

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, JUNE 15, 2020

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

### Remote Meeting Via Zoom Conference Call

To register in advance for this meeting, click on the link below or copy and paste it into your web browser: [https://zoom.us/webinar/register/WN\\_sx\\_7WbXiRk6HHMAJjUJdrA](https://zoom.us/webinar/register/WN_sx_7WbXiRk6HHMAJjUJdrA) You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site:

<https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

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, as extended by Executive Order 2020-9, and Emergency 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.

- I. **6:00PM WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – *POSTPONED***
- III. **CALL TO ORDER**

At 7:00 p.m., Mayor Becksted called the meeting to order.

#### IV. **ROLL CALL**

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

#### V. **INVOCATION**

Mayor Becksted asked everyone to join in a moment of silent prayer in recognition of these trying times we are facing due to COVID-19.

#### VI. **PLEDGE OF ALLEGIANCE**

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

Mayor Becksted thanked everyone who has made a donation to the Clipper Strong Fund and announced there are still many businesses that need our help and donations are still being accepted.

**Assistant Mayor Splaine moved to hold Presentation #2 regarding the Information Technology Budget after the Public Comment Session. Seconded by Councilor Kennedy.**

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

**PRESENTATIONS:**

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

Health Officer McNamara provided a presentation on COVID-19 and announced that the calls received by the Fire Department/Ambulance runs are down to 2.5% over the last 10 days. She addressed the importance of 6 feet distancing and the wearing of masks to stay safe. She spoke to the reopening of the outdoor pool with limited numbers and advised the City Council that the showers and bath houses will remain closed.

Assistant Mayor Splaine thanked Health Officer McNamara for the presentation and for the reopening of the Peirce Island pool. Councilor Trace also thanked Health Officer McNamara for taking another look at whether the pool could open.

City Manager Conard advised the City Council that the Co-Chairs of the Task Force would be providing a presentation later in the agenda.

3. Presentation by Traffic & Parking Engineer Eby Regarding Islington Street Corridor Project

Traffic & Parking Engineer Eby provided a presentation on the Islington Street Corridor Project. He reported that project was designed for upgrades to the area. He also addressed the street scape improvements and the bump out at the White Heron Tea. He spoke to the importance of the bump out and the median installation across from Plaza 800. He reported that Parking, Traffic & Safety has approved the street scape improvements at White Heron for a three month trial period.

Mayor Becksted thanked Traffic & Parking Engineer Eby for the presentation and said he accesses the area on Islington Street daily. He expressed some concerns with making a left turn into Gallaghers. Mr. Eby said that turning will be able to take place. Mayor Becksted said congestion is a concern and would cause impeding for our fire and police vehicles.

Councilor Trace spoke concerning the narrowing of the travel lanes and whether there is enough of a shoulder for someone riding a bicycle. Mr. Eby reported there will be a 4 foot shoulder.

Assistant Mayor Splaine spoke regarding the difficulty of getting from one side to the other in front of Plaza 800.

Councilor McEachern spoke regarding walking along Islington Street and how it is not pedestrian friendly.

Mayor Becksted asked if the speed limit would be lowered to 25 mph from the former library to the ball field. Parking and Traffic Engineer Eby said that they are planning on lowering the speed limit.

## VII. ACCEPTANCE OF MINUTES – MARCH 16, 2020

**Councilor Tabor moved to accept and approve the minutes of the March 16, 2020 City Council meeting. Seconded by Councilor Huda.**

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

## IX. PUBLIC COMMENT SESSION

Annie Poubeau spoke in favor of the bike lanes and thanked staff for their hard work on this project. She urged the City Council to approve the Middle Street Bike Lanes.

Gerald Duffy spoke to the economics of our downtown businesses. He stated we need fast track solutions to speed up the process for outdoor seating. He spoke in support of the Middle Street Bike Lanes.

Beth Tener addressed the Farm to School Program and would like to see that remain as Portsmouth is a leading program in the State of New Hampshire.

Marc Stettner spoke regarding Parking, Traffic & Safety Committee and how the make-up of membership needs to be changed. He said the four employees should be non-voting members and the time of the meetings should be moved to the evenings.

Carl Diemer thanked the City Council for their work and the Recreation Board members for their work over the last 8 years on the Portsmouth fields. He said he does not want to see any further delays for the creation of fields. He said that Mr. Jankowski is an alarmist and there is no proof to his remarks. He is seeking negative information on the fields and there is a trust issue. He spoke to the Recreation Board reviewing 11 different in fills.

Josh Denton urged the Council to approve the Middle Street Bike Lanes. He stated if the bike lanes are removed you would need to return the grant funding received.

Andrew Bagley said later this evening please give the City Manager authorization to act swiftly with help for the downtown businesses. He said more outside seating is needed for dining.

Byron Matto said the Islington Street plan looks great. He thanked the City Manager and staff for their work. He urged the Council to approve the budget as submitted. He said the Council is in place to serve the taxpayers.

Marcus Santy said he teaches at Lister Academy and supports the Farm to School Program. He said there is no one that can do the work that Kate Mitchell provides to students. He said the Council needs to support the School budget.

Jonathan Blakeslee spoke in support of the Islington Street improvements. He said the bump out is important and if they were removed, cars would speed to beat the light at the corner. He said that this is a dangerous intersection. He spoke regarding the Middle Street Bike Lanes and their importance to maintain the quality of life. He said we need to find opportunities to make things safer for the community.

Danielle Miles spoke regarding the school budget and the proposed cuts. She said the programs are important for the students. She spoke regarding the importance of Ms. Mitchell's program and how the level of the program could not be maintained without Ms. Mitchell.

Joanna Kelley thanked the City Manager, Police and Fire Chiefs for the support shown to businesses. She voices her support for Councilor Lazenby's Resolution. She said there is a need for businesses to feel supported by the City and community. She spoke to the importance of the survival of the downtown. She requested the City Council to trust the City Manager with our budget.

## 2. Presentation by IT Manager Alan Brady Regarding Information Technology Budget

IT Manager Brady provided an overview of the budget, services and programs provided to staff. He provided statistics on the number of users and computers that are serviced through IT. He reported that we have 382 tickets for service processed recently. He outlined the training provided to employees for cyber security and two factor authentication.

Councilor Kennedy spoke regarding the different departments and software packages and seeing that pulled together in one budget because currently every budget there are computer costs. She stated that we should be submitting an RFP to bring things together and consolidate them.

IT Manager Brady said software has line items within their department budgets to review and monitor. He spoke to software going out to bid and there is a process that is followed.

Councilor McEachern thanked IT Manager Brady for the presentation and said having a central procurement process would help. He would be hesitant to have IT under one purview. He spoke to the continued increase in costs for technology.

Councilor Lazenby thanked IT Manager Brady for the presentation and spoke to the significant cost involved with 24/7 365 days coverage for services would be very expensive to do on our own.

Assistant Mayor Splaine spoke to the specialty needs of the Police and Fire Departments for software and hardware systems.

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

- A. Reopening of Public Hearing Regarding FY21 Budget (*Continuation of Budget Public Hearing held on May 6, 2020*)

Josh Denton spoke in support of the Farm to School program and how it would save taxpayers money.

Mark Brighton spoke in regards to the budget and said how any department can justify spending more than last year. He said we need some fiscal sanity.

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

### **ADOPTION OF PROPOSED BUDGET RESOLUTIONS:**

B. Adoption of Budget Resolutions for Fiscal Year July 1, 2020 through June 30, 2021 (FY21)

- Resolution No. 7-2020 – Municipal Fees

Mayor Becksted spoke to his suggestions and everyone has received recommendations of what should not be cut. He suggested holding a special meeting on next Thursday, June 25<sup>th</sup> for the adoption of the budget.

Councilor McEachern said he tried to look at the spread sheet from Councilor Huda but we have a budget we could discuss this evening. He said he appreciates the time Mayor Becksted put in to his line items.

Councilor Huda said she is not ready to put the current budget in place. She stated we need to look at a budget with COVID. She spoke to possible financial implications based on COVID impacts. She said she would like to give the City Manager and staff time to review her information.

City Manager Conard said we have collected 93% of revenues which is higher than last year.

Councilor McEachern said we can adjust the budget going forward and the effort of the City Council shouldn't be to delay the passing the budget. He said we need to save the businesses downtown and focus on decisions that need to be made.

Councilor Kennedy thanked Councilor Huda and Mayor Becksted for reviewing the budget. She indicated that she spent a great deal of time reviewing the budget for further reductions.

Assistant Mayor Splaine said he commends Councilor Huda for her work and it is the City Council's responsibility to look at the budget. He stated he would not support any cuts to the School, Police or Fire Departments budgets. He said it is fair to look at other areas the government spends money, such as City Hall and staff. He urged the City Manager to look at what the cuts would mean and said he would support a delay of the final vote on the new proposed cuts.

Councilor Trace said she respects the work of Councilor Huda and comments made by Councilor Kennedy. She stated the budget does not need to be passed until June 30<sup>th</sup>.

Councilor Whelan said he received the message from Councilor Huda at 5:30 p.m. and sees some things he would support and not support. He stated we need to get things moving downtown.

**Councilor Whelan moved to postpone action on the budget until Monday June 22, 2020. Seconded by Councilor Kennedy.**

Councilor Tabor said the Task Force could be refined by next week. He said we need to have staff answer Councilor Huda's questions. He stated he would not want to deliberate on a \$4,000,000.00 cut with a cut to services and affect staffing in the Public Works Department.

Mayor Becksted said everyone should look at the list from Councilor Huda of proposed reductions.

Councilor Lazenby said he is hesitant to spend our special meeting time on the budget when there are other subjects we have put off. He spoke to the 7 Work Session held in May regarding the budget. He spoke to the public weighing in on their thoughts regarding the budget. He said we have seen a great deal of information with the budget process and advised the Council that the City of Dover increased their budget by 3% and we are looking at only a ½% increase.

Mayor Becksted said he would like to have a special meeting on Thursday, June 25, 2020.

City Manager Conard said she will be ready any time, whatever the will of the City Council is.

Councilor Huda said we need to get this right and look at the basic issue which is how are we going to pay for this and will the revenues be available.

**On a roll call vote 7-2, motion passed. Assistant Mayor Splaine, Councilors Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilors McEachern and Lazenby voted opposed.**

At 9:30 p.m., Mayor Becksted declared a brief recess. Mayor Becksted called the meeting back to order at 9:40 p.m.

**Assistant Mayor Splaine moved to reopen the Public Comment Session to allow for additional speakers. Seconded by Councilor Kennedy.**

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

Sandra Kaddy spoke in support of Councilor Lazenby Resolution but expressed her displeasure that the Seacoast African American Cultural Center was not part of the document.

Councilor Lazenby sent around a newly revised Resolution that included the Seacoast African American Cultural Center.

Graham Peaslee spoke regarding PFAS in turf fields and the health risk is posing for goalies. He said we do not want PFAS as part of our turf.

Charlie Griffin spoke regarding Islington Street bollards and his opposition. He said the City Council should review the Parking, Traffic & Safety Committee recommendation for the installation of bollards. He said he supports Mr. Stettner's comments that we should not have employees as voting members on Parking, Traffic and Safety. He said he does not feel that federal funding is at risk to be returned if we do not move forward with the project.

Ted Jankowski spoke to the need for independent testing for the turf field. He said Dr. Peaslee has done great work in PFAS. He said we need to receive information from experts before building the new fields.

With no further speakers, Mayor Becksted closed the Public Comment Session.

## **XII. MAYOR BECKSTED**

### **1. City Manager Evaluation**

Mayor Becksted spoke to the City Manager's contract and after six months there would be an evaluation. He said we need a Subcommittee with more than 1 year of service during the month of June or another month which is agreed upon. He announced that the Evaluation Committee will be made up of the following: Assistant Mayor Splaine, as Chair; Councilor Lazenby, Councilor Kennedy and himself. He stated the goal is to finish the evaluation with a final report in July.

### **2. Islington Street Corridor Project**

Mayor Becksted expressed with great concern the bumps out on Islington Street.

**Mayor Becksted moved to not install a bump out on Islington Street in front of the White Heron and not allow the median to be installed in front of Plaza 800. Seconded by Councilor Kennedy.**

*Councilor Lazenby said he is concerned with acting on this issue this evening without hearing from City staff and the public on these changes. He recommended postponing action until the next meeting to allow City staff and the public to weight in. Seconded by Councilor McEachern.*

*Councilor Lazenby pulled back the motion and Councilor McEachern his second to the motion.*

Mayor Becksted said that time is of the essence and the City Council needs to move forward on this matter. He said he knows where the staff stands on this matter.

Councilor McEachern said the bump out would be connected through the process. He said he would not vote to change the make-up of the street and he would not support the recommendation of staff.

**Councilor McEachern moved to delay this vote until the next City Council meeting. Seconded by Councilor Lazenby.**



Councilor Whelan stated that the planning on this has been ongoing for the last 4 years. He said it has been well vetted and the neighborhood has come out in support.

Mayor Becksted said staff wants an answer sooner than later. He said we are not doing this to create space for tables and chairs, it was to slow the traffic but now we are proposing table and chairs on a main thorough way.

Councilor Tabor said he supports delaying this matter because we need to have a discussion on making the City more pedestrian friendly as the west end becomes denser. He said we need to factor in the needs of pedestrians.

Councilor McEachern said tables and chairs is a personal opinion. He said Councilor Tabor's point is good and we need to agree on the direction of the City.

Councilor Lazenby asked City Manager Conard the ramifications on delaying this project. City Manager Conard stated there are other tasks that the staff can work on until the Council votes on this matter.

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

*With the hour being after 10:00 p.m., City Manager Conard's Action Items become Consent Agenda.*

The City Councilors removed the following items from the Consent Agenda:

- *Item 1 – Report Back on Bluestone Properties of Rye, LLC Request for 135 Congress Street Parking Lease was removed from the Consent Agenda.*
- *Item 6 – Request to Schedule First Reading Re: Omnibus Ordinance Chamber was removed from the Consent Agenda.*
- *Informational Item 1 – Report back from Parking, Traffic and Safety Committee regarding “Recommended Modifications to Middle Street/Lafayette Bike Lanes” was removed from the Consent Agenda.*
- *Informational Item 2 – Update on the Portsmouth Citizen Response Task Force was removed from the Consent Agenda.*

*City Manager Consent Agenda Items:*

- Request of Jeremy Conte to Unmerge Lots at 1240 Islington Street (***Anticipated action – moved to refer the unmerger request of Jeremy Conte to the City Assessor for a report back***)
- Request of Sublease Players' Ring (***Anticipated action – move to authorize the City Manager to assent to a temporary lease amendment to allow the***



***Players' Ring to host Upside Arts summer day camp for the 2020 season, and allow Upside Arts to conduct camp activities in Prescott Park)***

- Report Back on Parking & Traffic Safety Committee recommendation to City Council to approve Stay and Pay Parking Rates (***Anticipated action – move to schedule first reading of the necessary revisions to Chapter 7 to implement the 'Stay and Pay' parking rate at the July 13, 2020 City Council meeting***)
- 46-64 Maplewood Avenue Temporary Construction License (***Anticipated action – move to authorize the City Manager to execute and accept the temporary construction license for 46-64 Maplewood Avenue as submitted***)
- Friends of Prescott Park "Odyssey" Sculpture (***Anticipated action – move to authorize the City Manager to execute the attached letter proposing the terms and conditions under which the City of Portsmouth would accept the sculpture entitled "Odyssey" from Richard Erdman as a gift from the Friends of Prescott Park (FoPP) to be placed in Prescott Park in honor of Michael Warhurst***)

Councilor Lazenby moved to adopt the Consent Agenda, as presented. Seconded by Councilor Huda.

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

### **XIII. CITY COUNCIL MEMBERS**

#### **A. ASSISTANT MAYOR SPLAINE**

##### **1. Playing Fields**

Assistant Mayor Splaine moved that the City Council requires the City Manager to commission independent third party testing for PFAS of any new playing fields being recommended by city staff or consultants prior to the issuance of a contract. As recommended by independent experts, the testing shall use the total fluorine method to look for the presence of PFAS in the synthetic turf, as well as any shock pads if applicable. The results will be provided to the City Council and the public. The cost of testing should be billed to the proposed bidder. Seconded by Councilor Huda.

Assistant Mayor Splaine said that this would not require any further delay, it is a good thing to do and the materials will not contain PFAS.

Councilor Trace said she understands the importance of testing for PFAS and that the playing fields are being installed as part of the consent decree. She advised the City Council that we only have a limited time to act. She stated the fields was approved and if there was going to be testing it should have been brought up before the vote, not two months after.

Councilor McEachern said testing and making sure of PFAS is a good pursuit but have we moved forward and signed contract. City Manager Conard said she signed the contract last week. She indicated we included testing and will continue to share information with the City Council as we move forward.

Councilor Lazenby said looking at the issue of PFAS has been built in and part of the intention and not just a promise and we would work with vendors that are going through testing. He appreciates the effort and we have it comprehended in the motions but he would not support the motion.

*Councilor Kennedy moved to suspend the rules to allow Dr. Peaslee to speak. Seconded by Assistant Mayor Splaine. City Manager Conard advised the City Council that Dr. Peaslee is not a participant in the meeting.*

**Councilor Kennedy moved to suspend the rules to allow comments from Ted Jankowski regarding PFAS and Playing Fields. Seconded by Assistant Mayor Splaine.**

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

Mr. Jankowski stated a full test was not provided in their product and we need to have independent testing done.

Councilor Kennedy said she was more interested in the story and issues of fluorine and hearing about the study.

Mr. Jankowski said we found PFAS in 100% of tests done on 19 fields.

Councilor Trace said Dr. Peaslee said presence of fluorine's in the blades of grass and did not specifically include PFAS themselves. She said testing will occur as part of an ongoing process.

City Manager Conard said that her understanding is City staff will protect our children.

Councilor McEachern said listening to Dr. Peaslee regarding the fact we signed the contact we should move forward with the two fields and as testing improvements are made the work of one doctor cannot change that we need to move forward as per the consent decree and take the work and gather more data.

Councilor Tabor said he wants to see the fields built. He asked are the levels of PFAS in the fields a measurable risk in a pound of turf. Mr. Jankowski said it is significant in the last four years. Councilor Tabor asked are we getting something that infers the numbers because the report from Tom Gerhardt our consultant has only measured in the water.

Assistant Mayor Splaine said we all support the need for more fields but we need independent testing done on the fields.

City Manager Conard said the testing has to be independent.

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

2. Task Force *(This item is in conjunction with Councilor McEachern)*

**Assistant Mayor Splaine moved that the City Council authorizes the Portsmouth Citizen Response Task Force to create a plan and begin implementation for full or partial street closures, and use of street parking areas and other city-owned parking locations for restaurant, retail, and non-profit organization use through October 18<sup>th</sup> of this year, with the approval of our Police, Fire, Health, and Inspection Departments. Seconded by Councilor McEachern.**

Assistant Mayor Splaine said he is impressed by the work of the Task Force and we must move quickly implementing a plan.

Councilor McEachern said he would like to enable the Committee to act and there will be some real effects to help restaurants tomorrow with their ability to serve and provide food.

**Councilor Kennedy moved to suspend the rules in order to take up the Update on the Portsmouth Citizen Response Task Force under City Manager's Information Items. Seconded by Councilor McEachern.**

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

James Peterson said the Task Force is working to expand the information available by city staff and they are in support of Assistant Mayor Splaine's motion. He stated in the initial meeting it was clear that the Task Force needed to be nimble and open outdoor spaces quickly and safely. He spoke to the creation of subcommittees to assist in this process. He reported the Task Force has identified that there is a need to use outdoor spaces including sidewalks, parking spaces and streets.

Russ Grazier said to use the top of Foundry Garage for a shared space for culture and art events with food establishments on a rotating calendar. He said it will be necessary to work with city staff on power and sewer needs. He asked that the City Council support Assistant Mayor Splaine's motion and make the project happen.

Mark Stebbins said we have had 6 meetings in 6 days and everyone is working together towards a common goal, to preserve the fabric of the City. He reported they would be using a volunteer design group as a base for staff to review and comments which include 8-10 streets in the downtown area. He stated final adjustments will be made by the group and we know what is brought forward won't be perfect but we ask the City Council to approve a budget for the downtown signage and barriers to keep traffic from the restaurants. Mr. Stebbins urged that this move quickly and applauded City staff for pulling together on this project.

Martha Fuller Clark said there has been extraordinary work and efforts to move this agenda forward and revitalize our community. She urged the City Council to put its trust in the Task Force.

City Manager Conard said there is a willingness to move forward with Pleasant Street for the Clipper Tavern.

Mayor Becksted asked if there are budget numbers and that we need to make sure everyone is in favor.

City Manager Conard said the cost to obtain barriers is about \$25,000.00 and we need to look at an all-in budget of \$100,000.00.

Councilor Kennedy said she is in favor of using the Foundry Garage. She asked if anyone has spoken with the neighborhood residents about the music and the closure of the streets and the impacts to the area.

Russ Grazier said talks are just beginning and they would move forward with speaking to the residents. He stated that residents are eager to see something happen to save businesses.

Councilor Huda said she is having trouble regarding whether the power is being transferred to the Task Force or the City Manager.

Assistant Mayor Splaine said the intent of the motion is to trust the Task Force to come up with a plan with the agreement of City Manager Conard and city staff.

Councilor Huda asked when the Council will know how much of a budget is needed. City Manager Conard said we don't have numbers but the funding would come from contingency.

Councilor Huda requested a report back on what streets will be closed and how much it will cost.

Martha Fuller Clark said if we don't make this kind of investment we risk losing millions of dollars in taxes and we need to recognize how essential it is to invest in the downtown.

Discussion continued regarding a budget of up to \$100,000.00 and moving forward on this matter.

*Assistant Mayor Splaine agreed to add language to his motion to approve a budget of up to \$100,000.00 to come from CARES Act.*

Councilor Lazenby said we need to know the loss in revenue for using parking spaces for the restaurants.

City Attorney Sullivan stated any legal concerns that are significant the Council would need to come together and conduct a special meeting quickly to deal with matters.

Councilor Kennedy said she loves the idea of the Foundry Garage but there is concerns with noise and the need to buffering sound. She suggested moving entertainment toward the front of Foundry Garage. She stated she agrees starting off with \$100,000.00.

Councilor Trace asked City Manager Conard if the Fire Chief or Police Chief have anything to add.

Fire Chief Germain said that the Fire Department is supportive in finding a way to yes and reviewing the plans. He said the department is anxious to get boots on the ground.

Assistant Mayor Splaine said he would like to firm up with the City Manager that he would accept \$100,000.00, as a friendly amendment with Councilor McEachern agreeing as the second to the motion. He further stated that as part of the motion, he asked City Manager Conard if the Council could look at more funding at the next meeting if needed. He asked City Manager Conard would the funding come out of the CARES Act and what is her suggestion.

City Manager Conard said it is certainly a good start, and we will certainly let the City Council know where we are going in terms of understanding estimates and rentals or purchases. She continued that we can certainly make updates at each Council meeting that we have a go from there, but it is exciting to really know that we could get going as early as tomorrow with the City Council's blessing.

Assistant Mayor Splaine asked if the funding would come out of the CARES Act.

City Manager Conard said Assistant Mayor Splaine and Councilor Kennedy suggested, if we determine that that's eligible, absolutely.

*Councilor Lazenby requested a friendly amendment to the motion to have the Planning Department and Public Works Department as part of the staff working on this matter.*

*Assistant Mayor Splaine and Councilor McEachern agreed to the friendly amendment.*

**On a unanimous roll call 9-0, voted that the City Council authorizes the Portsmouth Citizen Response Task Force to create a plan and begin implementation for full or partial street closures, and use of street parking areas and other city-owned parking locations for restaurant, retail, and non-profit organization use through October 18<sup>th</sup> of this year, with the approval of our Police, Fire, Health, Public Works, Planning, and Inspection Departments the**

**expenditure of up to \$100,000.00 and that the majority of the money, if possible, comes out of the CARES Act.**

3. Police Commission

Assistant Mayor Splaine stated he would postpone this item until the next City Council meeting.

Assistant Mayor Splaine said he would like to see Evan Mallett appointment as the 22<sup>nd</sup> member of the Task Force. He urged Mayor Becksted to consider that as an appointment. Mayor Becksted said he would take that under advisement.

**At 12:00 a.m., Councilor Lazenby moved to suspend the rules in order to continue the meeting beyond 10:30 p.m. Seconded by Councilor Kennedy.**

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

**B. COUNCILOR WHELAN**

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the June 4, 2020 meeting

**Councilor Whelan moved to accept and approve the action sheet and minutes of the June 4, 2020 Parking, Traffic & Safety Committee meeting. Seconded by Councilor Huda.**

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

**C. COUNCILOR LAZENBY**

1. Proposed Resolution – Declare Portsmouth a Racial Justice Municipality

**Councilor Lazenby moved to adopt the Resolution as stated with minor additions stated below. Seconded by Councilor Trace.**

**Additions:**

*Item #2 – add the following after encourage the same of the “Police Commission and Police Department, Fire Commission and Fire Department, School Board and School Department.*

*Item #3 – after Black Heritage Trail of NH, insert “Seacoast African American Cultural Center” (SAACC).*

*Item #4 – after Black Heritage Trail of NH, insert “SAACC.”*

Councilor Whelan lost internet connection and was not present for the remainder of the meeting.

Councilor Lazenby said there is a need to gain awareness and advance our fellow citizens that have been at a disadvantage. He said he would like to see training for elected officials and the costs could be covered by training we currently have in place.

Councilor Kennedy said she supports the Resolution and hopes the City has a plan we have put together to support our staff in this. She said we have many other cultures in our community and we should include all cultures moving down the road.

Assistant Mayor Splaine said nothing is more important than how we treat one another. He supports the motion and need to look at delivery of all forms.

Councilor McEachern thanked Councilor Lazenby for bring this forward and making this motion. He said he wanted to discuss more diversity and stated all lives matter.

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

## **XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER**

1. Report Back on Bluestone Properties of Rye, LLC Request for 135 Congress Street Parking Lease

City Manager Conard said the City Council has three options available regarding this matter as outlined in the memorandum provided in the packet.

#### Available Options:

- A. City Council could authorize the City Manager to negotiate an agreement with Bluestone under which Bluestone would have the use of the five (5) parking spaces in the Worth Lot behind 135 Congress Street. As noted in the City Council Agenda packet of May 18, 2020, such an agreement "would need to deal with the numerous types of issues that might arise in 20 years, such as change in parking fees, changes in municipal use of the Worth Lot, assignability of the spaces, and sale or transfer of the Bluestone Property." Nonetheless, such an agreement could be negotiated.*
- B. The City could agree with Bluestone to present the question of whether Bluestone has a legal right to five (5) parking spaces in the Worth Lot to the Superior Court for a judicial determination. This would be accomplished by the filing by one party or the other of a pleading in the form of a declaratory judgment simply asking the Court to determine the answer to the legal question. The case would not involve costs, fees, or damages, merely a straightforward question of law.*
- C. City Council may deny the request.*



Councilor Tabor said we should go for Option A and requested the City Manager to negotiate for them to have the 5 parking spaces.

Councilor Kennedy said she is torn on this matter. She stated this was taken by eminent domain and there was not much information contained in the file. She said no one can point out where is the deed.

City Attorney said there is no evidence that Mr. Chen gave back the 5 spaces.

Councilor McEachern said the City Council made a decision on eminent domain and 5 spaces were granted and we should honor that. He stated we could one, empower the City Manager to negotiate the 5 spots; two, adjudicate; or three, deny the request. He said he supports Option A to resolve this in a meaningful way.

**Councilor Lazenby moved to authorize the City Manager negotiate an agreement with Bluestone under which Bluestone would have the use of the five (5) parking spaces in the Worth Lot behind 135 Congress Street. Seconded by Councilor McEachern.**

Mayor Becksted said he is concerned with setting a precedence.

City Attorney said this would be a 20 year agreement for 7 days a week and 24 hours a day.

Mayor Becksted said he does not want to give away spaces.

Councilor McEachern said he worries about the precedence and people would look at the decisions made and weigh in on them.

**Councilor Lazenby moved to table the remainder of the agenda until the next City Council meeting on Monday, June 22, 2020. Seconded by Councilor Huda.**

**On a roll call vote 8-0, motion passed. *Councilor Whelan was not present for the vote.***

## **XX. ADJOURNMENT**

**At 12:36 a.m., Councilor Lazenby moved to adjourn the meeting. Seconded by Councilor McEachern.**

**On a roll call vote 8-0, motion passed. *Councilor Whelan was not present for the vote.***



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

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**Remaining Agenda Items for June 22, 2020**

1. Adoption of Proposed Budget Resolutions for Fiscal Year July 1, 2020 through June 30, 2021 (FY 21)
  - Resolution No. 7-2020 – Municipal Fees
  - Resolution No. 8-2020 – General Fund Expenditures
  - Resolution No. 9-2020 – Sewer Fund Expenditures
  - Resolution No. 10-2020 – Water Fund Expenditures
  - Resolution No. 11-2020 – Special Revenues, Debt Service, Fund and committee Fund Balances for Necessary Expenditures
  - Resolution No. 12-2020 – Investment Policy
  
2. Assistant Mayor Splaine – Police Commission
  
3. City Manager Conard – Report Back on Bluestone Properties of Rye, LLC Request for 135 Congress Street Parking Lease
  
4. City Manager Conard – Request to Schedule First Reading Re: Omnibus Ordinance Change
  
5. Consent Agenda
  - A. Letter from Samantha Boland, National Multiple Sclerosis Society, requesting permission to hold the 2020 Bike MS: New Hampshire Seacoast Escape cycling event on Saturday, August 22, 2020
  - B. Letter from JerriAnne Boggis, Black Heritage Trail of New Hampshire, requesting permission to the Akwaaba Ensemble drumming, dancing and singing perform traditional spirituals on Friday, June 19, 2020 at 1:00 p.m. at the African Burying Ground
  - C. Water Services Access Easement for 3110 Lafayette Road
  - D. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closure of Chestnut Street on Saturday, July 11, 2020 for an outdoor dining and concert event in the evening
  
6. Presentations & Consideration of Written Communications & Petitions
  - A. Email Correspondence
  - B. Letter from Attorney Derek Durbin, Durbin Law, on behalf of James Gould, requesting the Restoration of Involuntarily Merged Lots at 246 Thornton Street
  - C. Letter from Ted Jankowski regarding PFAS free playing fields
  
7. City Manager's Informational Item
  - A. Report back from Parking, Traffic and Safety Committee regarding "Recommended Modifications to Middle Street/Lafayette Bike Lane"