

CITY COUNCIL MEETING

Continued from December 7, 2020 City Council meeting

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 14, 2020

PORTSMOUTH, NH
TIME: 6:30PM

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_eupF_8yZQtSOX3hiiO5njA

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 2020-24, 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 6:30 p.m.

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 2020-24 and Emergency Order #12, Section 3. Members location. All votes will be by roll call.

IV. ROLL CALL

PRESENT: Mayor Becksted, Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace

V. INVOCATION

Mayor Becksted asked everyone to join in a moment of silent prayer.

VI. PLEDGE OF ALLEGIANCE

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

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

- K. Second Reading of Ordinance amending Chapter 11, Article II – Sewers, Section 11.203 and Section 11.204 – Waiver from Connection to Public Sewer (*Postponed Second Reading at the November 16, 2020 City Council meeting*)

Councilor Lazenby moved to amend the current draft by adding after the first sentence in Section 11.204 (E) the following new sentence: The City Engineer may extend the period to connect from ninety (90) days to no more than one hundred and fifty (150) days or winter conditions or other good cause. Seconded by Councilor Huda.

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

Councilor Lazenby moved to pass second reading as amended and hold third and final reading at the December 21, 2020 City Council meeting. Seconded by Councilor Huda.

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

- L. Third and Final Reading of Ordinance amending Chapter 7, Article IVA, Section 7-A.402 – BUS STOPS DESIGNATED – D. Hanover Street: southerly side of Hanover Street 90 feet east of from Fleet Street to a point 285 feet east of Fleet Street

Councilor Whelan moved to pass third and final reading. Seconded by Councilor Huda.

Mayor Becksted said he is concerned with eliminating the 4 spaces at the bus stop.

Parking & Transportation Engineer Eby spoke to the presentation held by COAST at a recent Parking and Traffic Safety Committee meeting regarding all buses coming in to stop at the parking spaces at the top of every hour.

Councilor Kennedy said she would like to see the parking moved to Market Square. Parking & Transportation Engineer Eby said there are still one or two buses at that location. Councilor Kennedy said she would like to see them give up that location. Parking & Transportation Engineer Eby said they still need that location.

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

- M. Third and Final 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

Councilor Whelan moved to pass third and final reading. Seconded by Councilor McEachern.

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

- N. Third and Final Reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – A: Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations: Dearborn Street:
 - a. westerly side from Maplewood Avenue to the easterly end of Dearborn Lane (entire westerly side)
 - b. easterly side, from the North Mill Pond running northerly for a distance of 25 feet

Councilor Tabor moved to pass third and final reading. Seconded by Councilor Whelan.

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

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Appointment of David MacDonald as a regular member to the Zoning Board of Adjustment
 - Appointment of Corey Clark as a regular member of the Planning Board
 - Appointment of Peter Harris as a regular member to the Planning Board
 - Appointment of Rick Chellman as a regular member to the Planning Board

The City Council considered the appointments to be voted on at the December 21, 2020 City Council meeting.

2. Appointments to be Voted:
 - Reappointment of Peter Weeks to the Trustees of the Trust Funds
 - Reappointment of Philip Cohen to the Economic Development Commission
 - Appointment of Devan Quinn to the Peirce Island Committee
 - Appointment of Andrew Samonas to the Conservation Commission

Councilor Kennedy moved to reappoint Peter Weeks to the Trustees of the Trust Funds until January 1, 2024; reappoint Philip Cohen to the Economic Development Commission until October 1, 2024; appointment of Devan Quinn to the Peirce Island Committee and appointment of Andrew Samonas to the Conservation Commission until April 1, 2023. Seconded by Councilor Huda.

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

- 3 Governor's Council on Housing Stability

Mayor Becksted reported Governor Sununu is creating a commission regarding homelessness in the state.

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Request for Update on Availability of Winter Portsmouth Warming Centers

Assistant Mayor Splaine said he would like to see warming centers in the City.

City Manager Conard said the Emergency Operations Center members met on this matter and reported that Operation Blessing would be a warming center. She said information will be on our website and individuals can contact the Welfare Department for further information.

B. COUNCILOR McEACHERN

1. Extend Citizen Response Task Force to June 30, 2021 with input from Council and consideration of Citizen Response Task Force recommendations

Councilor McEachern moved to extend outdoor dining to December 31, 2021. Seconded by Assistant Mayor Splaine.

Councilor McEachern said that businesses are continuing to hurt during the pandemic, and we need to give those businesses that want to have outside dining so they can continue to operate.

Councilor Kennedy said there are other outside restaurants that feel they were left out. She said some businesses are not part of the Chamber of Commerce due to the cost involved. She spoke to having all businesses included, and that this matter be addressed.

Assistant Mayor Splaine said he would like to see outside dining until the end of 2021. He spoke in support of the task force and continuing their work. He said it is important to reopen the City.

Councilor Trace moved to amend the motion that effective immediately, the Health Subcommittee, become a Mayor's Blue Ribbon Committee working in support of the City of Portsmouth Health Department; that Portsmouth's emergency dining model of 2020 for outdoor restaurant dining on streets and sidewalks be reinstated effective March 1, 2021 weather permitting, through November 2021, with appropriate permitting and necessary implementation overseen by the City Manager and City Staff reporting directly to the Mayor & City Council; and that effective immediately, the Citizen's Response Task Force become a Mayor's Blue Ribbon Committee, known as Reopen Portsmouth 2021 Citizen Response Task Force with one non-voting City Councilor added as appointed by the Mayor. The committee to report back to the City Council on January 25th with a defined plan moving forward. Both Blue Ribbon Committees to be answerable to the Mayor and to report regularly to the City Council. Seconded by Councilor Kennedy.

Councilor McEachern asked if an amendment can be as broad and out of scope with his motion. City Attorney Sullivan said it is possible for the amendment. Councilor Trace said the motion could be made and everything in the motion is in the authority of the City Council to do.

Councilor Trace said the Health Committee needs to become a Mayor's Blue Ribbon Committee to operate on their own and report to Mayor Becksted and the City Council. She said we need to move forward and make sure that businesses are looked at entirely.

Councilor McEachern said Councilor Kennedy had a list of all businesses and not just restaurants. He said the Citizen Response Task Force (CRTF) did not focus just on restaurants. He spoke to the make-up of the committee and said volunteers have spent countless hours on the CRTF.

Assistant Mayor Splaine said the motion brings politics into the committee. He said the CRTF has done tremendous work, and it is unfortunate that this amendment has been made. He said we were going to have a work session and look at adjustments. He said he strongly opposes the amendment made by Councilor Trace.

City Manager Conard reported that she shared some of the work with retailers on parking and the timing of spots with restaurants. She said all were asked to participate and sessions were held by the Chamber of Commerce whether a business was a member or not. She stated that CRTF was very inclusive of the needs of the businesses and restaurants.

Councilor Tabor said both motions have similar goals, one approach is flexible and the other is not. He said the CRTF has a broad charge that is separated into areas of concerns. He said we make a big mistake by not being flexible.

Councilor Huda said the CRTF was established because of COVID and the need to move quickly by creating and looking at businesses. She asked for support of Councilor Trace's motion and said it is time for the City Council to pivot.

Councilor Kennedy said we're here for all businesses. She said people spoke out during the summer that were not restaurants. She stated people have left the CRTF because they were not included. She indicated she would support this because we are moving the CRTF into a Blue Ribbon Committee. She stated that we need a City Councilor on the committee and asked that all businesses be reviewed and looked at.

Councilor McEachern said we don't have all the answers as a City Council to change this to a Blue Ribbon Committee. He said restaurants need help and support moving forward. He stated one business left the CRTF because of a commitment.

Councilor Whelan said both motions are similar. He said the key point is the City Council made a commitment starting April 1st to put the streets back to the way they were this summer. He said that this would provide a jump start to things and the CRTF will still have input. He said he would support Councilor Trace's motion.

Councilor Lazenby said he agrees with much of what Councilor Whelan said, but there are key differences. He said the original motion makes sense to move forward. He stated extending the CRTF with some revisions needs attention right away. He said we need to make sure businesses downtown are heard. He spoke to having a Councilor on the CRTF and how that would be political and that does not need to be part of this committee.

Councilor Trace said she would like to meet Councilor Lazenby half way and have a City Councilor as a non-voting member.

Discussion followed regarding this matter.

Assistant Mayor Splaine moved to suspend the rules to hear from the CRTF. Seconded by Councilor Whelan.

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

Mr. Stebbins asked if the City Council wants to hear the opinions or thoughts of the CRTF. He said it has been a pleasure to serve on the CRTF and they have worked to take care of the businesses downtown. He spoke to the lengthy discussions with businesses other than restaurants and they have looked at the parking aspects from local retailers to make sure parking remains available. He indicated that Valerie from the Chamber of Commerce has spent a great deal of time on this matter. He concluded by stating we need to keep politics out of the committee to keep it effective.

Mr. Peterson said he agrees with Mr. Stebbins comments. He stated the CRTF was created by the City Council and they work at the pleasure of the Council. He said his main concern is delaying the activity of the CRTF. He said if changes to the CRTF are made they could lose momentum, the decision should be one to allow the CRTF to work in anticipation of the spring. He said we must remain flexible and nimble.

Councilor Trace thanked Mr. Stebbins and Mr. Petersen for their work, and the work needed to be done for the success of the City. She said her amendment is in no way a reflection of what they have done and can do for the City. She said if the CRTF becomes a Blue Ribbon Committee, please continue to be involved. Councilor Trace said the meeting of January 25th the Blue Ribbon Committee would come forward to the City Council with a viable plan to move forward.

Councilor McEachern asked Mr. Stebbins and Mr. Petersen given Councilor Trace's amendment and to have a non-voting member too, do you feel you would continue as members of the new Blue Ribbon Committee with a Councilor on board. Mr. Petersen said he is open to a Councilor joining the meetings but he does not under having a member on the Committee. He said he pledges to continue to be a member of the CRTF which is a great deal of work. Mr. Stebbins said as long as Mr. Petersen continues to serve he would sever.

Councilor McEachern said he would amend Councilor Trace's amendment to continue outside dining as it stands now not in the public realm and move up the public dining to March 1st. No second received.

Councilor Huda said the City Council did a great job for the restaurants but we need to look at helping the retailers and update the model. She would like to move forward with the restaurant model and we work all other businesses into the plan. She asked if an end date is necessary.

Councilor Kennedy said she would like to leave the motion as the same CRTF moving forward and on January 25, 2021 we will have a report back.

**Councilor McEachern moved to amend that outside dining and street closures to March 1st.
Seconded by Assistant Mayor Splaine.**

Mayor Becksted said he is trying to find out about the motion before the Council currently. City Attorney Sullivan stated the last action would supersede anything.

Councilor Trace said Councilor McEachern asked her to amend the date and she said she would entertain March 1st weather permitting.

Councilor McEachern removed his amendment because Councilor Trace agreed to start on March 1st.

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

C. COUNCILOR WHELAN

1. Action Item Needing Approval by City Council:
 - Request for 30 minute spaces on Court Street near Fleet Street, by Portsmouth Housing Authority (PHA)

Councilor Whelan said the action item needing approval by the Council is for 30 minute spaces on Court Street near Fleet Street, by Portsmouth Housing Authority.

Councilor Whelan moved to temporarily designate two spaces as 30 minute parking and one space as handicapped parking in front of the Feaster Apartments during construction, which should be complete in April 2022. Seconded by Councilor Lazenby.

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

2. Parking Traffic & Safety Action Sheet and Minutes of the November 5, 2020 meeting

Councilor Whelan moved to accept and approve the Parking Traffic & Safety Action Sheet and Minutes of the November 5, 2020. Seconded by Councilor Lazenby.

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

Councilor Whelan provided a brief update on McIntyre and spoke to the post cards sent out to residents. He said the public is invited to the meeting tomorrow.

Councilor Tabor said 165 people have signed up and they expect 200. He said the purpose of the study circles is to envision the issue of the public space and what activity we want.

Councilor Kennedy asked if this is open to every idea and looking at all open spaces. Councilor Tabor said the principle group will work with residents with a report back in February, 2021. He said we need to accommodate all residents of the City.

Councilor Trace said she would suggest that we know that members of the subcommittee not be part of the round circles, Portsmouth Listens or the City Council and that they not be putting their thumb print through drawings by the principle group, as it is for residents only. She said creativity starts with our residents.

Councilor Whelan said people on land use boards should not be participating in Portsmouth Listens because they will make decision on the plans.

Councilor McEachern said the meeting is on Tuesday at 2:30 p.m. and you may sign up through email and share any opinions on this matter. He expects to have updates to recap the meetings which are available on You-tube.

Discussion followed on data collection and how the information will be kept.

D. COUNCILOR KENNEDY & COUNCILOR HUDA

1. Reports & Year End Status Updates
 - Report Back on the Date Availability for the Final FY20 Actual Detail
 - Report Back on FY21 CIP Including the Following:
 - November 2020 & 6 Months Ended December 2020 CIP Balances to Include:
 - FY21 CIP Distribution by Line Item Amount
 - Year to Date Spend
 - Year to Date Encumbered
 - Remaining Balance
 - Report Back on the Status of the Middle Street Bike Lane Study (Expected Delivery Date of Report)
 - Report Back on the current Status of Public Art on City Property
 - Report on the Services and/or Projects Completed by the former City Manager-John Bohenko over the 12 Month Period Ending December 31st Per the Agreed Upon Consultant Contract and Verify Contract End Date
 - A 6 Month Update Report on the Status of CARES Act Funding to Include:
 - A Guide to the Taxpayers & Council on CARES Act Funds in the Monthly & Year-to-Date Reports
 - Total Amounts Submitted/Received for Reimbursement
 - Current Balance at December 1st by Funding Source
 - Update on any other COVID related Funds that are Available to the City from the State of New Hampshire
 - Status of the Boyle Case
 - What is the Current Status of the Sagamore Creek Project
 - Please provide for Review – The Contracts of the Auditors and all Legal Contracts or Retainers currently on file

Councilor Kennedy moved to send this information to the City Manager for a report back. Seconded by Councilor Huda.

Councilor McEachern asked if these items would all come back at the next meeting. He said he would like to have the information ahead of the meeting to read through. He said this is an enormous amount of report backs.

City Manager Conard said she would provide written reports within the packet which will come out on Thursday.

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

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of New Hampshire Highway Safety Grant for dedicated patrol enforcement operations - \$17,641.00

Councilor Kennedy moved to approve and accept the New Hampshire Highway Safety Grant to the Portsmouth Police Department as presented. Seconded by Councilor Huda.

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

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

(There are no items on under this Section of the Agenda this evening)

XVI. CONSENT AGENDA

- A. Request for License to Install a Projecting Sign for owner Sandra Cole for Backstreet Barbers LLC d/b/a/ The Clip Joint Barbers for property located at 10 Ladd Street
(Anticipated action - move 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***

- B. Letter from Jennie Halstead, My Breast Cancer Support, requesting permission to hold the 13th Annual Celebrate Pink 5k Walk & Run on Sunday, September 19, 2021
(Anticipated action – move to refer to the City Manager with Authority to Act)

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

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

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- C. Letter from Attorney Bernard Pelech, Bosen & Associates, PLLC, on behalf of property owners at 138 Leavitt Avenue, requesting the Restoration of Involuntarily Merged Lots fronting Pevery Hill Road and Lots which front on Leavitt Avenue

Councilor Kennedy moved to refer to the Planning Board and Assessor for report back to the City Council. Seconded by Councilor Huda.

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

- D. Email Correspondence

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

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

~~XVIII. CITY MANAGER'S INFORMATIONAL ITEMS~~

1. ~~*Report Back on Police Department HVAC Improvements~~

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Kennedy said she heard from people about the Non-Public Session proposed for the CRTF because some committee members were confused.

City Attorney Sullivan said the CRTF posted that they were going to have a Non-Public Session and then determined the topic was not appropriate for Non-Public Session and did not meet in Non-Public.

Mayor Becksted thanked the Citywide Neighborhood Committee for their work on the Holiday Decorating Contest as there are 87 people participating. He said a winner will be selected and announced at the next City Council meeting.

Councilor McEachern announced that Santa is coming through the City on Saturday.

XX. ADJOURNMENT

At 9:06 p.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