

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 5, 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_q1HrtMtYTCibKQD6TVxG9Q

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 2020-18, 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.

III. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:00 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 for a moment of silent prayer in memory of Michael Croteau.

VI. PLEDGE OF ALLEGIANCE

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

VII. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)*

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. 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.

IX. PUBLIC COMMENT SESSION

Gerald Duffy spoke regarding Assistant Mayor Splaine's motion to create an outdoor use policy. He said this is a great idea and would be willing to help businesses going forward. He also spoke regarding the McIntyre survey that was to be provided for the residents to review and it has not.

Clare Kittredge spoke regarding the September 3rd memorandum regarding the charge against Councilor Kennedy. She said she feels she is politically a way to try and get rid of Councilor Kennedy.

Andrew Bagley asked why the City Council is spending so much time on the McIntyre matter and bike lanes.

Mark Brighton spoke regarding the vagueness for the last non-public session. He said we don't need another ethics complaint.

Harini Subramania, Portsmouth High School – We Speak Organization, requested the City recognize Indigenous Peoples' Day instead of Columbus Day.

Aulia Castellano, Portsmouth High School – We Speak Organization, asked the City Council to stay true to their Social Justice Resolution and change Columbus Day to Indigenous Peoples' Day.

Arden Griffin, Portsmouth High School – We Speak Organization, said future generations should have an accurate account and not a white washed version of Columbus Day. He said this is key to our society and we need to educate the public.

Lilia Potter-Schwartz, Portsmouth High School – We Speak Organization, spoke in support of recognizing Indigenous Peoples' Day versus Columbus Day. She said that there are over 100 cities that have adopted Indigenous Peoples' Day.

Rosayla Gonzelez, Portsmouth High School – We Speak Organization, said changing Columbus Day to Indigenous Peoples' Day will change the story and recognize the lives of indigenous people.

Kristin Jeffrey spoke in support of the request by We Speak to recognize Indigenous Peoples' Day over Columbus Day. She addressed the policy initiated by UNH for Indigenous Peoples' heritage.

Elizabeth Barrett, spoke in support of We Speak Organization request to recognize Indigenous Peoples' Day. She said it is time to make this change.

Councilor McEachern moved to suspend the rules to take up Item XIII. E.1. – Safe Water Advisory Group. Seconded by Councilor Lazenby.

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

Councilor Lazenby moved to suspend the rules to allow Andrea Amico and Lindsey Carmichael to address the City Council regarding the establishment of the Safe Water Advisory Group. Seconded by Councilor Kennedy.

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

Councilor Lazenby recognized the work of Andrea and Lindsey on safe water and safe drinking water. He said he is pleased they are here to speak on this matter this evening.

Lindsey thanked Councilor Lazenby and Councilor McEachern for working on this matter which she and Andrea have been spear heading since 2014. She spoke to the need for a Safe Water Advisory Group and that safe water and drinking water is a current issue for the City.

Andrea said that the Safe Water Advisory Group would be studying PFAS issues with regulations continuing to evolve. She spoke to grant funding which could be used to fund these means. She said she looks forward to starting the work on this issues.

Assistant Mayor Splaine said Andrea and Lindsey have done great work on this matter. He spoke to looking into the Coakley and Jones landfills and also evaluate the value of desalination.

Councilor Kennedy said she is pleased to hear that Andrea and Lindsey are working on the Tolend site as well.

Councilor Tabor said he supports the task forces and spoke to the changes in the regulatory environmental matters.

Councilor Trace thanked Andrea and Lindsey for stepping up and working on this matter. She expressed concerns regarding the Tolend site and our main water supply.

Mayor Becksted spoke in support of Andrea and Lindsey for working on these matters. He said he would like Andrea or Lindsey to be the Chair of the Safe Water Advisory Group.

Councilor Lazenby moved the formation of the Portsmouth Safe Water Advisory Group as an advisory group related to Safe Drinking Water. Seconded by Councilor McEachern.

Councilor Lazenby said having Lindsey or Andrea as the Chair is a great opportunity for the City. He said we will wait until late November or early December to meet on this matter as a group. He said water quality and quantity is an issue.

Mayor Becksted said we are fortunate to have three City Councilors that know a great deal regarding this matter, Councilor Kennedy, Councilor Trace and Councilor Whelan.

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

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

First Reading of Ordinances:

- A. 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; and Hanover Street delete ~~northerly side, first two spaces east from Bridge Street~~

Councilor Lazenby moved to pass first reading and schedule a public hearing and second reading at the October 19, 2020 City Council meeting. Seconded by Councilor Tabor.

Councilor Kennedy said she would like to know where we are making up the parking spaces that are being deleted.

Councilor Lazenby said this ordinance was reviewed by Parking & Traffic Safety Committee and passed unanimously and was considered previously by the City Council and voted unanimously to bring first reading forward.

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

- B. 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

Councilor Lazenby moved to passed first reading and schedule a public hearing and second reading at the October 19, 2020 City Council meeting. Seconded by Councilor Tabor.

Councilor Lazenby said Parking & Traffic Safety Committee reviewed this matter and passed it unanimously, after which the City Council considered the action sheet and minutes and approve those by a unanimous vote.

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

- C. 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~~

Councilor Lazenby moved to pass first reading and schedule a public hearing and second reading at the October 19, 2020 City Council meeting. Seconded by Councilor McEachern.

Councilor Lazenby said this ordinance was reviewed by Parking & Traffic Safety Committee and passed unanimously and was considered previously by the City Council and voted unanimously to bring first reading forward.

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

- D. 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

Councilor Lazenby moved to pass first reading and schedule a public hearing and second reading at the October 19, 2029 City Council meeting. Seconded by Councilor Trace.

Councilor Lazenby said this ordinance was reviewed by Parking & Traffic Safety Committee and passed unanimously and was considered previously by the City Council and voted unanimously to bring first reading forward.

Councilor Kennedy said she would like the hours that are being changed for the next meeting.

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

Public Hearings and Second Reading of Ordinances:

- E. 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**

Councilor Kennedy asked what we are doing to support the area by taking away the spaces. Parking & Transportation Engineer Eby said 1 out of 7 spaces should be available for use in the area.

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

Andrew Bagley said the Parking & Traffic Department is doing a great job during COVID and creating the temporary spaces and 15 minutes spots is appreciated.

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

Councilor Lazenby moved to pass second reading and schedule a third and final reading at the October 19, 2020 City Council meeting. Seconded by Councilor McEachern.

Assistant Mayor Splaine said the process is important and would not like to suspend the rules and bring forward the passage this evening. He said passage should occur at the next City Council meeting.

Councilor Kennedy said she agrees with Assistant Mayor Splaine.

Councilor Lazenby said he understands that in all these cases these items were thoroughly reviewed by the Parking and Traffic Safety Committee and no opposition to speak of. He would like to have the ordinance passed this evening.

Mayor Becksted said that he agrees that we should have third reading at the next City Council meeting.

Councilor McEachern said he agrees with Councilor Lazenby and would like to move the ordinance forward for passage this evening. He said that this is a fully vetted matter with the parking revenue we are giving up by not adopting this ordinance this evening would in error.

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

- F. **ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING BY THE ADDITION MIDDLE STREET: WESTERLY SIDE, BEGINNING AT THE NORTHERLY CURB LINE OF ALDRICH ROAD, AND RUNNING NORTHERLY FOR A DISTANCE OF 76 FEET**

City Manager Conard reported that these ordinance prohibits parking at one spot and it was brought forward by residents concerning site line on Aldrich Road.

Councilor Kennedy asked if moving the cars back to the curb would be a problem and where are at with moving cars due to the bike lanes.

Councilor Huda said we should wait until results come back to act on this matter.

Councilor Kennedy moved to postpone until we hear back the results from the DOT and moving the cars back to the curb. Seconded by Councilor Huda.

City Attorney Sullivan informed the City Council if this motion passes the public hearing would be postponed as well.

Councilor Tabor asked if we could leave this space blocked until we hear back on the bike lanes issue.

Mayor Becksted asked Parking & Transportation Engineer Eby why was this matter regarding the spaces was not brought forward until the spring. Parking & Transportation Engineer Eby said this space was done early this year and the second was brought out a few months ago. He informed the City Council that a total of three spaces have been eliminated in this area.

On a roll call vote 6-3, motion passed. Assistant Mayor Splaine, Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Councilors McEachern, Lazenby and Tabor voted opposed.

- G. **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 6:00AM TO 9:00AM**

City Manager Conard reported that this was requested by 111 Maplewood Avenue.

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Becksted closed the public hearing.

Councilor Lazenby moved to pass second reading and schedule a third and final reading at the October 19, 2020 City Council meeting. Seconded by Councilor Huda.

Mayor Becksted asked if this could be done in other parts of the City. He said that this is something that we should look into. Parking & Transportation Engineer Eby said this is a good option to consider.

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

Councilor Whelan moved 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. Seconded by Councilor Huda.

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

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. 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.

The City Council asked various questions of Health Officer McNamara and made statements regarding this matter. Mayor Becksted and City Councilors thanked Health Officer McNamara and her staff for all their work during this pandemic.

B. 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.

Assistant Mayor Splaine said the Task Forces exceeded expectations and he would not be asking for the creation of an outside City Use Police this evening. He said he would like the Task Force to look at that question and to consider extending street use until the end of October or end of year.

Co-Chair Petersen advised Assistant Mayor Splaine that he has not heard from any establishments that want to stay open until the end of the year.

Councilor Huda spoke to the survey that the Chamber was conducting and asked about the results. City Manager Conard said that Valerie of the Chamber is working to convene a group on Wednesday to look in to the survey results. Mayor Becksted said we could hear Valerie's results of the survey next week.

XII. MAYOR BECKSTED

1. Request to Establish Work Session COVID Planning and the Future of the Citizens Response Task Force – Monday, November 9th at 6:30 p.m.

Councilor Kennedy moved 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. Seconded by Councilor Huda.

Mayor Becksted said we need to see what the next stage is on this matter. We need to start the conversation next year and move us forward and how improvements can be made. He said we need representation from the City Council on this matter.

Assistant Mayor Splaine said we need this type of work session on what to do we need to make sure it is nonpolitical.

Councilor Huda said that is a short period of time, could the City Manager contact Valerie and the Chamber of Commerce on data regarding this matter. City Manager Conard said we could have informal information and data to review and consider.

2. Appointments to be Considered:
 - 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

The City Council considered the reappointment and appointments outlined above, which will be voted upon at the October 19, 2020 City Council meeting.

3. Appointments to be Voted:
 - Appointment of Margot Doering to the Historic District Commission as a Regular Member filling the unexpired term of Cyrus Beer
 - Appointment of Michelle Consolazio to the Citizens Advisory Committee

Councilor Kennedy moved 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. Seconded by Councilor Huda.

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

4. Resignations:
 - Joseph M. O'Neill as an Alternate from the Conservation Commission
 - Adrienne Harrison from the Conservation Commission
 - Nathan Moss from Portsmouth Citizen Response Task Force
 - Samantha Finigan from Portsmouth Citizen Response Task Force
 - Ruth L. Griffin from the Portsmouth Housing Authority

Councilor Kennedy moved 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. Seconded by Councilor Trace.

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

At 9:10 p.m., Mayor Becksted called for a brief recess. At 9:20 p.m., Mayor Becksted called the meeting back to order.

XIII. CITY COUNCIL MEMBERS

B. COUNCILOR McEACHERN

2. Report Back regarding NHMA Conference

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.

3. Extend Outside Dining to end of November

Councilor McEachern moved to extend outside dining until the end of November where possible. Seconded by Assistant Mayor Splaine.

Councilor McEachern said some establishments might want to put together more work and he would like to extend to the end of November to give establishments to take us up on the offer.

Assistant Mayor Splaine said he agrees we leave it up to the market on this. He said many other communities to the North do this. He said we should go to the end of November, if possible as there is no downside to this.

Councilor Huda said she would like to review the data from the Chamber for a better idea on this. She said this is not just revenue side businesses would have to spend money they don't have.

Councilor Tabor said many establishments thought they could just do takeout but takeout was good revenue and many thought they could not spend money for outside dining, will blankets and heaters work, we don't know.

Councilor Whelan said he would support the motion and the businesses are pretty resourceful and will make their own decisions on this matter. He said this City Council owes establishments time to make some money, we need to let the market determine the process moving forward.

Councilor Lazenby said he appreciated the intent to be creative but we need to hear more demand from establishments on this. He said there may be a mix on how much this would be used. He said we need to look at what might be good for them. He said he does not want to go against the ideal and a great chance to hear from the Chamber of Commerce at the next meeting and would like to wait until then on the vote.

Mayor Becksted said he would like to wait until October 19th to see if establishments want to go past November on the operation. He said Public Works Director Rice said we can do what we want but once the snow and ice hit it will be a deterrent.

Councilor McEachern said he has a different view of government. He said if the City Council will not support this it will be a moot point and all the establishments will close this extends to private property cafés owners as well. He hears the position we don't want to have ice removal and if an establishment wants to remain open the cost to us is on the low side. He said we should need to allow more planning for the establishments to order supplies to remain open.

Councilor Trace asked if it would be possible to have a full report through the City Manager and Public Works Director on the removal of snow. She said we need to think about getting snow in November and maybe we need to have this reviewed with a report back.

Assistant Mayor Splaine said this is an excellent idea but we never know when we have two or three nice days in November, which would allow outside establishments to provide dining and make a few extra dollars.

Mayor Becksted said there did not seem to be interest in extending dining to the end of November. He said we need to remove the items to make way for winter.

Councilor Lazenby moved to table this motion until the October 19, 2020 City Council meeting. Seconded by Councilor Huda.

Councilor Trace said she would like to hear from City Manager Conard on this matter. City Manager Conard said if we need to clear the snow from areas it is worth considering and she would provide a report back from Public Works Director Rice at the next meeting.

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

C. COUNCILOR WHELAN

1. McIntyre Update

Councilor McEachern said the survey results were dramatic and reviewed the findings. He reported that the public wants a new project.

Councilor Whelan moved 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. Seconded by Councilor Trace.

City Manager Conard spoke to residents want larger open space and returning the post office to its former location.

Further discussion followed on the findings of the survey and the City Council stated that Redgate Kane knows we need a new design. The Council said we need to take the next step and move forward.

Councilor McEachern said that this is in the best interest of moving the project forward. He said we want input from the public and have a public hearing on the special appropriation and put the law suit behind us.

Councilor Whelan said the project is to important and the land downtown is a once in a life time opportunity.

Councilor Lazenby asked what we would receive for the \$150,000.00. Councilor Whelan said the development partners need the funds for redesign and schematics. Councilor Lazenby said we could work in public process for this. Councilor Whelan said Redgate Kane wants to know what it would look like for redesigning the project.

Councilor Trace said she supports the work of the members of the subcommittee and Councilor Whelan was very transparent and the subcommittee is telling the City Council what they know to date.

Councilor Kennedy thanked everyone for their work. She said the survey tells what direction residents want to go. She asked if the public would have an opportunity to provide options in a more informal way. She asked if the public would have input or would a charette on spending the money because we need to hear that.

Councilor Huda asked if it would be possible to do this with FY20 surplus funds. She asked how many designs we will receive on this project.

Councilor Whelan said how much would be needed for design work from Redgate Kane. He said we are going to do the best we can.

Councilor Huda said she would like to receive more details and is this the only architect we can use.

Councilor Whelan said we have a signed development agreement with Redgate Kane and that is our obligation to move forward. He said we need to design a project and see if the public likes it and move forward.

City Attorney Sullivan said the \$150,000.00 would not obligate the City to anything further. He said negotiations are a bit of a dance. He feels the survey was a major step forward on the project which helped bring the parties to an agreement.

Mayor Becksted said he agrees with Councilor Huda's comment and what funds are remaining in surplus.

Councilor McEachern said the charge we have is to work with our development partner and we want to do it with full transparency and the development partner knows we are ready to move forward with every step and no money will be spent without the public involved.

Councilor Tabor said we want to keep the public engaged at a high level and charettes may be difficult with COVID but there could be zoom rooms and long range costs from their meetings.

Councilor Lazenby said if we move ahead at the next meeting is there assurances from Redgate Kane that they would drop the lawsuit. City Attorney Sullivan said no assurances that the lawsuit would be dropped.

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.

2. Parking and Traffic Safety Committee Action Sheet and Minutes of the August 6, 2020 meeting

Councilor Whelan moved to approve and accept the action sheet and minutes of the August 6, 2020 Parking and Traffic Safety Committee meeting. Seconded by Councilor McEachern.

Councilor McEachern said the action sheet leaves out two stop signs near his home and if we do not accept the minutes does that mean the stop sign does not go into effect. Councilor Whelan said approval of the action sheet would have items go into effect for a one year period. City Attorney Sullivan said if the City Council does not approve the minutes the stop sign would not go into effect.

Councilor McEachern moved to remove Item VIII for Thornton Street and Sparhawk Street and vote on them individually. Seconded by Councilor Kennedy.

Councilor Kennedy said she would not approve the minutes. She would like the item to be voted on under the City Manager.

Mayor Becksted said something needs to be done with Parking & Traffic Safety Committee.

City Attorney Sullivan recommended amending Councilor Whelan motion to remove Item VIII on roll call voted.

Councilor Kennedy moved to remove #8 – All-Way Stop at intersection of Thornton Street and Sparhawk Street, by residents of the area, from the Action Sheet. Seconded by Councilor Huda.

Councilor Lazenby said we need to approve the minutes to avoid 30 separate motions on Parking & Traffic Safety Committee action sheets and minutes.

Councilor McEachern withdrew his motion and Councilor Kennedy her second to the motion.

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

On a roll call vote 6-3, main motion passed as amended. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor and Trace voted in favor. Councilors Kennedy, Huda and Mayor Becksted voted opposed.

D. COUNCILOR LAZENBY

1. Nomination of Dan Rawling for Appointment as a regular member of the Historic District Commission

Councilor Lazenby moved for the reappointment of Dan Rawling as a regular member of the Historic District Commission. Seconded by Councilor Tabor.

Mayor Becksted said he spoke with Mr. Rawling to advise him that he would not be reappointing him to the Historic District Commission.

Councilor Lazenby said he would like a dedicated public servant to be reappointed. He said that Mr. Rawling has worked hard and attends all the meeting.

Assistant Mayor Splaine said it is hard to come across whether he is in favor or opposed to the motion. He spoke to the process in place whereby the Mayor has the authority to make appointments. He said he would not vote to take away the authority of the Mayor on the appointment process.

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

Assistant Mayor Splaine moved to continue the meeting beyond 10:30 p.m. Seconded by Councilor Kennedy.

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

C. COUNCILOR WHELAN

2. Parking and Traffic Safety Action Sheet and Minutes of the August 6, 2020 meeting

All-Way Stop at Intersection of Thornton and Sparhawk Street

Councilor McEachern moved to install an All-Way Stop at Intersection of Thornton Street and Sparhawk Street. Seconded by Councilor Trace.

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

F. COUNCILOR HUDA

1. 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	?

(Sample motion – move for a report back from the City Manager to the residents and City Council on the outlined information listed above)

2. 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?

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

Councilor Huda moved for a report back from the City Manager to the residents and City Council on the outlined information listed above for all three items. Seconded by Councilor Kennedy.

City Manager Conard provided information on Items 1 & 2 and a report back will be brought forward on Item 3.

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

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Acceptances of CARES ACT Election Grant

Councilor McEachern moved 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. Seconded by Councilor Whelan.

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

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. 33 Northwest Street Request for Revocable License

City Manager Conard outlined the request for the Revocable License.

Councilor Lazenby moved 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. Seconded by Councilor Whelan.

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

2. Greenleaf Recreation Center Concession Agreement

City Manager Conard said that this would be a two year extension to the Concession Agreement.

Councilor Lazenby moved to accept an extension on the Greenleaf Recreation Center Concession Agreement effective through April 15, 2022. Seconded by Councilor Kennedy.

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

3. Request to Name New Public Street Located Between Cate Street and Route 1 Bypass

City Manager Conard outlined the request for naming the new public street. She indicated that the Planning Board would be holding the public hearing on this matter.

Councilor Lazenby moved to refer the request for naming of the public street to the Planning Board for a recommendation. Seconded by Councilor Whelan.

Councilor Kennedy said she would like to know about the list of recommended names and would like to refer to that list.

Planning Director Walker advised the City Council how a list with the Planning Board is used as reference and make a recommendation.

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

4. Establish Polling Hours for the November 3, 2020 General Election

Councilor Lazenby moved to establish polling hours for the November 3, 2020 General Election from 8:00 a.m. to 8:00 p.m. Seconded by Councilor Huda.

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

5. Request to Exempt the Peirce Island Wastewater Treatment Facility from the Public Art Requirement

City Manager Conard said this would be an exemption to the public art requirement.

Councilor Trace said the signs are required as part of the consent decree as to absolve the Wastewater Treatment Facility from using \$150,000.00 for a piece of art she would not take away that as every other public building has the requirement. She said she would like something up for Fort Washington at the facility.

Councilor Kennedy moved to exempt the Peirce Island Wastewater Treatment Facility from the Public Art requirement as cited in Chapter 1, Article XVII. Seconded by Councilor Huda.

Councilor McEachern said he would not support the motion.

Assistant Mayor Splaine said he would not support abandoning this matter. He said Paul McEachern said nations are remember the way things going back centuries.

Deputy City Attorney Woodland said the request does only pertain to the Peirce Island Wastewater Treatment Facility with no other impact. She said historical markers will be outside and said the ordinance is to look at getting information from Art Speak.

Councilor Lazenby said if we don't want to exempt the project it would not require a motion. We could have public art somewhere on Peirce Island and we can do that without a motion from the City Council.

Councilor Tabor said staff put forward the recommendation how would the \$150,000.00 be used. Deputy City Attorney Woodland said that budget is getting low and felt the City Council needs to make a decision as there are needs from the project standpoint, it is the City Council's decision to make on this matter.

Councilor Whelan said two-thirds vote would be needed to exempt art. He said he would like an Art Commission established to look at items that meet the ordinance.

Mayor Becksted said the sewer plant is part of it and the bridge would also be part of that. He said we could have more green entrances, from a view perspective we need to do it without making a motion.

Deputy City Attorney Woodland said the \$150,000.00 could remain and the staff could come before the City Council with suggestions on the matter.

Councilor Kennedy suggested having an update before a vote on \$150,000.00 for a \$79 million dollar project.

Deputy City Attorney Woodland said we are working on estimates and the staff felt it was important to bring this matter before the City Council.

Councilor Kennedy moved to postpone any action until October 19th with a presentation on the Wastewater Treatment Plant and what is occurring financially. Seconded by Councilor Trace.

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.

Councilor Kennedy withdrew the motion and Councilor Huda withdrew her second to the motion.

Councilor Kennedy and Councilor Huda said they would like a full report back on the Wastewater Treatment Plan.

Councilor Kennedy withdrew her motion to postpone with Councilor Trace withdrawing her second to the motion.

No action was taken on this matter.

6. Request to Schedule First Reading of Sewer Ordinance Amendment

City Manager Conard said we would be codifying the waiver a part of the ordinance.

Mayor Becksted said there is a difference between a gravity feed to a low pressure sewer system. Deputy City Attorney Woodland said some residents felt that the staff statement was not strong enough and the motion will provide some confidence to residents and make a decision on whether to connect.

Councilor Tabor moved 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. Seconded by Councilor Lazenby.

Councilor Kennedy said at first reading she would like a presentation and where the State law is different and how that affects the City. She said there is a conflict between State law and what we are doing.

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

XVI. 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 shall be subject to review and acceptance by the Department of Public Works***

Councilor Lazenby moved to adopt the Consent Agenda. Seconded by Councilor Kennedy.

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

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

C. Email Correspondence

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

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

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Racial Equity Initiatives as a Result of City Council Resolution #13-2020
2. Report Back on Use of CARES Act Funding
3. Report Back on Election Officials Salaries as Requested at the September 14, 2020 City Council Meeting
4. Parking Citation Fine Structure Recommendations
5. Letter from Citizen Response Task Force to Commissioner Caswell Regarding Business Reopening
6. Memorandum on Field and Right-of-Way Maintenance

Assistant Mayor Splaine moved to establish an additional \$50.00 stipend for the Pre-Processing of Absentee Ballots. Seconded by Councilor Lazenby.

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

Councilor McEachern urged people to review the website on Racial Equity Initiatives which has detailed information.

City Manager said a timeline was provided to the City Council on the CARES Act Funding. She read for her memorandum on this matter. Discussion followed by Councilor Kennedy regarding funds for busing children. School Business Administrative Linney said that was not the same as student transportation. Discussion followed regarding the funds received and applied by Finance Director Belanger. She provided an outline of what items could be submitted as to not leave any funds on the table.

City Manager Conard spoke to the Parking Citation Fine Structure and advised the City Council that current structure was last reviewed in 2013. She said the recommended fines were brought to the Parking and Traffic Safety Committee in March for review. She said we would like to do a presentation at a future meeting regarding this matter.

City Manager Conard said the co-chairs of the Citizen Respond Task Force provided information on on-street dining. She reported that Governor Sununu has recent ruling on use of liquor is extended to November 15th.

XIX. MISCELLANEOUS/UNFINISHED BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Lazenby recognized We Speak of Portsmouth High School matter forward regarding changing the name of Columbus Day to Indigenous Peoples' Day. City Attorney Sullivan said the holiday was named by the State Legislature and it is Columbus Day on a statewide basis.

Councilor Lazenby moved that the City of Portsmouth recognize October 12th as Indigenous Peoples' Day to run coincidentally with what the State call Columbus Day. Seconded by Councilor Trace.

Assistant Mayor Splaine requested that a public hearing be held on this matter in November or December that we as a City would recognize Indigenous Peoples' Day. Councilor Lazenby accepted this as a friendly amendment and Councilor Trace agreed.

Councilor Trace asked why we couldn't give Indigenous Peoples' Day their own day.

Councilor McEachern agrees that a public hearing should take place on this matter.

Councilor Tabor said Councilor Lazenby's motion was to recognize Indigenous Peoples' Day alongside of Columbus Day. He said this is a statement we can take as a community.

Mayor Becksted said there was nothing on the agenda that we would take action on this matter..

Councilor Lazenby said the side by side recognition would be alongside Columbus Day and we should have a public hearing on anything more formal.

Assistant Mayor Splaine said he would like for this year on October 12th.

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. Councilor Lazenby accepted the friendly amendment and Councilor Trace agreed.

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

XX. ADJOURNMENT

At 12:15 a.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Huda.

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



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK