

TO: KAREN CONARD, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD BY ZOOM ON MONDAY, JULY 13, 2020 MEETING AT EACH INDIVIDUAL CITY COUNCILOR'S HOME, CITY MANAGER CONARD'S OFFICE, CITY ATTORNEY'S OFFICE, AND CITY CLERK'S HOME

PRESENT: MAYOR BECKSTED, ASSISTANT MAYOR SPLAINE, COUNCILORS McEACHERN, WHELAN, LAZENBY, KENNEDY, HUDA, TABOR AND TRACE

1. Mayor Becksted recited that this is a 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, as extended by Executive Order 2020-10, 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.
2. Acceptance of Minutes – April 6, 2020 – On a unanimous roll call 9-0, voted to accept and approve the minutes of the April 6, 2020 City Council meeting with an amendment to page 6 vote regarding Parking, Traffic & Safety Action Sheet and Minutes of March 5, 2020 correcting to list Councilor Kennedy as voting opposed to the motion.
3. Public Comment Session – There were 17 speakers: Gerald Duffy (McIntyre Survey); Russ Grazier, Byron Matto, Sara Curry and Jonathan Blakslee (Islington Street Corridor Study Project); Marc Stettner (Parking Fees); Josh Denton, Andrew Bagley, Lisa Rapaport, Michael Rodriguez Torrent, Stephen Sanger, Valerie Rochon, Joseph Randall, Emma Cancelada and Lucia Von Letkemann (Face Masks); Jim Hewitt (Workforce Housing); and Brian Porter (Opening of Outdoor Pool).
4. Voted to suspend the rules in order to take up Items XVII. A. Presentation by Health Officer Kim McNamara regarding COVID-19 Update, B. Update on the Portsmouth Citizens Response Task Force and C. Presentation regarding Sagamore Avenue Sewer Extension Project.
5. Presentation by Health Officer Kim McNamara regarding COVID-19 Update – Health Officer McNamara provided an update regarding COVID-19 and the current statistics for the New England states as well as the new State of New Hampshire guidelines that will be coming out.
6. Update on the Portsmouth Citizens Response Task Force – Task Force Co-Chairs James Petersen and Mark Stebbins provided an update on the Portsmouth Citizen Response Task Force and the reopening process for businesses and outdoor dining.
7. Presentation regarding Sagamore Avenue Sewer Extension Project – Deputy City Attorney Woodland and City Engineer Desmarais provided a brief presentation regarding the Sagamore Avenue Sewer Extension Project and the need for a Work Session with the City Council.
8. Sagamore Avenue Sewer Extension Project Work Session – On a unanimous roll call 9-0, voted to schedule a Work Session to review the Sagamore Avenue Area before the end of July and discuss the new developments.

9. First reading of Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones; Chapter 7, Article I, Section 7.105 – Parking; Chapter 7, Article III, Section 7.324 – Limited Parking – One Hour; Section 7.325 – Limited Parking – Thirty Minutes; Section 7.326 – Limited Parking – Fifteen Minutes, Section 7.327 – Limited Parking – Two Hours, Section 7.328 – Limited Parking – Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces; and Section 7.329 – Limited Parking – Four Hours – On a roll call 8-1, voted to pass first reading and schedule a public hearing and second reading of the necessary revisions to Chapter 7, to implement the “Stay and Pay” parking rate, at the August 3, 2020 City Council meeting. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Kennedy voted opposed.
10. Third and final reading of Ordinance amending Chapter 7, Article 1, Section 7.105 C. – Parking – Motorcycle Parking – On a roll call 7-2, voted to adopt the third and final reading of this amendment to Chapter 7, Article I, Section 7.105 C, the Designated Motorcycle Parking Area Ordinance. Councilors McEachern, Whelan, Lazenby, Huda, Tabor, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine and Councilor Kennedy voted opposed.
11. Appointment to be Considered – Reappointment of Erica Wygonik to the Parking & Traffic Safety Committee as an Alternate – The City Council considered the reappointment of Erica Wygonik to the Parking & Traffic Safety Committee as an alternate to be voted on at the August 3, 2020 City Council meeting.
12. Islington Street Corridor Project – On a roll call 3-6, motion to eliminate the proposed island in front of Plaza 800 on Islington Street **failed** to pass. Councilors Kennedy, Huda and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor and Trace voted opposed.
13. Islington Street Corridor Project – On a roll call 3-6, motion to eliminate the bump out in front of White Heron **failed** to pass. Councilors Kennedy, Huda and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor and Trace voted opposed.
14. Resolution for Mandatory Mask/Face Coverings – On a unanimous roll call 9-0, voted to remove the paragraph requiring the Health Officer mandate the implementation of the requirement for Face Coverings, adding to the paragraph describing face coverings to include visors or face shields, adding to the Resolution that this order will be effective immediately and will continue in effect until it is rescinded by the City Council and to adopt the Resolution requiring the wearing of facial coverings in the City of Portsmouth.
15. “Positive Re-Enforcement” for Wearing of Masks/Face Coverings – On a unanimous roll call 9-0, voted the Portsmouth City Council endorses the concept of ‘positive re-enforcement’ for the wearing of face coverings through a variety of incentives that may be suggested, advocated for, and implemented by City of Portsmouth staff, the Portsmouth Police Department, the Portsmouth Citizen Response Task Force, and the businesses of our community.

We ask the City Manager to consider such concepts in consultation with supportive parties, public and private, during the coming weeks. Funds available from the Federal sources to offset COVID-19 expenses, or which have been allocated to the Portsmouth Citizen Response Task Force, may be used to support such efforts.

The City Manager may consult with staff, members of the Police and Fire Departments, health care professionals, our business community, non-profit arts and cultural organizations, residents, and the Portsmouth Citizen Response Task Force, to come up with measures and ideas to implement 'positive re-enforcement' without the use of punitive fines or civil penalties of any kind.

We encourage our businesses, non-profit organizations, city staff and residents to be innovative, inventive, and creative in coming up with proposals for 'positive re-enforcement' so that the City of Portsmouth will be considered as the 'friendly community' in encouraging the use of face coverings during the current COVID-19 pandemic.

City Council requested City Manager Conard pass this information on to the Task Force.

16. On a unanimous roll call 9-0, voted to suspend the rules and continue the meeting beyond 10:30 p.m. (motion made at 11:50 p.m.).
17. City Manager Evaluation – Assistant Mayor Splaine reported on the City Manager Evaluation. No action required.
18. Insurance Liability Requirements for Portsmouth Businesses – This item will be discussed with Councilor Tabor's item regarding Outdoor Dining Insurance Relief.
19. Parking, Traffic & Safety Report – On a roll call 4-5, motion to accept the action sheet and report **failed** to pass. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted in favor. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed.

Councilor Trace requested a report back on the June 4, 2020 Parking, Traffic & Safety meeting minutes that contained the vote regarding the Middle Street Bike Lanes with verification whether the minutes were approved by the Parking, Traffic & Safety Committee before they came to the City Council meeting for action.
20. Letter to Governor Sununu regarding New Hampshire Face Covering Mandate – On a unanimous roll call 9-0, voted to send the letter to Governor Sununu as drafted, to the tri-city communities, and along the Massachusetts border asking that they prepare a similar letter in support of a face covering mandate.
21. Informational Fee Committee Minutes – No action required.
22. Request a Report regarding Service and/or Projects completed by former City Manager John Bohenko – On a unanimous roll call 9-0, voted to request the City Manager to provide a report to the residents and City Council on the services and/or projects completed by the former City Manager John Bohenko over the 6 month period ending June 30th per the agreed upon consultant contract.

23. McIntyre Survey – On a roll call 8-1, voted that the City Council approve the survey and opened as finalized by the McIntyre subcommittee and distribute the survey to every home as soon as possible. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.
24. Outdoor Dining Insurance Relief - On a unanimous roll call 9-0, voted that staff review city insurance requirements for outdoor dining, currently set at \$3mm for each occurrence, general liability and \$3mm each occurrence liquor liability (but allowing \$1mm liability and \$2mm umbrella policy) to see whether they are an excessive burden on restaurants trying to stay open in the pandemic. Also, give the City Manager authority to act on the findings to expedite after reporting back to the Council.
25. Request a Report Back from Sewer and Water on large rain events & combined sewer overflows – On a unanimous roll call 9-0, voted to request a report back from Sewer and Water on the large rain events that took place on June 30th as that relates to the new Sewer Plant and the combined sewer overflows of 10a and 10b along with the overflow and flooding of 13 – Deer Street. Further, how the repair or not of the main sewer pipe under Peirce Island bridge may have played a part. Also, as to the report to the EPA and DES regarding the rain/overflow event.
26. Prepare Face Covering Ordinance (Not on agenda) – On a unanimous roll call 9-0, voted to have the City Attorney prepare a report back outlining the process for drafting an ordinance and holding a special meeting to discuss face coverings.
27. Recess meeting until Wednesday, July 15th at 6:30 p.m. – At 1:20 a.m., on a unanimous roll call 9-0, voted to recess the meeting until Wednesday, July 15, 2020 at 6:30 p.m.

Respectfully submitted by:

Kelli L. Barnaby, MMC, CNHMC
City Clerk