

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 6, 2020

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

Remote Meeting Via Zoom Conference Call

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8 and Executive Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location.

All votes will be by roll call.

to access by web (<https://zoom.us/join>)

to access by phone, dial (929-436-2866)

Meeting ID (276 622 239)

Password (242060)

Mayor Becksted recited that this is a Remote Meeting via Zoom Conference Call. Per NH RSA 91-A:2III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04. Section 8 and Executive Order #12, Section 3. Members will be participating remotely and will identify their location. All votes will be by roll call.

- I. **WORK SESSION – POSTPONED**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – POSTPONED**
- III. **CALL TO ORDER**

Mayor Becksted call the meeting to order at 7:25 p.m.

IV. **ROLL CALL**

PRESENT: Mayor Becksted, Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace

V. **INVOCATION**

Mayor Becksted asked residents to bear with us as these are hard times. He expressed thoughts of healing to all residents of the City and the United States.

VI. **PLEDGE OF ALLEGIANCE**

Mayor Becksted led in the Pledge of Allegiance to the Flag.

Councilor Kennedy moved to suspend the rules in order to take up Item XVII – Presentation by Health Officer Kim McNamara regarding COVID-19 Update.

On a unanimous roll call 9-0, motion passed.

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Presentation by Health Officer Kim McNamara regarding COVID-19 Update

Health Officer McNamara provided a detailed presentation regarding COVID-19. She reported on the number of cases throughout the State and the testing procedures that are taking place. She spoke to having the High School being a location for administering vaccines, if that is needed. She also addressed the small supply of Personal Protection Equipment. She also indicated we are 120 days behind where Boston is in terms of reaching a peak for the seacoast area.

The City Council asked questions regarding the procurement of PPE. Mayor Becksted thanked Health Officer McNamara for her work on this matter.

City Manager Conard announced that Library Director Butzel has created mask straps to protect the back of ears of individuals from being cut. She said the straps are being produced with a 3-D printer and we are providing these straps to the Portsmouth Regional Hospital for staff and patients.

VII. ACCEPTANCE OF MINUTES – FEBRUARY 3, 2020

Councilor Huda moved to approve and accept the minutes of the February 3, 2020 City Council meeting. Seconded by Councilor Kennedy.

On a unanimous roll call 9-0, motion passed.

IX. PUBLIC COMMENT SESSION – (Via Zoom)

Mark Brighton said there needs to be more feelings and compassion for the taxpayer's ability to afford to live in the City. He said if cuts are to be made the taxpayer's need to let the City Council know what services and programs they can do without.

Jim Hewitt spoke regarding the Planning Board's meeting on Thursday regarding the West End Yard permit. He spoke against the density of the project and asked the City Council to continue to stay informed on this matter.

XI. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

A. PUBLIC HEARING – ACQUISITION OF ONE FIRE APPARATUS

PROPOSED RESOLUTION AUTHORIZING A BOND ISSUE, AND/OR NOTES, OR EXECUTION OF LEASE PURCHASE AGREEMENT OF UP TO ONE MILLION FOUR HUNDRED THOUSAND (\$1,400,000.00) DOLLARS FOR THE ACQUISITION OF ONE FIRE APPARATUS

- **PRESENTATION**

Fire Chief Germain said this is to pre-authorize the purchase of one fire apparatus before June 30, 2020 to save money. He said he would follow the will of the City Council on this request to purchase. He advised the City Council that this would not affect the FY21 budget.

- **CITY COUNCIL QUESTIONS**

Councilor Lazenby said that this purchase is listed in the CIP and would be bonded with no effect to the tax rate.

Finance Director Belanger said the bonding would impact the FY22 budget year.

Councilor Huda asked if we needed to make a deposit. Finance Director Belanger said no cash is going out and we will pay upon delivery of the apparatus.

Councilor Whelan asked what happens to the old truck. Fire Chief Germain said it would be taken in trade.

Councilor Trace asked if the truck will be less costly due to current events. Fire Chief Germain said the price is still in effect and would not increase until April 30th at which time we would see a 2% increase.

- **PUBLIC HEARING SPEAKERS**

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers.

Mark Brighton said he supports the purchase of the new truck.

With no further speakers Mayor Becksted declared the public hearing closed.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

There were no further questions or deliberations by the City Council.

Councilor Tabor moved to adopt the Resolution as presented. Seconded by Councilor Lazenby.

On a unanimous roll call 9-0, motion passed.

B. PUBLIC HEARING – REQUEST TO DISCONTINUE A PORTION OF CATE STREET CONNECTOR ROAD

REQUEST TO DISCONTINUE A PORTION OF CATE STREET CONNECTOR ROAD

- **PRESENTATION**

There was no presentation provided.

- **CITY COUNCIL QUESTIONS**

Councilor Kennedy asked if this is going to cause more congestion onto Bartlett Street. Planning Director Walker said the connector road will divert traffic from the residential area. She advised the City Council that Cate Street to Cottage Street will remain open. She stated the entire road will be open with priority to access businesses.

Mayor Becksted said access from the same areas will be in effect as of today.

Councilor McEachern asked Planning Director Walker to speak to the reduction of traffic and potential to relieve congestion on Cottage Street. Planning Director Walker said we will be looking at either end and will be doing that throughout the process. He said the proposal looks at the railroad overpass and congestion at the Islington Street end overall before and after construction we will continue to monitor the area.

Councilor Tabor spoke to the day lighting of the brook. Planning Director Walker said the current proposal does not go next to the brook.

- **PUBLIC HEARING SPEAKERS**

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers.

Bill Blum asked if we dead end the street and not replace the bridge, would it save money in the CIP.

Mark Brighton spoke regarding the project and his concern with congestion of the area.

With no further speakers, Mayor Becksted declared the public hearing closed.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Lazenby moved to grant the petition of Cate Street Development, LLC to discontinue that portion of the public highway known as Cate Street defined and described in the petition, subject to the conditions contained therein. Seconded by Councilor McEachern.

Mayor Becksted said part of the connector has to be open and the bridge needs to stay open and we cannot dead end the street.

Councilor Trace asked Planning Director Walker how many cars a day go under the bridge and how many cars would be going under the bridge once the project is completed. Planning Director Walker said she does not have the numbers in front of her and will provide those numbers to the Council.

Councilor Kennedy said Councilor Trace summed up what her concern is which is traffic in the area.

Councilor McEachern said he has reservations on the traffic coming down Bartlett Street. He asked how quickly we can close off that end of the street. Planning Director Walker said a road closure is placing barricades. She said we do not plan to close the Cottage Street connection.

Public Works Director Rice said this was to create an alternative access to the hospital for the area.

On a unanimous roll call 9-0, motion passed.

XII. MAYOR BECKSTED

1. Appointments to be Voted:
 - Appointment of Beth Margeson to the Citywide Neighborhood Committee until December 31, 2021
 - Reappointment of Jessica Blasko to the Conservation Commission until April 1, 2023
 - Reappointment of Allison Tanner to the Conservation Commission until April 1, 2023
 - Reappointment of Jackie Cali-Pitts to the Recreation Board until April 1, 2023
 - Reappointment of Lisa Louttit to the Recreation Board until April 1, 2023

Councilor Kennedy voted to approve the appointments as listed above. Seconded by Assistant Mayor Splaine.

On a unanimous roll call 9-0, motion passed.

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Portsmouth Budget, Revenue, Tax Base and Financial Assessment for 2020-2022

Assistant Mayor Splaine said that this situation will affect our economy and tax rate and tax base. He said he would like to see the City Manager and departments come together and give some idea on revenues and expenses and where we can make trims and cuts. He said how do we react and alleviate the current problem and look two years ahead. He requested a report back in April or May on these items. Assistant Mayor Splaine said we need to streamline our government.

City Manager Conard said she will do that and be providing information under Councilor Huda's name to address our two year look ahead.

B. COUNCILOR WHELAN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of March 5, 2020 meeting

Councilor Whelan moved to approve and accept the action sheet and minutes of the March 5, 2020 Parking & Traffic Safety Committee meeting. Seconded by Assistant Mayor Splaine.

On a roll call 8-1, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Kennedy voted opposed.

2. McIntyre Subcommittee Update

Councilor Whelan announced we have a new attorney representing the City regarding the McIntyre Matter and his name is Attorney Michael Connolly.

C. COUNCILOR LAZENBY

1. Request for Report Back regarding Additional Remote and/or Advance Voting in NH Elections

Councilor Lazenby requested that the memorandum from City Clerk Barnaby to be inserted into the minutes.

The following is in response to the questions placed on the April 6, 2020 City Council agenda under Councilor Lazenby's name. The Councilor's questions/comments are in orange.

Are guidelines regarding absentee voting set at the state or municipal level in New Hampshire?

The guidelines regarding absentee voting are established on the state level in New Hampshire.

What are the current guidelines regarding Absentee Voting in New Hampshire?

There are four criteria's that entitle a person to vote by absentee ballot:

- 1. Voter plans to be absent on the day of the election from the city, town, or unincorporated place where they're domiciled*
- 2. Voter cannot appear in public on election day because of observance of a religious commitment*
- 3. Voter is unable to appear in person due to a disability*
- 4. Voter cannot appear at any time during polling hours at polling place because of an employment obligation. For the purposes of this the term "employment" shall include the care of children and infirm adults, with or without compensation*

Are there any prospects in the NH State Legislature to broaden these guidelines?

Currently HB 1672 would allow anyone to vote absentee without needing a reason. This may increase voter participation but may make voting in person a thing of the past. This bill passed the House by majority roll call vote 194-132 and it possibly will be assigned to the Senate Election Law and Municipal Affairs Committee when the Legislature reconvenes after May 4th.

Are there any prospects to open up early voting in New Hampshire to allow voters to drop off ballots at municipal locations in advance of Election Day?

Currently there is no bill that has been brought forward to allow early voting in New Hampshire this session but previously a bill was proposed and acted upon by the legislation and the bill was killed.

Are there any prospect to allow for voting by mail in New Hampshire?

HB 1572 establishes the New Hampshire local election participation act. This bill would allow the governing body to conduct a local election strictly by mail. The bill was killed by roll call vote in the House on February 13, 2020.

Councilor Lazenby requested that a letter to the legislature come back at the April 20th City Council meeting in support of HB 1672 allowing no fault absentee ballot voting for the upcoming elections.

Assistant Mayor Splaine indicated he has been following HB 1672 and we could be looking at more ways of allowing for absentee voting and that makes sense to him. He said he would like to see the Council vote in support of HB 1672 at the next City Council meeting.

D. COUNCILOR HUDA

1. Forecasted Economic Downturn caused by the COVID-19 Virus

City Manager Conard said she has prepared remarks on this matter and reviewed them with the Council. She reported on March 31st she implemented a spending freeze. She said the General Fund forecast does look to be on track and we are still tracking revenues. She reported she has laid off 87 part time help. She stated that interest revenues will take a hit due to the cut in those rates. City Manager Conard advised the City Council we have lost \$430,000.00 in parking revenue. She reported that we have received \$45,000,000.00 from the first tax bill and we expect to receive 65% of taxes through escrow accounts.

Councilor Tabor expressed concern with possibly losing \$2.4 million in parking revenue.

Councilor Whelan moved to suspend the rules in order to take up Item XVIII. 3. – Summary of Parking Holiday and Revenue Impacts. Seconded by Councilor Kennedy.

On a unanimous roll call vote 9-0, motion passed.

VIII. CITY MANAGER'S INFORMATIONAL ITEMS

3. Summary of Parking Holiday and Revenue Impacts

City Manager Conard said we are working to bring back parking revenues and the \$2.4 million goes to the General Fund.

Ben Fletcher, Parking Director said we try to anticipate coming back historically. He said on-street is at \$310,000.00. He said we could recoup about \$80,000.00 for on-street, \$20,000.00 for High Hanover, and \$2,000 per month for Foundry Garage with 10% of traffic. He said people had paid March bills for parking and in April people are paying 25% of the fees. He stated at a 15% reduction in retention you would be looking at \$120,000.000 for the High Hanover and \$3,500.00 per month for revenues if we are correct with 80% of fees we are looking at a \$1.7 million dollar shortfall. He said going further it would be \$2.4 million in light of the fact there are not any other cities that have called for a holiday parking program.

Public Works Director Rice said we could bridge the gap and see an increase in revenues in June.

Councilor Whelan said he does not know what we will get for revenues with people parking in the garage. He said we will be in the situation until we open back up everything because everything is closed and nothing is going on right now.

Councilor Kennedy said she is concerned and is trying to get people to come downtown.

Assistant Mayor Splaine said he is disappointed in this situation. He said people that work downtown are trying. He said we should be doing everything to streamline the budget. He spoke to the anticipated reduction in meals and rooms fees and said we need to focus on reducing expenditures and avoid a recession.

Councilor Tabor said it is important to update information in real time and see if the revenues start to fall. He stated we are fortunate our property taxes do not go down. He said we must look out two years and see what the most important revenues to protect are.

Councilor McEachern said any revenues coming from monthly pass holders is a plus. He said he is concerned with businesses and asked if someone is patronizing a business downtown and gets a ticket can we forgive that ticket.

Parking Director Fletcher said Foundry Garage can do that however, the other pay stations are not able to.

Discussion followed on parking tickets, payments and the creation of spaces and zones for parking areas.

Public Works Director Rice said he could report back on how to provide benefits and offset some of the costs to businesses.

Councilor Kennedy said she does not want to see a business pay for the system.

Parking Director Fletcher said we could create spaces and zones.

Councilor Huda said we should have some spaces at 10 -15 minutes so we don't have people taking advantage of this.

City Manager Conard said could we consider lifting the holiday and provide 3-4 spaces for 15 minutes.

Public Works Director Rice said we could implement what the Council wishes in short order.

Mayor Becksted said we need to keep restaurants afloat to protect and give them what they need.

City Manager Conard said we are lifting the holiday and allowing for 15 minute parking spots in front of those restaurants.

City Attorney Sullivan said this is a policy decision and a motion should be made.

Assistant Mayor Splaine said this does not help restaurant employees and he would like to expand the holiday parking until the April 16, 2020 City Council meeting.

Assistant Mayor Splaine moved to extend the parking holiday until April 20, 2020 City Council meeting. Seconded by Councilor Kennedy.

Councilor Kennedy said if you drive by the garages no one is parking and are we really going to make enough money to bring back the people we laid off and put forth the effort of putting out cones.

Councilor Trace said the extension would be two weeks because she feels it is a relief for people coming into town that are still working. She is aware the money will not come in and we keep saying no one is parking in several of the restaurants. She said she believes Assistant Mayor Splaine and Councilor Kennedy are correct and should consider expanding the parking holiday for another two weeks.

Councilor Huda said she reminds everyone that the barricades will be put up for 15 minute spaces and the streets are empty and she does not see a great benefit.

Councilor McEachern said any revenue we are receiving is the lion share for some monthly passes making up the \$700,000.00.

Parking Director Fletcher said the assumptions were based on 85% pass holders and the answer would be year.

Mayor Becksted said we will need to make this up, restaurants are concerned the parking is utilizing the restaurant designating areas will be a win/win and this is something rather than doing nothing.

Councilor Tabor said he agrees with Mayor Becksted and Councilor Huda in designating back up zones for restaurant owners because to delay another two weeks is someone's job.

City Manager Conard said in addition to designating areas we could provide educational information to people for free areas of parking.

Councilor Trace said City Manager Conard has a great idea, we need to get the information out. She asked if we could reach out to the Chamber of Commerce with some information on free parking for people.

Public Works Director Rice said the daily advisory from the City Manager is working well and we can augment that by reaching out to the Chamber of Commerce and downtown businesses.

Councilor Huda said the City is providing a space and service for them and people will take advantage of that. She said we can't have it both ways, the signs are directing people to the Foundry Garage and we could have the signs advising people of the free parking areas.

On a roll call vote 5-4, motion passed. Assistant Mayor Splaine, Councilors Whelan, Lazenby, Kennedy, Trace voted in favor. Councilor McEachern, Huda, Tabor and Mayor Becksted voted opposed.

D. COUNCILOR HUDA

1. Forecasted Economic Downturn caused by the COVID-19 Virus

Councilor Huda asked how we are going to look at April, May and June.

City Manager Conard said the information we currently have indicates we will be on track. She said the City has been budgeting conservatively and looked ahead to next year's budget where we are taking into consideration this same scenario. She said we are an entitlement community and receive funds because of that. We will received approximately \$313,000.00 CDBG Funds.

Councilor Kennedy said she appreciates that we are on this. She is concerned with SBA that are not part of the Chamber of Commerce and asked how are we connecting with those people.

City Manager Conard said she could provide a report back from Economic Development Manager Carmer at the next meeting.

Councilor McEachern said he would like to see numbers on sole proprietor and loans for small businesses and contracts with information on unemployment. He said if you are part time you qualify for the \$600.00 a week supplement and he would like to see us assists businesses with the CARES ACT.

Councilor Trace asked if it would be permissible to put a new page on the web site on this matter.

City Manager Conard said a new page has been created regarding Economic Development Commission resources and is available by way of a link on the daily advisory.

Councilor Whelan asked City Manager Conard about the projects underway in the City and are we losing funding for any of the projects.

Planning Director Walker said we do not have a sense on projects. She said we have had one project pull out. She stated people are still trying to figure out what will happen.

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Market Street Property Purchase from NH Department of Transportation

City Manager Conard said Department of Public Works is working on NHDOT on the procedure to purchase the land and control water levels. She reported the parcel is \$1,100.00 and we would work with the State on purchasing of the land.

Councilor Lazenby moved to refer procurement of land from the NHDOT to the Planning Board for a recommendation back to City Council. Seconded by Councilor Whelan.

On a unanimous roll call 9-0 vote, motion passed.

2. Woodbury Avenue Signal Coordination Project

City Manager Conard provided information on Woodbury Avenue signal coordination project. She said a portion of the money used to rehabilitate the signals was state-administered federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds, the City must follow the federal closeout procedure and formally accept the project.

Councilor Kennedy moved to accept the completed Woodbury Avenue Signal Coordination project. Seconded by Councilor Huda.

On a unanimous roll call 9-0 vote, motion passed.

3. Middle Street Baptist Parking Contract Renewal

City Manager Conard stated we leased 17 spaces from the Middle Street Baptist Church for the purposes of allowing Public Library staff the use of the spaces during business hours. She reported the annual fee is \$1,000.00 and the term for the draft agreement is April 1, 2020 – March 31, 2021.

Councilor Kennedy moved to execute the Parking Lot Usage/Maintenance Agreement with the Middle Street Baptist Church. Seconded by Councilor Lazenby.

On a unanimous roll call 9-0 vote, motion passed.

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

B. Email Correspondence

Councilor Lazenby moved to accept and place on file. Seconded by Councilor Trace.

On a unanimous roll call 9-0 vote, motion passed.

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Kennedy thanked everyone out there for working hard and supporting neighborhoods and community members. She said it is important to check on your neighbors right now during these crucial times.

Councilor McEachern thanked the AC Hotel for putting the new kitchen to work and providing food over this past weekend in this pandemic.

Councilor Tabor said the people with three hour limit on parking there is a program that would solve that instead of a three hour limit the rate increases a little and keeps people circulating.

Mayor Becksted said he appreciates everyone being here. He said people at home are experiencing tough times but you must stay positive. He said we are 10 days behind other areas and we must pay attention to the State and Federal Government. He thanked the City Council and staff for working together and said to stay safe and follow the rules.

XX. ADJOURNMENT

At 9:55 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Whelan.

On a unanimous roll call 9-0 vote, motion passed.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK