

TO: KAREN CONARD, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING FROM OCTOBER 5, 2020 HELD BY ZOOM 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

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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 2020-17, 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. Recognitions and Volunteer Committee Reports – Recognition of Senior Center Volunteer – Brinn Sullivan, Senior Services Supervisor recognized Anna Howard for her volunteer work since 2017 with the Senior Center and for her transition during the coronavirus pandemic where she provided Zumba and Line Dancing classes via Zoom 7 days a week to keep Portsmouth's seniors engaged and active.
3. Public Comment Session – There were 11 speakers: Gerald Duffy (Outdoor Use Policy and McIntyre); Clare Kittredge (Ethics Violation – Councilor Kennedy); Andrew Bagley (McIntyre and CARES Act Funding); Mark Brighton (Non-Public Session Information being leaked); Harini Subramania, Aulia Castellano, Arden Griffin, Lilia Potter-Schwartz, Rosayla Gonzalez, Kristin Jeffrey and Elizabeth Barrett (We Speak Origination - Indigenous Peoples' Day).
4. **On a unanimous roll call 9-0, voted** to suspend the rules to take up Item XIII E.1. – Safe Water Advisory Group.
5. **On a unanimous roll call 9-0, voted** to allow Andrea Amico and Lindsey Carmichael to address the City Council regarding the establishment of the Safe Water Advisory Group.
6. Safe Water Advisory Group – **On a unanimous roll call 9-0, voted** the formation of the Portsmouth Safe Water Advisory Group as an advisory group related to Safe Drinking Water.
7. First Reading of Ordinance amending Chapter 7, Article III, Section 7.326 – Limited Parking – Daniel Street: southerly side, first five three metered spaces east from Market Square- running between 102 and 160 feet west of Penhallow Street; and Hanover Street delete northerly side, first two spaces east from Bridge Street – **On a unanimous roll call 9-0, voted** to pass first reading and schedule a public hearing and second reading at the October 19, 2020 City Council meeting.

8. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking by the addition of Little Harbor Road: Both sides of the roadway beginning at the east side of the Wentworth Coolidge Mansion driveway, running easterly for a distance of 155 feet to the gate at the end of the pavement - **On a unanimous roll call 9-0, voted** to pass first reading and schedule a public hearing and second reading at the October 19, 2020 City Council meeting.
9. First reading of Ordinance amending Chapter 7, Article III, Section 7.336 – One-Way Streets by the deletion of Parker Street northerly from Tanner Court to Hanover Street - **On a unanimous roll call 9-0, voted** to pass first reading and schedule a public hearing and second reading at the October 19, 2020 City Council meeting.
10. First reading of Ordinance amending Chapter 7, Article VI, Section 7.601 – Limited Hours Loading Zones by the addition of Pleasant Street: easterly side, beginning 94 feet south of the southerly curb line of Daniel Street and running southerly for a distance of 45 feet – **On a unanimous roll call 9-0, voted** to pass first reading and schedule a public hearing and second reading at the October 19, 2020 City Council meeting.
11. Public Hearing and Second Reading of Ordinance amending Chapter 7, Article III, Section 7.326 – Limited Parking – 15 Minutes by the Deletion of Deer Street: One Space on the Northerly Side of the Street, Beginning 13 feet west of the Extension of the Westerly curb line of High Street, and Running 20 Feet in an Easterly Direction. The Addition of Hanover Street: Southerly Side, First Two Spaces East from Maplewood Avenue - Held a public hearing. **On a roll call 8-1, voted** to pass second reading and schedule a third and final reading at the October 19, 2020 City Council meeting. Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine voted opposed.
12. Public Hearing and Second Reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking by the Addition Middle Street: Westerly Side, Beginning at the Northerly Curb Line on Aldrich Road, and running Northerly for a Distance of 76 Feet – Held a public hearing. **On a roll call 6-3, voted** to postpone until we hear back the results from the DOT and moving the cars back to the curb. Assistant Mayor Splaine, Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Councilors McEachern, Lazenby and Tabor voted opposed. *City Attorney Sullivan advised that the public hearing would be postponed as well.*
13. Public Hearing and Second Reading of Ordinance amending Chapter 7, Article VI, Section 7.601 – Limited Hours Loading Zones by the Addition of Vaughan Street: Westerly side, beginning at the Intersection with Raynes Avenue and Running Southerly for a Distance of 60 Feet, from 6:00 a.m. to 9:00 a.m. – Held a public hearing. **On a unanimous roll call 9-0, voted** to pass second reading and schedule a third and final reading at the October 19, 2020 City Council meeting.
14. **On a unanimous roll call 9-0, voted** to suspend the rules in order to take up Items XVII A. – Presentation by Health Officer Kim McNamara regarding COVID-19 Update and XVII B. – Update on the Portsmouth Citizens Response Task Force.

15. Presentation by Health Officer Kim McNamara regarding COVID-19 Update – Health Officer McNamara provided a report on the current COVID numbers in the City of Portsmouth, Rockingham and Hillsborough Counties. She also, reviewed the global number of cases and deaths. She announced that the United States leads in infections and deaths. Discussion followed regarding the closing of an establishment in the City and the need for open communication.
16. Update on the Portsmouth Citizens Response Task Force – James Petersen, Co-Chair reported that PopUp New Hampshire will wrap up programming on October 18, 2020 and have all materials removed from the Bridge Street Lot. The City Council requested that Mr. Petersen participate in the November 9, 2020 Work Session at 6:30 p.m. regarding COVID Planning and the Future of the Citizens Response Task Force.
17. Request to Establish a Work Session regarding COVID Planning and the Future of the Citizens Response Task Force – Monday, November 9, 2020 at 6:30 p.m. – **On a unanimous roll call 9-0, voted** to schedule a Work Session on Monday, November 9, 2020 at 6:30 p.m. regarding COVID Planning and the Future of the Citizens Response Task Force.
18. Appointments to be Considered – The City Council considered the reappointment and appointments outlined below which will be voted upon at the October 19, 2020 City Council meeting.
  - Appointment of David Adams to the Historic District Commission as a Regular Member
  - Reappointment of Richard Katz to the Library Board of Trustees
  - Appointment of Maria Peppas to the Library Board of Trustees
  - Appointment of Kelly Delekta to the Library Board of Trustees
  - Appointment of Latonya Wallace to the Library Board of Trustees
  - Appointment of Daniel Main to the Portsmouth Housing Authority
19. Appointments to be Voted – **On a unanimous roll call 9-0, voted** to appoint Margot Doering to the Historic District Commission as a Regular Member filling the unexpired term of Cyrus Beer until June 1, 2022 and the appointment of Michelle Consolazio to the Citizens Advisory Committee.
20. Resignations – **On a unanimous roll call 9-0, voted** to accept with regret the resignations of Joseph O'Neill and Adrienne Harrison from the Conservation Commission, Nathan Moss and Samantha Finigan from Portsmouth Citizens Response Task Force and Ruth L. Griffin from the Portsmouth Housing Authority with a letter to be sent acknowledging their service to the City.
21. Report Back regarding NHMA Conference and Policies Adopted by the Membership – Councilor McEachern provided a report back on Policies adopted by the NHMA Membership and expressed his thanks and appreciation to Assistant City Attorney Ferrini for her hard work on this matter.

22. Extend Outside Dining to end of November – Moved to extend outside dining until the end of November where possible. **On a roll call 5-4, voted** to table this motion until the October 19, 2020 City Council meeting. Councilors Lazenby, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilor McEachern, Whelan and Tabor voted opposed.
23. McIntyre Update – **On a roll call 8-1, voted** to appropriate with Council approval up to \$150,000.00 as a supplemental appropriation to redesign plans and drawings to better reflect the public input from the recently designed and returned survey and the past legal actions should be settled before planning funding's are dispersed to our planning partners. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.
24. Parking and Traffic Safety Committee Action Sheet and Minutes of the August 6, 2020 meeting – **On a roll call 8-1, voted** to remove #8 – All-Way Stop at intersection of Thornton Street and Sparhawk Street, by residents of the area, from the Action Sheet. Assistant Mayor Splaine, Councilor McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.
- On a roll call 6-3, voted** to approve and accept the action sheet and minutes of the August 6, 2020 Parking and Traffic Safety Committee meeting. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor and Trace voted in favor. Councilors Kennedy, Huda and Mayor Becksted voted opposed.
25. Nomination of Dan Rawling for Appointment as a regular member of the Historic District Commission – **On a roll call vote 1-8,** motion for the reappointment of Dan Rawling as a regular member of the Historic District Commission **failed** to pass. Councilor Lazenby voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted opposed.
26. **On a unanimous roll call 9-0, voted** to suspend the rules in order to continue the meeting beyond 10:30 p.m.
27. All-Way Stop at Intersection of Thornton Street and Sparhawk Street (PTS Action Sheet and Minutes of August 6, 2020 meeting) – **On a unanimous roll call 9-0, voted** to install an All-Way Stop at Intersection of Thornton Street and Sparhawk Street.
28. The Final FY20 Budget Surplus Amounts by Budget Unit as Estimated to the Mayor in June 2020 (Due to the Insightful Response of the City Manager to put a Freeze on Spending Immediately, a FY20 Surplus was Expected)

	Estimate @ 6/30/2020	Actual @ 9/30/20 (Unaudited)
Police	\$350,000.00	?
Fire	\$250,000.00	?
Municipal	\$450,000.00	?
School	\$200,000.00	?

On the Financial Impact to the City of Portsmouth Resulting from the State of NH suspending all State Aid Grants (SAGS)

(As reported in the Portsmouth Herald on 9/27 Exeter is Facing Serious Shortfalls in meeting Debt Service Payments on their just completed Wastewater Treatment Plant)

Since our WWTP is scheduled to be completed this year, is the City of Portsmouth facing the same issues?

Update on the Status & Solutions being discussed per the Emergency Police Commission Meeting on the Re-Occurrence of Mold in the Police Department

**On a unanimous roll call 9-0, voted** for a report back from the City Manager to the residents and City Council on the outlined information listed above for all three items.

29. Acceptance of CARES ACT Election Grant – **On a unanimous roll call 9-0, voted** to authorize the City Manager to apply for, accept and expend funds through the CARES Act for election support in the amount of \$64,899.72 (80% direct grant of \$54,083.09 and 20% match of \$10,816.62) subject to the Terms of any offer, rules or regulation pertaining thereto and any other election security grants or other funds received by gift, grant or loan from state, federal or other governmental units to assist with elections.
30. 33 Northwest Street Request for Revocable License – **On a unanimous roll call 9-0, voted** to authorize the City Manager to execute and deliver a Revocable License allowing Michael and Rebecca Bernier of 33 Northwest Street to locate a retaining wall on City Property inside of an existing wooden fence as described in Land Use Application LU-20-118.
31. Greenleaf Recreation Center Concession Agreement – **On a unanimous roll call 9-0, voted** to accept an extension on the Greenleaf Recreation Center Concession Agreement effective through April 15, 2022.
32. Request to Name New Public Street Located Between Cate Street and Route 1 Bypass – **On a unanimous roll call 9-0, voted** to refer the request for naming of the public street to the Planning Board for a recommendation.
33. Establish Polling Hours for the November 3, 2020 General Election – **On a unanimous roll call 9-0, voted** to establish polling hours for the November 3, 2020 General Election from 8:00 a.m. to 8:00 p.m.
34. Request to Exempt the Peirce Island Wastewater Treatment Facility from the Public Art Requirement – No action taken. Councilor Trace requested that City Engineer Desmarais provide a complete list of change order forms and what the estimate is to replace the pipe line from the bridge to the Waste Water Treatment Plant and what the cost is to replace the pipe under the bridge and will that be replaced before the replacement of the bridge.

35. Request to Schedule First Reading of Sewer Ordinance Amendment – **On a unanimous roll call 9-0, voted** to schedule a first reading at the October 19, 2020 City Council meeting regarding an amendment to the Sewer Ordinance to codify allowing waiver of sewer tie-in following extensions.

36. Consent Agenda – **On a unanimous roll call 9-0, voted** to adopt the Consent Agenda.

- A. Request for License to Install a Projecting Sign for owner River-Wharf, LLC, SOL, LLC for property located at 111 State Street (***Anticipated action - move to approve the aforementioned Projecting Sign Licenses 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 no cost 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***

37. Email Correspondence – **On a unanimous roll call 9-0, voted** to accept and place on file.

38. XVIII. 3. – Report Back on Election Officials Salaries as Request at the September 14, 2020 City Council meeting – **On a unanimous roll call 9-0, voted** to establish an additional \$50.00 stipend for the Pre-Processing of Absentee Ballots.

39. Columbus Day – Indigenous Peoples' Day (Not on agenda) – Moved that the City of Portsmouth recognize October 12<sup>th</sup> as Indigenous Peoples' Day to run coincidentally with what the State calls Columbus Day. Accepted as a friendly amendment, that a public hearing be held on this matter in November or December that we as a City would recognize Indigenous Peoples' Day.

Councilor Huda added a friendly amendment to the motion to read - Columbus/Indigenous Peoples' Day 2020 with a public hearing to be held at the call of Mayor Becksted.

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

40. Adjournment – **On a unanimous roll call 9-0, voted** to adjourn the meeting at 12:15 a.m.

Respectfully submitted by:

Kelli L. Barnaby, MMC, CNHMC  
City Clerk