

TO: KAREN CONARD, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING FROM NOVEMBER 23, 2020 WHICH IS A CONTINUATION OF THE NOVEMBER 16, 2020 MEETING THAT WAS 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 2020-20, 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. McEachern Park – No action required.
3. Extending outside dining to end of December – On a unanimous roll call 9-0, **voted** to extend outdoor dining in the City of Portsmouth where possible until the end of December knowing that there is going to be externalities that we would leave to the City Manager with the help of the Citizens Response Task Force to be able to address those on a case by case basis, and the City Council would revisit this at the end of the year.
4. Approval of Moose License Plate Conservation Grant for FY21 (\$9,760.00) – On a unanimous roll call 9-0, **voted** to accept this grant from the New Hampshire State Library, as presented.
5. Approval of New Hampshire Internet Crimes Against Children Task Force (ICAC) from the Federal FY '20 Forensic Shield-COVID Cares Act Grant - \$1,000,000.00 – On a unanimous roll call 9-0, **voted** to accept this grant as presented, and authorize the City Manager to expend these funds subject to the terms of any offer, rules, or regulation pertaining to such funds in cooperation with the Police Department.
6. Approval of Bureau of Justice Assistance Patrick Leahy Bulletproof Vest Partnership Grant - \$5,999.88 – On a unanimous roll call 9-0, **voted** to accept this grant as presented.
7. Approval of Federal Office of Juvenile Justice & Delinquency Prevention Grant (OJJDP) - \$334,969.00 – On a unanimous roll call 9-0, **voted** to accept this grant as presented.
8. Approval of 2021 Council Meeting Calendar – Move to approve this calendar as presented.

On a roll call 8-1, **voted** to amend the motion to hold a Budget Work Session the first week in January. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.

On a unanimous roll call 9-0, **voted** to pass the main motion as amended.

9. Request to Name Private Unnamed Street Located Off Gosling Road – On a unanimous roll call 9-0, **voted** to approve the request for naming of the previously unnamed private road to Jacona Road.
10. Parking Agreement for Deer Street Associates – On a roll call vote 3-6, motion to authorize the City Manager to execute a parking agreement with Deer Street Associates in a form substantially similar to the document presented and to modify the language in Section 1, that if parking passes were provided to Deer Street Associates in another parking facility, not in Foundry Garage, that it be done at the City's option only **failed** to pass. Councilors McEachern, Lazenby and Tabor voted in favor. Assistant Mayor Splaine, Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed.
11. Request to Schedule First Reading on Floodplain Overlay District Zoning Maps – On a unanimous roll call 9-0, **voted** to schedule first reading on the proposed amendments to the Floodplain Overlay District for the December 7, 2020 City Council meeting.
12. Revocable License for 241 South Street – On a roll call 5-4, **voted** to authorize the City Manager to execute and deliver a Revocable License allowing the owners of 241 South Street to replace granite steps on City property consistent with the decision of the Historic District Commission as described in Land Use Application LU-20-185. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby and Tabor voted in favor. Councilors Kennedy, Huda, Trace and Mayor Becksted voted opposed.
13. 60 Penhallow Street (Brick Market) Amended Temporary Construction License – On a roll call 6-3, **voted** that the developer reach out to the properties in the area and provide information on the data received to the City Council to make a decision at the next meeting. Assistant Mayor Splaine, Councilors McEachern, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Councilors Whelan, Lazenby and Tabor voted opposed.
14. Request for License to Install a Projecting Sign for owner Helen Marks for Spiritual Reader & Advisor for property located at 90 Fleet Street – On a unanimous roll call 9-0, **voted** to approve the aforementioned Projecting Sign License 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

15. Request for License to Install two Projecting Signs for owner John Reece for Fidelity Investments Center for property located at 54 Maplewood Avenue – On a unanimous roll call 9-0, **voted** 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
16. 89-99 Foundry Place (aka 181 Hill Street, “Lot 6”) Easements – On a roll call 6-3, **voted** to grant authority for the City Manager to accept the easement deeds and plans for community space in a form similar to those attached. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy and Tabor voted in favor. Councilors Huda, Trace and Mayor Becksted voted opposed.
17. 1600 Woodbury Avenue – Sidewalk and Signal Easements – On a unanimous roll call 9-0, **voted** to authorize the City Manager to accept a signal and sidewalk easement over land at 1600 Woodbury Avenue from DPF 1600 Woodbury Ave., LLC in a form similar to the attached.
18. 160 Court Street (Portsmouth Housing Authority) – Community Space Easements – On a roll call 6-3, **voted** to grant authority for the City Manager to accept the easement deeds and plans for community space in a form similar to those attached. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor and Trace voted in favor. Councilors Kennedy, Huda and Mayor Becksted voted opposed.
19. Update on the Portsmouth Citizens Response Task Force to include recommendation re: extended use of outdoor dining) – Report will be provided at the December 7, 2020 City Council meeting.
20. Memo from Citizen Response Task Force Endorsing Extension of Mask Ordinance – Discussion to take place at the December 7, 2020 City Council meeting.
21. Paper Street Request from Glenn Lael re: 45 Cliff Road – On a unanimous roll call 9-0, **voted** to refer to the Planning Board for report back.
22. Email Correspondence – On a unanimous roll call 9-0, **voted** to accept and place on file.
23. Letter from John Akar, Cava requesting permission to continue the use of space on Commercial Alley for 4 tables through the month of December – No action necessary.

24. City Manager's Informational Item – Update on Draft Great Bay Total Nitrogen General Permit  
– No action required, informational only.

25. Adjournment – On a unanimous roll call 9-0, **voted** to adjourn at 10:10 p.m.

Respectfully submitted by:

Kelli L. Barnaby, MMC, CNHMC  
City Clerk