

TO: KAREN CONARD, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD BY ZOOM ON MONDAY, APRIL 5, 2021 MEETING AT EACH INDIVIDUAL CITY COUNCILOR'S HOME, CITY MANAGER CONARD'S HOME, 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 2020-25, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location. All votes will be by roll call.
2. Proclamation – Library Week – Mayor Becksted read the Proclamation declaring the week of April 5<sup>th</sup> as Library Week in the City of Portsmouth.
3. Acceptance of Minutes – March 8, 2021; March 11, 2021, March 24, 2021; July 13, 2020 and December 7, 2020 – **On a unanimous roll call 9-0, voted** to accept and approve the minutes of the March 8, 2021; March 11, 2021; March 24, 2021; July 13, 2020 and December 7, 2020 City Council minutes.
4. Recognition of Aadhaven Veerendra, New Hampshire State Spelling Bee Champion – Mayor Becksted recognized and congratulated Aadhaven Veerendra for winning the New Hampshire State Spelling Bee Champion.
5. Public Comment Session – There were 4 speakers: Josh Denton (Deadline for filing tax credits and exemptions is April 15<sup>th</sup>); Liza Hewitt (105 Bartlett Street); Andrew Bagley (Parking Fine Increases); and Mark Brighton (Selection of Audit Firm).
6. **On a unanimous roll call 9-0, voted** to suspend the rules to take up Item XVII. B. – Brief COVID-19 Update by Health Officer Kim McNamara.
7. Brief COVID-19 Update by Health Officer Kim McNamara – Health Officer McNamara provided and updated on the various statistics related to the COVID-19 virus. She reported that Strafford and Rockingham Counties currently have the highest number of cases and that New Hampshire current active cases are at 3,731.

8. Appointments to be Voted – **On a unanimous roll call 9-0, voted** to reappoint Samantha Collins to the Conservation Commission until April 1, 2024; appointment of Chris Gallot to the Perice Island Committee until December 31, 2021; reappointment of Thomas Ferrini to the Portsmouth Housing Authority until April 1, 2026; reappointment of Carl Diemer to the Recreation Board until April 1, 2024; reappointment of Kathryn Lynch to the Recreation Board until April 1, 2024; appointment of Robert Bogardus to the Recreation Board until April 1, 2022 filling the unexpired term of Todd Henley; and Appointment of Aubrey Gewehr to the Sustainable Practices Blue Ribbon Committee.
9. Request for Special Council Meeting on April 8<sup>th</sup>, at 6:00 p.m. Regarding Deer Street Associates – **On a unanimous roll call 9-0, voted** that the Council meet in special session on April 8, 2021 at 6:00 p.m. regarding matters relating to Deer Street Associates, at which time it is anticipated the Council will vote to hold a non-public session under RSA 91-A:3 II (I) to consider legal advice.
10. Parking and Traffic Safety Committee Action Sheet and Minutes of the March 4, 2021 meeting – **On a roll call 6-3, voted** to approve and accept the Parking and Traffic Safety Committee action sheet and meeting minutes of the March 4, 2021 meeting. Councilors McEachern, Whelan, Lazenby, Tabor, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors Kennedy and Huda voted opposed.
11. McIntyre Update – No action required. Councilor Whelan announced there will be a public session on April 20<sup>th</sup> to narrow down the design work and on April 21<sup>st</sup> there will be office hours for residents to call in to speak with the principle group regarding the design.
12. Electric Vehicle Charging Stations – **On a unanimous roll call 9-0, voted** to request a report back from the Sustainable Practices Blue Ribbon Committee, Parking and Traffic Safety Committee and the Economic Development Commission on the following topic. How many electric vehicle charging stations do we have in our community and do we feel there is a need for more charging stations as a city as well as Tom Morgan's letter regarding this matter. Further, to delineate between the regular charging and the fast DC rapid charging units to those currently installed units.  
  
Councilor Kennedy requested the committee to share any other research and knowledge they have on the topic.
13. A Report from the City Manager on the Mayor's Re-Open Committee – Councilor Kennedy requested that reflective tape be placed onto the colored barriers at the lower end of State Street for safety reasons.

City Manager Conard reported that 46 restaurants have applied for outside dining and requests are still rolling in. She advised the City Council that the expected cost of \$10,000.00 for preparing the barriers for the outside dining season has come down due to local businesses and the Chamber of Commerce assisting with the costs.

14. RFP #30-21 Professional Municipal Auditing Services – **On a unanimous roll call 9-0, voted** to extend and correct RFP #30-21 Professional Municipal Auditing Services for 30 days until May 6, 2021 with changes to correct a conflict in the content of the RFP. Also, that all current information received by contractors applying to the RFP on April 6, 2021 be sent back to the contractors unopened.

**On a unanimous roll call 9-0, voted** that Councilor Huda work with City Attorney Sullivan on the possibility of creating an Audit Committee outlined in #10 under – “Objective & Scope” with a report back to the City Council at the next meeting

- (Page 1) The City of Portsmouth seeks a qualified independent certified public accounting firm, relative to the performance of the City’s Annual Financial & Compliance Audits, then CAFR-----

**Under “Objective and Scope of Work to be Performed”**

- (Page 5) #2 The Auditor will submit a draft of the financial statements to be reviewed in detail by the Director of Finance & the City Manager
- (Page 6) #9 The Auditor shall be required to make an immediate written report of irregularities and illegal acts, or indications of illegal acts of which they may become aware to the Director of Finance, City Manager & the Governing Body (City Council)
- (Page 6) #10 – The part of the run on sentence stating “That if during the audit the Auditor becomes aware that the City is subject to audit requirements which may not be encompassed in the terms of the engagement he or she should communicate to the management and the Audit Committee or others with equivalent authority & responsibility that the audit may not satisfy the requirements.

**Under “Timing Requirements”**

- (Page 9-10) #10 The Auditor shall promptly report to the Audit Committee, Director of Finance & the City Manager any conditions which impede the proper conduct or planned timetable of the audit.

**(On Page 14) "Selection Process"**

1. The Auditor Selection Committee will evaluate proposals, the Auditor Selection Committee will be determined by the Director of Finance & may include other City Staff & Non City members with governmental accounting experience.  
**To be selected by the Audit Committee, not City Staff per the City Charter.**

City Charter – Section 7.4 – Independent Audit

An independent audit shall be made of all accounts of the City Government, at least annually, and more frequently if deemed necessary by the City Council. Such audit shall be made by certified public accountants **selected by and reporting to the City Council**. Based upon the accountant's experience in municipal accounting. The results of this audit shall be made public and an annual report of the City's business shall be made available.

15. Approval of Grant from the Federal FY'21 Violence Against Women Act - \$26,025.00; Acceptance of Donation to the Police Department Outreach; and Approval of Grant from Great Bay Resource Protection Partnership - \$8,004.00 - **On a unanimous roll call 9-0, voted** to accept the Grants and Donations as presented.
16. Action Plan In Response to Council Motion on Middle Street Bike Lanes – **On a unanimous roll call 9-0, voted** to follow Transportation & Parking Engineer Eby's request and move the cross walk signal to Aldrich Road from Lincoln Avenue.
17. Gundalow Company's Annual Consideration Fee and New Hampshire Art Association Request for Reduction of Annual Consideration Fee – **On a unanimous roll call 9-0, voted** to accept \$2,210 as the Gundalow Company's annual consideration fee and accept \$510.00 as NHAA's annual consideration fee for the 2021 season.
18. Prescott Park Arts Festival's Request for Reduction of Annual Consideration Fee – **On a roll call 8-0, voted** to accept \$6,807.00 as PPAF's annual consideration fee for the 2021 season. Councilor Tabor abstained from voting on this matter.
19. Request for Municipal Bond Financial Work Session – **On a unanimous roll call 9-0, voted** to schedule a work session for the purpose of discussing municipal bond financing and the relation to funding the City projects on Tuesday, May 4, 2021 at 6:00 p.m.
20. Acceptance of Seacoast Growers' Association Agreement for 2021 Season - **On a unanimous roll call 9-0, voted** to authorize the City Manager to execute the License Agreement allowing Seacoast Growers' Association to operate a Farmers' Market on Saturdays from May 1, 2021 through November 6, 2021.

21. Report Back Regarding the Updating of Fine Structures for Parking Citations after Parking and Traffic Safety Committee and Fee Committee Review – **On a roll call 8-1, voted** to schedule first reading on April 19, 2021. Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine voted opposed.
22. Report Back from the Planning Board Regarding 138 Leavitt Avenue Involuntarily Merged Lot Request – **On a unanimous roll call 9-0, voted** to deny the request for restoration of involuntarily merged lots requested by the owner.
23. Rescheduling of Public Necessity Hearing for Peverly Hill Road Complete Street Project – **On a roll call 5-4, voted** to request City Manager and staff report back at the next meeting regarding the installation of just a sidewalk along the roadway. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted opposed.

Councilor Kennedy requested a report back on a bike path from the rail ways over by the stump dump through the conservation land to Banfield Road.
24. **On a unanimous roll call 9-0, voted** to suspend the rules to allow Chris Maden to speak regarding his request from the Portsmouth Maritime Folk Festival.
25. Consent Agenda – **On a unanimous roll call 9-0, voted** to adopt the Consent Agenda, as presented.
  - A. Letter from Chris Maden, President of Portsmouth Maritime Folk Festival, requesting permission to hold the Portsmouth Maritime Folk Festival on Saturday, September 25, 2021 and Sunday, September 26, 2021 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
26. Email Correspondence – **On a unanimous roll call 9-0, voted** to accept and place on file.
27. Chevrolet Avenue Sidewalk Update – **On a unanimous roll call 9-0, voted** to refer to the Planning Board with a report back to the City Council.
28. 105 Bartlett Street (Not on agenda) – **On a roll call 8-0, voted** to schedule a site walk on Saturday, April 10, 2021 at 10:00 a.m. with abutters to discuss the buffer zone and what the plan could do to it.
29. Spinnaker Point Recreation Center – Assistant Mayor Splaine requested a summary report on the ventilation issues at Spinnaker Point Recreation Center and what can be done to reopen the center in due time.

Councilor Whelan requested a copy of the lease agreement with the condominium association.

30. Adjournment – **At 10:30 p.m., on a unanimous roll call 9-0, voted** to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, MMC/CNHMC  
City Clerk