

TO: KAREN CONARD, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING FROM OCTOBER 19, 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

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 2020-20, 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. Presentation by Sustainability Committee – Drawdown Portsmouth – Bert Cohen, Chair – Bert announced that on Thursday, October 22, 2020 at 6:30 p.m. an in-depth review of drawdown will take place. He outlined the history on Sustainability. Environmental Planner/Sustainability Coordinator Britz spoke to the 10 year Master Plan and that we are an Eco-Municipality. Tracey Cameron spoke on the topic of flattening the curve and the impact emissions have on the environment.
3. Report Back from Board of Ethics – Councilor Tabor spoke to the process followed by the Board of Ethics regarding the ethics complaint against Councilor Kennedy. He reported that the Board held deliberations and unanimously found that a violation had occurred.
4. On a roll call vote 3-5, motion to accept the report and place it on file from the Board of Ethics and there be no further action needed ***failed*** to pass. Assistant Mayor Splaine, Councilor Whelan and Mayor Becksted voted in favor. Councilors McEachern, Lazenby, Huda, Tabor and Trace voted opposed. Councilor Kennedy recused from voting.
5. Public Comment Session – There were 6 speakers: Clare Kittredge, Roy Helsel, Arthur Clough and Zelita Morgan (Board of Ethics); Andrew Bagley (Outdoor Dining/Peirce Island Dog Park Reopening/Board of Ethics); and Dagan Migirditch (Outside Dining).
6. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking by the addition of Dearborn Street: easterly side, from the North Mill Pond running northerly for a distance of 25 feet – **On a unanimous roll call 9-0, voted** to pass first reading and to schedule a public hearing and second reading at the November 16, 2020 City Council meeting.
7. First reading of Ordinance amending Chapter 7, Article IVA, Section 7-A.402 – Bus Stops Designated – Hanover Street: southerly side of Hanover Street ~~90 feet east of~~ from Fleet Street to a point 285 feet east of Fleet Street – **On a unanimous roll call 9-0, voted** to pass first reading and to schedule a public hearing and second reading at the November 16, 2020 City Council meeting.

8. First reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits E: Speed Limit: 25 MPH by the addition of South Street, from Middle Road to Lafayette Road - **On a unanimous roll call 9-0, voted** to pass first reading and to schedule a public hearing and second reading at the November 16, 2020 City Council meeting.
9. First reading of Ordinance amending Chapter 11, Article II - Sewers, Section 11.203 and Section 11.204 – Waiver from Connection to Public Sewer - **On a unanimous roll call 9-0, voted** to pass first reading and to schedule a public hearing and second reading at the November 16, 2020 City Council meeting.
10. Public Hearing/Adoption of Resolution authorizing a Supplemental Appropriation the sum of up to One Hundred Fifty Thousand Dollars (\$150,000.00) from the Unassigned Fund Balance for the Design and Engineering of Alternate Plans for the Redevelopment of McIntyre Federal Building and surrounding Property – Held a public hearing. Moved to adopt the resolution authorizing supplemental appropriation from the Unassigned Fund Balance in the sum of up to \$150,000.00 for the funding of alternate plans for the redevelopment of the McIntyre Federal Building and surrounding property.

On a roll call vote 1-8, motion to amend to include at the end of the sentence “and the past legal action should be settled before planning funds are dispersed to our planning partners” **failed** to pass. Councilor Lazenby voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted opposed.

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

11. Public Hearing/Second 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 – Held a public hearing. **On a unanimous roll call 9-0, voted** to pass second reading and to schedule third and final reading at the November 16, 2020 City Council meeting.
12. Public Hearing/Second 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 – Held a public hearing. **On a unanimous roll call 9-0, voted** to pass second reading and to schedule third and final reading at the November 16, 2020 City Council meeting.
13. Public Hearing/Second 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 – Held a public hearing. **On a unanimous roll call 9-0, voted** to pass second reading and to schedule third and final reading at the November 16, 2020 City Council meeting.

14. Public Hearing/Second 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 - Held a public hearing. **On a unanimous roll call 9-0, voted** to pass second reading and to schedule third and final reading at the November 16, 2020 City Council meeting.
15. Third and Final 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~~ – **On a unanimous roll call 9-0, voted** to adopt the third and final reading.
16. Third and Final 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. - On a unanimous roll call 9-0, voted to adopt the third and final reading.
17. **On a unanimous roll call 9-0, voted** to suspend the rules 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.
18. Presentation by Health Officer Kim McNamara regarding COVID-19 Update – Health Officer McNamara provided global and state statistics for COVID-19. She reported that Portsmouth has 30 active cases and the total confirmed cases in Portsmouth is 146. She indicated that the positive rate has climbed to 1.1% and the NH curve is going in the wrong direction.
19. Update on the Portsmouth Citizens Response Task Force – City Manager Conard reported that this was the final weekend of PopUp NH. She stated we are currently in a holding pattern on extending outdoor dining.
20. Appointments to be Considered – The City Council considered the appointments to be voted on at the next City Council meeting.
 - Appointment of Karen Bouffard to the Historic District Commission as an Alternate
 - Reappointment of Robert Marchewka to the Economic Development Commission
21. Appointments to be Voted – **On a unanimous roll call 9-0, voted** to appointment David Adams to the Historic District Commission as a Regular member until June 1, 2023; the reappointment of Richard Katz to the Library Board of Trustees until October 1, 2023; appointment of Maria Peppas to the Library Board of Trustee until October 1, 2023; appointment of Kelly Delekta to the Library Board of Trustees until October 1, 2023; appointment of Latonya Wallace to the Library Board of Trustees until October 1, 2023; and appointment of Daniel Main to the Portsmouth Housing Authority replacing Ruth Griffin’s unexpired term until April 1, 2023.

22. Special City Council Meeting for Monday, October 26, 2020 at 6:30 p.m. regarding Ethics Board Matter – Mayor Becksted announced there will be a Special City Council meeting on Monday, October 26, 2020 at 6:30 p.m. regarding the Ethics Board Matter.
23. Joint NH Mayors' Letter to the NH Legislature relative to Homelessness Issues – Mayor Becksted gave a brief report regarding a letter to be drafted to the NH Legislative relative to Homelessness Issues.
24. Request for First Reading for Postponement of the Activation of Single-Use Bag Ban – **On a roll call 8-1, voted** to postpone the ordinance until we can enforce the law through a state mandate and to have the City Attorney draft an amended ordinance for first reading at the November 16, 2020 City Council meeting. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.
25. Letter from Tom Morgan Re: Planning Board Zoning Amendments – **On a unanimous roll call 9-0, voted** to send the letter to the Planning Board for report back with suggestions of where five-acre solar installations should be in the City and how many homes we can affect with this type of zoning amendment.
26. **On a unanimous roll call 9-0, voted** to continue the meeting beyond 10:00 p.m.
27. Extend Outside Dining to end of November – Moved to extend outside dining until the end of November where possible.
- On a unanimous roll call 9-0, voted** to have a report back at the next City Council meeting from the City Manager and the Portsmouth Citizens Response Task Force as to their judgment of extending outside dining even further through the winter months and how that would work.
- On a unanimous roll call 9-0, voted** to pass main motion as amended.
28. Approval to renew Valet Parking License Agreements for a term of one (1) year for Marriott Residence Inn and Portsmouth Harbor Events & Conference Center and Approval to renew Valet Parking License Agreements for a Term of one (1) year for the Hampton Inn & Suites – **On a unanimous roll call 9-0, voted** to approve the 2 Valet Parking Agreements for Marriott Residence Inn and Portsmouth Harbor Events & Conference Center and Hampton Inn & Suites.
29. Parking Traffic & Safety Action Sheet and Minutes of the September 3, 2020 meeting – **On a roll call 6-3, voted** to accept and approve the Parking Traffic & Safety Action Sheet and Minutes of the September 3, 2020 meeting. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor and Trace voted in favor. Councilors Kennedy, Huda and Mayor Becksted voted opposed.
30. Sustainability Committee – Drawdown Portsmouth an Eco-Municipality Update – No action required.

31. Acceptance of Donation to the Coalition Fund – Town of Rye - \$5,000.00 – **On a unanimous roll call 9-0, voted** to approve and accept the donation, as listed, to be placed in the Coalition Fund.
32. Parking Agreement for Deer Street Associates – **On a roll call 6-3, voted** to table until the next meeting with a report back. Assistant Mayor Splaine, Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Councilors McEachern, Lazenby and Tabor voted opposed.
33. Public Art Sculpture for McEachern Park – **On a unanimous roll call 9-0, voted** to refer the proposed public art fish sculpture donation for McEachern Park to the City Manager with power for establishment of an ad hoc advisory group consisting of Councilor McEachern and Jon Wyckoff for the purpose of evaluating the fish sculpture for compliance with the public art acquisition guidelines and make a recommendation back to the City Council for approval.
34. Approval of Interim Chief of Police Employment Agreement – **On a unanimous roll call 9-0, voted** to ratify the agreement as presented with Interim Chief of Police, Mark Newport.
35. Email Correspondence – **On a unanimous roll call 9-0, voted** to accept and place on file.
36. Letter from Cynthia and Lew Harriman regarding Set up of new Voting Center and making voting safe and reliable in this most unusual year – **On a unanimous roll call 9-0, voted** to accept and place on file.
37. Letter from Kirsten Hunter, Director of Lifespan Ministries requesting to hold a Community-wide Candle Lighting ritual in downtown on December 24th – **On a unanimous roll call 9-0, voted** to refer to the City Manager with power to set up for a logistics meeting.
38. Letter from Jack McTigue, TFMoran, Inc. requesting road name for the Village at Banfield Woods to Walford Lane – **On a unanimous roll call 9-0, voted** to refer to the Planning Board for report back.
39. Presentation by City Engineer Terry Desmarais regarding Update on the Peirce Island Wastewater Treatment Facility – City Engineer Desmarais provided a detailed update on the Peirce Island Wastewater Treatment Facility. No action required.
40. Adjournment – **On a unanimous roll call 9-0, voted** to adjourn at 12:30 a.m.

Respectfully submitted by:

Kelli L. Barnaby, MMC, CNHMC
City Clerk