

CITY COUNCIL MEETING

MUNICIPAL COMPLEX

DATE: MONDAY, MARCH 22, 2021

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_6xNBjq9_S46azNsl8cmTtg

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 2020-25, 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.

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 2020-25 and Emergency Order #12, Section 3. Members location. All votes will be by roll call.

III. CALL TO ORDER

At 7:12 p.m. Mayor Becksted called the meeting to order.

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 due to the impasse our country is in and urged everyone to be patient.

VI. PLEDGE OF ALLEGIANCE

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

VII. ACCEPTANCE OF MINUTES – FEBRUARY 22, 2021; JUNE 22, 2020 & JULY 15, 2020

Councilor Tabor moved to accept and approve the minutes of the February 22, 2021; June 22, 2020 and July 15, 2020 City Council meetings. Seconded by Councilor Whelan.

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

IX. PUBLIC COMMENT SESSION

Tom Ferrini spoke on behalf of the Portsmouth Housing Authority regarding their Capital Improvement Projects. He spoke to the 60 year history the Housing Authority has with the City and that he hopes to continue the relationship. He asked for the Council's assistance in moving the projects forward.

Ken Goldman spoke on the delay of the Islington Street Corridor Project and said it is important to move the project forward in 2022. He said that this is a gateway to the City which need improvements. He addressed safety items and issues surrounding pedestrians that exist and need to be dealt with. In closing, he requested the City Council move the project forward.

Andrew Bagley said at the last meeting the emails from the State regarding the Middle Street Bike Lanes were not provided in the packet for the public to review. He said a purpose of needs statement has to be made public and asked how many public hearings will need to take place on this project.

Stefany Shaheen, Police Commission Chair, spoke regarding the new Police Department and that this is clearly a responsible request for the Capital Improvement Plan. She said we are at a critical cross roads with the space needs for the building. She said that a new department will take 3 to 5 years to complete and we need to get started right away. She addressed the current safety issues the Police Department are having and that they need to continue to be addressed while they remain in the current building.

Joe Onosko, Police Commissioner said he agrees with Commissioner Shaheen's comments. He said the staff has been terrific dealing with health and safety issues and we need to move forward on building and planning for a new Police Department.

Tom Hart, Police Commissioner spoke in support of comments made by the two commissioners in support of building a new Police Department. He said the staff comes in every day and deals with the issues within the building and the effects it has on them personally but it is time to move forward.

Mark Brighton said he is concerned that a request for data was not granted by staff and should be made available in the format requested by the Council.

Chris Robillard spoke with disappointment on what took place on the Middle Street Bike Lanes. He said no one saw the emails on what you would need to do, which should have been made available. He said it was a lesson in bad government and said it was shameful.

Councilor Kennedy moved to suspend the rules to take up Item XV. A.1. – Adoption of Proposed Capital Improvement Plan. Seconded by Councilor Huda.

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

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Adoption of Proposed Capital Improvement Plan

Various City Councilor's went through sections of the Capital Improvement Plan and spoke to projects they wanted to see changed, removal of funding, push out funding, reduce funding and moving projects sooner within the plan.

PHA Court Street Project Driveway:

Councilor Huda moved to remove the funding for the PHA Court Street Project Driveway. Seconded by Councilor Kennedy.

Councilor Kennedy said the work is fine but she feels it is setting a precedent and is concerned on the affect it would have on future requests.

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

PHA Court Street Project Pedestrian and Park Improvements:

Councilor Huda moved to remove the funding for the PHA Court Street Project Pedestrian and Park Improvements. Seconded by Councilor Kennedy.

Councilor Huda does not feel the City should pay for this but the park should be put back at the expense of the Housing Authority.

Councilor Tabor said this is worth the City to pay for a reconstruction for the Fire Department Plaza with the statute.

Mayor Becksted said that this will be different from what was in place previously and will be a big challenge.

Councilor McEachern said there were stipulations for the Ruth Griffin Place which had requirements by the city.

Councilor Trace said we can all look at each other and see the park was removed because of construction and she would like to see the park returned. She said this is the right thing to do.

Councilor Lazenby said it is about a walk way as well. He said this is important and a reasonable piece that we need to make the section available and accessible.

City Manager Conard said a no vote would put Portsmouth Housing Authority in violation of site review approvals.

Councilor Kennedy said it is great to have a park but there is a bigger concern.

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

Marjorie Street Wastewater Pumping Station:

Councilor Huda moved to push out funding for this project to FY23. Seconded by Councilor Kennedy.

City Attorney Sullivan reported that the land in question is owned by Mr. Boyle and he wants us to remove the sewer line and the court agreed to that.

Councilor Lazenby asked if we push out the project for a year would it invite penalties. City Attorney Sullivan said any delay will cost the City money.

Councilor Lazenby said if a settlement was reached could we modify the CIP or not expend the funds. He said he would oppose the motion.

Councilor Trace said we have a judge that ruled in favor of the City removing the sewer pipe at some point. She said we need a pump station to move the pipes to a different spot. She understands moving it out one year but is this something that the City feels should be attended to immediately. City Attorney Sullivan said the City should move forward expeditiously. He said there is some limit on discussion at this point.

Councilor Tabor said the CIP is to communicate our future capital plan for residents and City Council.

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

Diversity, Equity and Inclusion Strategic Plan:

Councilor Huda moved to remove the funding from the CIP and put it into operating expenses. Seconded by Councilor Kennedy.

Councilor Kennedy said this is a reoccurring expense for employees and board and commission members to take part in the program.

Councilor Huda said she does not feel the plan is building and infrastructure related.

Assistant Mayor Splaine said this is something that needs to be done and is specific for the City and our needs.

Councilor McEachern said if we agree with the money we want to spend and we are spending too much time on re-crafting items.

Councilor Tabor said we will not support this. He said this qualifies for more than a year.

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

New Police Department Facility:

Councilor Huda moved to reduce \$2.8 million in funding for FY22 to \$1.4 million and leave the FY23 estimated construction at \$39.2 million until we can receive a better estimate. Seconded by Councilor Kennedy.

Councilor Lazenby asked Chief Newport if he agreed to reduce the funding. Chief Newport said the \$2.8 million will give us what we need. He wants to keep the \$1.4 million which will allow the department to start on the design phase of the project.

Councilor Trace wants to make sure we are not reducing the ratio. Public Works Director Rice said you will reduce the ratio but it will allow the design process to start incrementally.

Councilor McEachern said he would support the motion as long as Chief Newport is in favor and Public Works Director Rice agrees. He said the City needs to move forward in some way.

Police Chief Newport said he agrees the \$2.8 million is what they are looking for because it keeps the ball moving forward.

Assistant Mayor Splaine said he opposes the motion. He said the Police Department has spoken to their real needs and he does not want to take a chance in a further delay. We are comfortable with the current motion. He said this could delay further if we don't move forward soon.

Councilor Whelan said he supports the \$1.4 million and if the \$2.8 million was needed they would speak to that matter. He said he would like to see this placed on City land and if there were land cost we would need the \$2.8 million.

Councilor Trace said she will support the motion and the \$1.4 million is a good place to start.

Councilor Kennedy said she appreciate the work on bringing the City budget down for the City residents.

Councilor Huda said she would like to verify that the page 57 project remains in the CIP. City Manager Conard confirmed the funding will remain and improvements will be made.

Mayor Becksted said he looks forward to the discussion moving forward. He would like to see large City projects and create a Committee on the process for projects and will make recommendations coming forward.

On a roll call vote 7-2, motion passed. Councilor McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine and Councilor Lazenby moved opposed.

Wayfinding:

Councilor Kennedy moved to remove the funding. Seconded by Councilor Huda.

Planning Director Walker explained the wayfinding program which is a local focus on signs. She said that this is a phased approach project and we are focusing on outlining areas directing people to the most popular spots.

Assistant Mayor Splaine said Planning Director Walker has done some great work on this project. He said GPS does not always work like a sign and wayfinding will direct people to our sites.

Councilor Huda said she will support Councilor Kennedy on this motion where we have spent \$642,000.00 on wayfinding and we are asking for another \$300,000.00 and she feels there are better uses of these funds.

Councilor McEachern said wayfinding will show us parts of our history and neighborhoods. He would like to see these incorporated in other parts of the City.

Councilor Tabor said this is a way to direct people to places and not to rely on technology.

Mayor Becksted said we pushed out wayfinding in the past and he would like to see less signs.

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

Councilor Kennedy expressed concern on the Annual Water Line Replacement which is going from two pipes down to one pipe. She asked what would happen if the pipe failed.

Deputy Public Works Director Goetz said the project is actively in design, with bidding this fall and construction over the winter.

Discussion followed regarding the project and the pipe.

Councilor McEachern requested information back from the Public Works Department on whether the drinking water transmission pipe is buried or sits on the floor of the Bay. Deputy Public Works Director Goetz said the pipes are in different locations.

Combined Funds Projects (General Fund-Water Fund-Sewer Fund) Islington Street Improvements Phase 2:

Councilor Trace moved the funding for the project from FY27 into FY22. Seconded by Councilor Whelan.

Councilor Trace said it is time for the project to move forward, this is a health safety issue and main entrances into the City.

Councilor Lazenby asked what impact this would have on the CIP and what impact was it to move back and would we see other projects moved.

City Manager Conard said we would propose to handle cost of design for FY22 and look to bond in FY23.

Public Works Director Rice said this would help get moving forward construction which would start in a year from now.

City Manager Conard said we would seek bonding to move the construction forward. Public Works Director Rice said we reviewed what projects could be moved out. He said water and sewer rates are firmed up and water and sewer side can absorb the costs and working with Finance Director Belanger and Deputy Finance Director Purgiel the impact would be in FY23.

Councilor Trace asked that this would benefit the drinking water for residents and there is still some combined sewer work going into Congress Street. Public Works Director Rice responded affirmatively.

Councilor Trace said she would like the entire project to be shifted in FY22 and the rest of the project does not get shifted back. She asked City Manager Conard if there are federal funds for the part of the project that could not be picked up. City Manager Conard said we would look at COVID/FEMA funds availability.

Councilor Huda said 1A is all most done and we are starting 1B with continuing with 2, 3, and 4. She asked could we do this and how many construction seasons would it take. Public Works Director Rice said 2 additional construction season. He said we will go to residents that are impacted. He said we anticipate traffic detours and this section will be more challenging to do due to the narrow roadway section of Islington Street.

Councilor Trace said for 6-12 months for design and Phase II will allow smaller businesses to go right up into Congress Street for a year to break before construction.

Councilor McEachern said he supports this being pulled up. He would like to see this connected to other parts of the area.

Councilor Lazenby said he understands moving it forward from FY27 but has concerns moving it forward to next year as some people would like to breath and would like to see other areas receive that kind of improvements. He said there is an omission from the CIP for the McIntyre Project and asked when we would we know what the McIntyre investment would be.

Councilor Whelan said he would support the project. He said this is a gateway street to our downtown.

Councilor Kennedy said we have saved \$1.4 million in amendments to the CIP this evening.

Mayor Becksted said we moved the project forward and our water and sewer funds will cover costs and COVID funds could be used for this project.

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.

Adoption of Proposed Capital Improvement Plan:

Assistant Mayor Splaine moved to approve the Capital Improvement Plan FY22 – FY27 with voted upon changes. Seconded by Councilor Huda.

Councilor Lazenby said he would vote opposed to the motion because there is no funding for the McIntyre project.

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.

At 9:15 p.m., Mayor Becksted declared a brief recess. At 9:28 p.m., Mayor Becksted called the meeting back to order.

XII. MAYOR BECKSTED

1. Appointment to be Considered:
 - Reappointment of Samantha Collins to be Conservation Commission
 - Appointment of Chris Gallot to the Peirce Island Committee
 - Reappointment of Thomas Ferrini to the Portsmouth Housing Authority
 - Reappointment of Carl Diemer to the Recreation Board
 - Reappointment of Kathryn Lynch to the Recreation Board
 - Appointment of Robert Bogardus to the Recreation Board
 - Appointment of Aubrey Gewehr to the Sustainable Practices Blue Ribbon Committee

The City Council considered the list of recommended appointments and reappointments which will be voted upon at the April 5, 2021 City Council meeting.

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR LAZENBY

1. Proposed City Council Rule regarding transparency of City Council actions

Councilor Lazenby moved to adopt, as part of the Revised Rules & Orders of the Portsmouth City Council. Seconded by Councilor Tabor.

Rule 48: Motions to be Germane to Agenda

No Member of the City Council shall make any motion at a City Council meeting except those motions which logically relate to an item contained in the written Agenda. To make a motion not logically related to an item contained in the written Agenda, the City Council would first need to vote by a two-thirds majority to suspend this rule.

Councilor Lazenby said he feels this rule change is necessary and is supported by Roberts Rules of Orders. He said it is better to give everyone informed advance notice when requesting action on items.

Councilor McEachern said at first he thought that it was reactively to the Middle Street Bike Lanes but no longer feels that way.

City Attorney Sullivan said the concept that the actions should follow the agenda to know what is coming forward and deal with items, this rule states this in a more specific way.

Councilor Kennedy asked if we are already following this rule. She said she would not support this motion.

Councilor Huda said there is too much room for interpretation and does not feel we need any friction that could be caused by this motion.

City Attorney Sullivan said the person running the meeting does not feel something is related to the agenda that would be an example of what this motion means.

Councilor Lazenby said he received this verbiage from the City Attorney and the City Council has taken action on items that were not of the agenda.

Assistant Mayor Splaine said that this is a good process issue. We need to protect interests and concerns. He said the minority of 9 members is protected and realize on the openness and provide public with an idea of motions coming forward. He said the City Council could challenge the ruling and make things up front and center.

Mayor Becksted said that he feels this is with direct action of the Middle Street Bike Lanes.

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

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Approval of National League of Cities Grant - \$10,000.00

Councilor Kennedy moved to authorize the City Manager to execute the Memorandum of Understanding with the National League of Cities as presented, and accept the grant funds in the amount of \$10,000.00. Seconded by Councilor McEachern.

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

XV. CITY MANGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

2. Peverly Hill Road Complete Street Project Public Comment Summary and Request for Public Necessity Hearing

City Manager Conard said City staff held a public meeting on February 17th which had 47 participates attend. She said comments received could be addressed during final design.

Councilor Kennedy moved to schedule a walkabout of Peverly Hill Road on Saturday, April 3rd at 10:00 a.m. for the public to learn about and see what is possible, what taking would be, and hold a public necessity hearing on April 19, 2021 during the regular City Council meeting to establish the right-of-way needs for the Peverly Hill Road Complete Street Project. Seconded by Councilor Huda.

Assistant Mayor Splaine said that is a good idea and if not this coming Saturday next Saturday. He spoke to his walks of neighborhoods and said resident have different views on this matter.

Mayor Becksted said we should work with staff on a date. He said we need to look at this through the residents. He would like to see this put into the newspaper for noticing and on the website.

Councilor Lazenby asked City staff on the impact of the schedule would be.

Councilor Kennedy said Deputy City Attorney Woodland said if someone feels there is an issue with the taking the project should stop. She said we need a conversation with residents and hear what they have to say.

Mayor Becksted said he would like to move forward with April 5th.

Councilor Kennedy said she would like to have a site walk before a public hearing is held.

Public Works Director Rice said he is acceptable with pushing the public hearing out to April 19th.

Councilor Kennedy agrees with having a site walk on April 3rd and the public hearing on April 19th. Councilor Huda agreed.

Councilor McEachern would like to have the site walk and public hearing closer together for clearer opinions on this matter.

Councilor Huda said that April 3rd to April 19th would allow us to have feedback received from residents.

City Attorney Sullivan said it would be a public hearing noticed in advance with minutes of what happens. He said it may be necessary to make a site walk into a required site walk followed by a public hearing.

City Manager Conard said she will have staff and consultants at the meeting.

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

3. Resolutions to Opt-In to the Great Bay Total Nitrogen General Permit and Draft Intermunicipal Agreement

City Manager Conard reported a meeting was held on this matter on March 11th.

Councilor Kennedy thanked Michael Cobb from the EPA for speaking with her. She said she is still trying to figure out the bubble and she was told by staff they were separate and EPA said they would be considered as one because they are owned by the same entity. She asked why we are paying so much more. She said the dilemma is Lonza and no one could determine how low the Pease plant would go in opting in one reason is because of Lonza. She said if that is a fact and is costing extra money are we effecting the Bay more than others.

Deputy City Attorney Woodland said you were wondering if we could have a bubble outside the Great Bay Total Nitrogen Permit but we did say the bubble adopted because it is looking at the total load. She said it is a different concept and we could not have it as a stand-alone.

Councilor Kennedy asked could Portsmouth be looking at Pease and Peirce Island together and not separating. She said that Mr. Cobb said you could look at the bubble concept.

City Engineer Desmarais said the City is the owner and we are looking at it as one discharge. Councilor Kennedy asked to look at the total nitrogen. Engineer Desmarais said nitrogen is 340 liters per day. Councilor Kennedy asked why we are spending more than everyone else involved. Deputy City Attorney Woodland said we are discharging more than other communities. She said the purpose was to provide something to discuss the process and members will look at the contributions.

Councilor Kennedy said she is having a hard time with the costs. She said transparency is that EPA would hold open meetings and minutes taken. Deputy City Attorney Woodland said other communities are aware there is a need for more transparency and everyone was fine with that and has been favorably received.

Deputy City Attorney Woodland said the permit is to our advantage and trying and receive the goal of the permit and look at other pollutants as well. Councilor Kennedy said we need to look at Lonza and in 5 years we will need to get the numbers down and it could mean a million dollars for cleaning at Peirce Island. Deputy City Attorney Woodland said this is a continued conversation on this subject and Pease.

Councilor Lazenby moved to adopt the Resolution entitled, “Approval of Submit a Notice of Intent to Obtain Coverage under the Great Bay Total Nitrogen General Permit” and the Revised Resolution entitled, “Approval to Enter an Intermunicipal Agreement for Development of an Adaptive Water Quality Management Plan for Great Bay Estuary.” Seconded by Councilor McEachern.

Councilor Kennedy said she would like to add that the coalition have transparency. Deputy City Attorney Woodland said that is already a part of the Resolution.

Councilor Lazenby asked if more is needed in the Resolution than the motion. Deputy City Attorney Woodland said it would be useful on discussions but it has no bearing on the Resolution.

Mayor Becksted asked how important it is to have the discussion on this matter is. Deputy City Attorney Woodland said we have the April 1st deadline on this matter and the Resolution would be supportive of that. Deputy City Attorney Woodland said if we do not opt in by April 1st we would receive a separate permit for Pease with limited technology. Councilor Trace said it would put us into noncompliance immediately. Councilor Trace said the transparency was on meetings of communities going forward.

On a roll call vote 7-2, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor, Trace and Mayor Becksted voted in favor. Councilors Kennedy and Huda voted opposed.

XVI. CONSENT AGENDA

- A. Request for License to Install a Projecting Sign for owner NNE Hospitality Group LLC for property The Puddle Dock Restaurant, LLC located at 66 Marcy 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**

- B. Request for License to Install a Projecting Sign for owner Henry Pariseau for property Portsmouth Feed Co. located at 22 Market Square Unit 1 (**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**

- C. Request for License to Install a Projecting Sign for owner Ahmed Beju for property Sineore Cannoli located at 70 Congress 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**

- D. Letter from Ilysse Sirmaian, Portsmouth Babe Ruth, requesting permission for placement of temporary signage at Leary Field during the 2021 baseball season
(Sample motion – 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.

Councilor Kennedy moved to suspend the rules in order to continue the meeting beyond 10:30 p.m. Seconded by Councilor Huda.

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

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email correspondence

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

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

- B. Letter from Larry Cataldo, Citywide Neighborhood Committee, regarding Chevrolet Avenue Sidewalk Project

Assistant Mayor Splaine moved to refer to the City Manager for report back. Seconded by Councilor Huda.

Councilor Lazenby said he spent years on the Citywide Neighborhood Committee and efforts were made to remain impartial on projects and it is challenging to him that they are advocating one project over another project in another neighborhood. He would like to see a process on these matters be implemented.

Councilor Kennedy said she is asking for the City Manager to provide a report back on the letter.

Councilor Huda said this is on a report back.

Assistant Mayor Splaine said the Committee spent time on this matter and the Citywide Neighborhood Committee can look at a matter out of a conflict and look at concerns of a neighborhood.

Councilor Whelan said he agrees with Assistant Mayor Splaine and Parking and Traffic Safety has reviewed this and there is a study underway and money available for the study.

City Manager Conard said a memorandum will be provided on this matter. She said this is a safety matter on Chevrolet Avenue.

Councilor Tabor said the Citywide Neighborhood Committee needs to be indifferent and should not be told how to operate.

Councilor Lazenby said he understands and would like feedback and impartiality on neighborhoods.

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.

- C. Email Correspondence from Bill Watson, NH Department of Transportation, regarding Middle Street Bike Lanes

Councilor Lazenby moved to request a report back from City staff regarding a plan to implement the Middle Street Bike Lane changes adopted on March 15, 2021 in a manner compliant with the guidelines expressed by the NHDOT in their e-mail dated March 15, 2021. Seconded by Councilor McEachern.

Councilor McEachern said the City Attorney stated that we were implementing the letter sent on bike lanes and we implement the entire letter.

Councilor Lazenby said the motion is on how the implementation would be achieved.

Councilor McEachern said it is reasonable that we have a plan around this.

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

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Report Back on CIP and Bonding Process as Requested by Councilor Huda at the 3/15/2021 Council meeting

Councilor Huda requested a report back on the percentage of completion for projects started prior to this year.

Councilor Kennedy requested a report back on projects that have been bonded and are still in progress.

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

- 1. Citywide Neighborhood Committee Meeting Minutes of March 3, 2021

Assistant Mayor Splaine said the minutes are informational and the minutes will be provided moving forward.

Councilor Kennedy moved to enter into Non-Public Session regarding the Great Bay Total Nitrogen General Permit per RSA 91-A:3 (II) (1). Seconded by Councilor Huda.

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

XX. ADJOURNMENT

At 11:20 p.m., Assistant Mayor Splaine moved to adjourn and seal the Non-Public Session minutes. Seconded by Councilor McEachern.

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

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK