedestrians.

8. Appointments to be Considered – The City Council considered the appointments of Genevieve Aichele and Jeffrey Barraclough to the Blue Ribbon Committee on Portsmouth Arts & Non-Profits which will be acted upon at the February 22, 2022 City Council meeting.

9. Appointments to be Voted – **Voted** to approve the following appointments.
   - Jason Huett to the Cable Television and Communications Commission until April 1, 2024
   - Chris Benecick to the Cemetery Committee until December 31, 2023
   - Eva Boice to the Cemetery Committee until December 31, 2023
   - Deirdre (Dee) Forte to the Cemetery Committee until December 31, 2023
   - Michael Griffin to the Cemetery Committee until December 31, 2023
   - Donald Margeson to the Cemetery Committee until December 31, 2023
   - Sue Polidura to the Cemetery Committee until December 31, 2023
   - Kerry Rubinstein to the Cemetery Committee until December 31, 2023
   - Susan Sterry to the Cemetery Committee until December 31, 2023
   - Steven Detrolio to the Sustainable Practices Blue Ribbon Committee
   - Jay Lieberman to the Sustainable Practices Blue Ribbon Committee

10. Appointments to the Safe Water Advisory Committee – Mayor McEachern announced the appointments to the Safe Water Advisory Committee (SWAG) with terms through December 31, 2023 as follows:
    Councilors: Vincent Lombardi and Rich Blalock
    Community Members: Andrea Amico, Katrie Hillman, Rich DiPentima and one vacancy
    Portsmouth Fire Department: William McQuillen
    Portsmouth Water Department: Brian Goetz
    Portsmouth Health Department: Kim McNamara
    Portsmouth School Board: Hope Van Epps
    Environmental Scientist: Dr. Laurel Schaider
    NH State Representative: David Meuse
    NH State Senator: Rebecca Perkins Kwoka

11. Appointment of Governance Committee – Mayor McEachern announced the appointments of Councilor Tabor, Councilor Lombardi and Councilor Cook to the Governance Committee.

12. Approval of City Council Rules and Orders – Moved to approve the City Council Rules and Orders as amended in the Council packet. Voted to amend Rule 43B – Public Dialogue by amending this rule so that public dialogue occurs only at City Council work sessions and/or public dialogue sessions and/or other noticed public meetings occurring no more than quarterly. **Main motion passed as amended.**

    Mayor McEachern requested that the Governance Committee review rule 43B to allow further flexibility.

Moved not to adopt the proposed changes in Rule 7 – Order of Business. **On a roll call vote 4-5, motion *failed* to pass**. Councilors Tabor, Denton, Bagley and Lombardi voted in favor. Assistant Mayor Kelley, Councilors Moreau, Blalock, Cook and Mayor McEachern voted opposed.

Moved to keep the original language for Rule 41 – Address by Public. **Voted** to refer Rule 41 – Address by Public to the Governance Committee for report back to the City Council.

Voted to pass the main motion to approve the City Council Rules and Ordinances as amended.

13. McIntyre – Mayor McEachern announced that he will be calling a Special City Council Meeting on Thursday, February 10, 2022 at 7:00 p.m. to rescind all action of the Council regarding the McIntyre which took place at the November 18, 2021 meeting.

14. Adoption of Legislative Principles and Procedures for Testimony – Moved to adopt the Principles for Legislative Positions and Procedures for Submission of Testimony. Agreed to accept friendly amendment to #17 by the addition of language at the end of the sentence stating: *to oppose any policies that block efforts to create affordable housing.* **Main motion passed as amended.**

15. CIP – Electric Vehicle Charging Stations – **Voted** for reports back on funding options to include the Capital Improvement Plan, to begin the installation of Level 3 (480 volt) Electric Charging Stations in Parking Zone A in FY23 and to begin annual greenhouse gas emission inventories.

16. Land Use Committee – Moved the formation of a "Land Use Committee" to look at Diversifying Land Use Regulations within the City. The purpose is to review all current zoning and policies surrounding housing and development to encourage sustainable, diverse, and affordable development including expanded multi model transportation. With a report back to the City Council on recommended alterations to the zoning and existing policies along with any new zoning or policies to be considered important to furthering the City's Goals. Furthermore, the committee shall consist of eight members of which two members from the City Council, two members from the Planning Board, two members from Planning Department staff, one member from Economic Development Commission and one member from Portsmouth Housing Authority as approved by the Mayor. Agreed to accept as a friendly amendment to add Assistant Mayor Kelley as a member to the Committee. **Main motion passed as amended.**

Members to be approved:
Beth Moreau, City Councilor
Rich Blalock, City Councilor
JoAnna "Jo" Kelley, Assistant Mayor
Rick Chellman, Planning Board Chair
Corey Clark, Planning Board Vice Chair
Beverly M. Zendt, Planning Director
Nick Cracknell, Principal Planner
Craig Welch, Executive Director, Portsmouth Housing Authority
TBD, Economic Development Commission

17. Outdoor Dining in 2022 – **Voted** to request a report back from the city staff on outdoor dining in 2022 and future years at the February 22, 2022 meeting. In particular suggestions for; fees, fee implementation process, insurance requirements, possible alternatives to Jersey barriers that may allow for more flexible use of space, accessibility, general appearance, dates of the season, as well as any other concerns or suggestions the city may have in regards to health and safety. In addition, a plan to engage with downtown residents, retail, office, and restaurant in the discussion and planning process in an ongoing manner.

18. Acceptance of Donation to the Police Department – Paul Gormley and Kimi Iguchi - $2,500.00 – **Voted** to accept the donation to the Police Department as presented.

19. Acceptance of Donation to the Police Department – Libby Giordano & Make-A-Wish for Captain Michael Maloney - $15.00 Moe's Italian Sandwiches Gift Card – **Voted** to accept the donation to the Police Department as presented.

20. Acceptance of Donation to the Portsmouth 400th – Catherine Keenan - $1,623.00 – **Voted** to accept the donation to the Portsmouth 400th as presented.

21. Approval of Fire Department Memorandum of Agreement – **Voted** to approve the proposed Memorandum of Agreement with the Fire Department as presented.

22. Extension to Neighborhood Parking Pilot Program – **Voted** to approve a two-month administrative extension for the Islington Creek Neighborhood Parking Program, placing its effective end date as April 4, 2022, pending any additional factors.

    Councilor Bagley requested that the Parking and Traffic Safety Committee meeting on this matter be held in the evening.

    Councilor Tabor requested the City Manager to report back on the measurements of the program successes and possibly creating a survey to residents of the neighborhood asking if the parking is easier, what worked and didn't work with the program, and would residents be willing to pay a fee for the program.

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

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

    A. Letter from Stephen Infascelli, Eastern States 20 Mile Road Race, requesting permission to hold the 20 Mile Road Race on Sunday, March 27, 2022 at 11:00 a.m.

25. Email Correspondence – Voted to accept and place on file.

26. Letters from various downtown businesses regarding outdoor dining and the use of parking space – **Voted** to refer to the City Manager for a report back at the February 22, 2022 City Council meeting.

27. Adjournment – **At 10:35 p.m., voted to adjourn.**

Respectfully submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk