

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 5, 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_34EygAE3SWmnTRy5Usub5Q

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 7:00 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.

VI. PLEDGE OF ALLEGIANCE

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

PROCLAMATION

1. Library Week

Mayor Becksted read the Proclamation declaring the week of April 5th as Library Week in the City of Portsmouth.

VII. ACCEPTANCE OF MINUTES – MARCH 8, 2021; MARCH 11, 2021; MARCH 24, 2021; JULY 13, 2020 AND DECEMBER 7, 2020

Councilor Kennedy asked if there was an issue that went to court that is a topic contained in the minutes what would be permissible in the case the written minutes or the video tape. City Attorney Sullivan said if there were a conflict between the video and minutes it would be the video.

Councilor Tabor moved to accept and approve the minutes of the March 8, 2021; March 11, 2021; March 24, 2021; July 13, 2021 and December 7, 2020 City Council meetings. Seconded by Councilor Whelan.

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

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Recognition of Aadhavan Veerendra, New Hampshire State Spelling Bee Champion

Mayor Becksted recognized and congratulated Aadhavan Veerendra for winning the New Hampshire State Spelling Bee Champion.

IX. PUBLIC COMMENT SESSION

Josh Denton reminded residents you have until April 15th to file for tax credits/exemptions. He asked that the city promote the exemptions and credits to make more residents aware of the ability to file.

Liza Hewitt spoke to the 105 Bartlett Street project and how it is approaching the wetlands buffer. She spoke opposed to allowing a 50 foot setback from the North Mill Pond. She said that the impact will destroy this special area of the city and the impact to the environment is overwhelming.

Andrew Bagley spoke to the proposed parking fine increases and his opposition to the high rates. He said the city should look at something to address repeat offenders and not everyone. He suggested increasing fines after a person receives between 3 and 5 tickets.

Mark Brighton spoke in favor of Councilor Huda's motion to expand the time and selection of an auditing firm.

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

(There are no items on under this section of the agenda this evening)

Assistant Mayor Splaine move to suspend the rules to take up Item XVII. B. – Brief COVID-19 Update by Health Officer Kim McNamara. Seconded by Councilor Kennedy.

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

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. She reported that New Hampshire is racing to get people vaccinated and at this time we are at 40.4%. She addressed that 16-17 year olds are eligible to receive the Pfizer vaccine and all residents are encouraged to register on-line to be vaccinated.

Assistant Mayor Splaine asked Health Officer McNamara to speak to social distancing. Health Officer McNamara spoke to the importance of avoiding large crowds. She addressed the vaccines that are available and those eligible to receive them and stated that we will understand more about the vaccines in the fall.

Councilor Kennedy spoke to the guidance of 3 feet social distancing for schools. Health Officer McNamara confirmed that guideline.

XII. MAYOR BECKSTED

1. Appointments to be Voted:

- 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

Councilor Kennedy moved to reappoint Samantha Collins to the Conservation Commission until April 1, 2024; appointment of Chris Gallot to the Peirce 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. Seconded by Assistant Mayor Splaine.

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

2. Request for Special Council Meeting on April 8th at 6:00 p.m. Regarding Deer Street Associates

Councilor Huda moved 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. Seconded by Councilor Tabor.

Councilor Kennedy said she will not be able to join the meeting until 7:15 p.m. because she will be teaching a graduate class.

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

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR WHELAN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the March 4, 2021 meeting

Councilor Whelan reviewed the action sheet and minutes of the March 4, 2021 meeting with the Council.

Councilor Huda requested clarification on what action the Council would be considering as it relates to Item 7 under the City Manager. City Manager Conard stated it would bring forward the first readings at the next City Council meeting.

City Attorney Sullivan said if Parking and Traffic Safety Committee action sheet and minutes are accepted the ordinance would be drafted and come forward for first reading at the April 9, 2021 City Council meeting.

Councilor Tabor asked Councilor Whelan about the Pilot Program for the Islington Creek Neighborhood. Councilor Whelan said residents will tell what kind of program they are looking for and it will be brought back to Parking and Traffic Safety which will provide good feedback and the program would need to be approved by the City Council to move forward.

Assistant Mayor Splaine spoke to paying the increased in parking fines and would like the timeframe extended from 30 days to 45 or 60 days before a fine is increased.

Councilor McEachern asked if there is an allowance for issuing multiple tickets for those that abuse system. Councilor Whelan said that could be adjusted through the process at some point.

Councilor Whelan moved to approve and accept the Parking and Traffic Safety Committee action sheet and meeting minutes of the March 4, 2021 meeting. Seconded by Councilor Tabor.

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

2. McIntyre Update

Councilor Whelan announced there will be a public session on April 20th to narrow down the design work and on April 21st there will be office hours for residents to call in to speak with the principle group regarding the design. He further stated that there should be a design before the City Council at the May 3rd meeting.

Councilor Kennedy thanked the McIntyre Subcommittee for their work and asked if there was a way to put up a hard copy of plans inside City Hall.

Councilor Whelan suggested the Levenson Room at the Library. City Manager Conard said she would need to speak with Library Director Butzel regarding the use of the Levenson Room.

Councilor Lazenby inquired as to a schedule to start negotiations with Redgate Kane. Councilor Whelan said we are two-three weeks behind but we could start negotiations with Redgate Kane after the May 3rd meeting at some point.

B. COUNCILOR KENNEDY

1. Electric Vehicle Charging Stations

Councilor Kennedy asked if we are putting electric vehicle charging stations in with the work being done on the garage. She also asked how many stations we have in our community.

Councilor Kennedy moved to request a report back from the Sustainable Practices Blue Ribbon Committee and Parking and Traffic Safety Committee 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. Seconded by Councilor Huda.

Councilor Kennedy said she would also ask the committee to share any other research and knowledge they have on the topic.

Assistant Mayor Splaine said he would like to hear from the Economic Development Commission on this matter.

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

2. 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 said that Public Works Director Rice is aware of the need for a reflective type of adherence and will address the matter quickly.

City Manager Conard reported that 456 restaurants have applied for outside dining and requests are still coming 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.

C. COUNCILOR HUDA

1. RFP #30-21 Professional Municipal Auditing Services

Councilor Huda moved 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. Seconded by Councilor Kennedy.

Councilor McEachern said he is still trying to understand this and walk through the reason for the change to the RFP and selection process.

Councilor Huda said it is laid out in her proposal. She said there is a conflict in the RFP and the Charter.

Councilor McEachern said there is not an Audit Committee selecting the firm.

City Attorney Sullivan said if the City Council provides time to make changes which would have the City Council selecting the audit firm. He said further negotiations and discussions to form a contract which could include the role of the Audit Committee.

Councilor Tabor thanked Councilor Huda for pointing out by the Charter that it is the City Council that selects the auditing firm and overviews the audit. He said he would like to understand the Audit Committees job scope.

City Attorney Sullivan stated that the RFP needs to clearly state that the Audit Committee report back.

Councilor McEachern asked City Manager Conard how long will it take to do this before the audit begins. Finance Director Belanger said summer and fall will be to develop the RFP and bring this matter forward. She said that this is a hard time to bring forward this type of request she said a new Audit Firm would need to be in place now to learn the city.

Councilor Whelan said he does not see an issue pulling back the RFP. He agrees with the City Manager that we need to define the Audit Committee to help in the selection.

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

Councilor Huda moved 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.

Seconded by Councilor Kennedy.

Councilor Huda asked that during the time constraint if there is anything that says the Council can't select a Blue Ribbon Committee.

City Attorney Sullivan said a Blue Ribbon Committee could be appointed by Mayor Becksted and would assist in selection but an option would be to adopt a City Council rule or ordinance. He said the City Council would make a decision on what the Audit Committee would be composed of then we can figure the best way to accomplish this.

Councilor Huda said the RFP as written is a good RFP but it would need to be reviewed as soon as possible by the auditing firms.

City Attorney Sullivan said a committee could be created quickly and an ordinance would require three readings with a public hearing at second reading.

Councilor Kennedy asked when the audit has to start and could we create a more robust process. Finance Director Belanger said it is really too late to have a new firm. She said having an Audit Committee is a good idea and having them part of the process is great.

Councilor Huda said she would defer to applicants on this issue. She said residents need to feel comfortable addressing the audit. She would like a firm to give a review by the next City Council meeting.

Councilor McEachern asked if there is a length of commitment we have with an audit firm.

Councilor Kennedy said you can always reissue an RFP. She encouraged the City Council to pass the motion as Councilor Huda worked with City staff and City Attorney Sullivan on creating a committee.

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

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Grant from the Federal FY'21 Violence Against Women Act - \$26,025.00
(Sample motion – move to approve and accept the Grant from the Federal FY'21 Violence Against Women Act to the Police Department)
- B. Acceptance of Donation to the Police Department Community Outreach:
 - Peggy M. Martis - \$125.00
 - Sandra M. Pothier - \$25.00***(Sample motion – move to accept the Donation to the Police Department for community outreach)***
- C. Approval of Grant from Great Bay Resource Protection Partnership - \$8,004.00
(Sample motion – move authorize the City Manager to accept these grant funds in the amount of \$8,004.00 from the Great Bay Resource Protection Partnership)

Councilor Kennedy moved to accept the Grants and Donations as presented. Seconded by Assistant Mayor Splaine.

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

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER

1. Action Plan in Response to Council Motion on Middle Street Bike Lanes

City Manager Conard outlined the process to be followed by staff.

- All existing pavement markings on the outbound side of Middle Street between Cabot Street and Lincoln Avenue will be obscured using gray paint;
- Parking along the curb will be prohibited within 20 feet of intersections and crosswalks, within 15 feet of fire hydrants, in front of private driveways, and in accordance with any other existing City ordinances. No Parking signs will be adjusted accordingly;
- The green boxes running across side street intersections will be left in place;
- The bike lane symbols and arrows next to the curb will be covered over with gray paint;
- Bollards will be reinstalled along the inside of curves and at critical intersections to keep vehicles from encroaching on the bike lane;
- All remaining white lines will be repainted;
- The speed limit will be posted at 25 MPH between South Street and Congress Street;
- Sharrow markings will be painted on Lincoln Avenue at each end where it intersects with Middle Street and with Junkins Avenue. A BIKE ROUTE sign will be installed at each intersection as well, to inform cyclists of the designated bike route;

- An engineering consultant will be hired and public meetings will be held to explore and determine if there is a solution that allows for a continued safe bicycle route that meets the original purpose and need of the project. The consultant will be chosen at random from the list of NHDOT prequalified design firms for complete streets projects. Firms currently under contract with the City will not be considered;
- At the end of the six month period, there will be a final discussion and decision between City Staff, Elected Officials and the NHDOT as to the final configuration of the bike lanes on Middle Street or other acceptable options;
- Additional feedback and input is needed prior to the installation of a crosswalk across Middle Street at Lincoln Avenue;
- A new crosswalk must comply with ADA accessibility requirements. This will require a tip down ramp on the west side of Middle Street. Due to grades, a bump out would be necessary to accommodate the tip down ramp;
- A crosswalk at this location would also require the elimination of three parking spaces to provide adequate visibility of the crosswalk, in compliance with state and local laws;
- There is limited space for the installation of the flashing pedestrian signal at this location;
- Street lighting is only present on one side of Middle Street. There are no utility poles on the Lincoln Avenue side on which to add a street light;

- A suitable alternative location would be the intersection of Middle Street and Aldrich Road, where parking would not be impacted, grades are flatter, more room for installation of the flashing signal is available, street lights are present on both sides of Middle Street, and the crossing would be more centrally located between existing crosswalks on Middle Street;
- Action on this item will commence after Council feedback and input is received.

Implementation of all bike lane items will commence as soon as weather permits.

Councilor Huda asked what it means by the installing of bollards. Parking & Transportation Engineer Eby explained where the bollards would be placed.

Councilor Lazenby asked was a cost to adding these steps. City Manager Conard said the consultant had to draw up plans at a cost of approximately \$12,000.00 - \$15,000.00 with the remaining for the signal beacon.

Discussion regarding the original motion was held amongst the City Councilors. Councilor Lazenby said the City Council made a motion and something else took place outside that motion. City Attorney Sullivan said he was part of the discussion with NHDOT representative Mr. Watson and there was some ambiguity to the motion the City Council made and the City wanted to stay where no funds would be returned and Mr. Watson's interpretation was important and that is what was done. Councilor Lazenby said he feels that it was not the outcome of the motion by the Council. Councilor Trace said cars would be moved to the curb and there would not be any bike lane for that section in order to do the study we need to return the road to before the bike lane were installed. Councilor Kennedy said the motion was made by Councilor Huda and amended to include everything in the letter.

Councilor McEachern asked Parking & Transportation Engineer Eby to discuss the moving of the flashing beacon. Parking & Transportation Engineer Eby spoke regarding the flashing beacon and requested to move the cross walk signal to Aldrich Road from Lincoln Avenue.

Councilor Kennedy moved to follow Parking & Transportation Engineer Eby's request and move the cross walk signal to Aldrich Road from Lincoln Avenue. Seconded by Councilor Huda.

Mayor Becksted said that we are coming up with a better system and it is one section that needs to be looked at. He said the City Council has taken over a year to make this a better system and put it in place.

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

3. Gundalow Company's Annual Consideration Fee
4. New Hampshire Art Association Request for Reduction of Annual Consideration Fee

Councilor Kennedy moved to accept #2,210.00 as the Gundalow Company's annual consideration fee and accept \$510.00 as NHAA's annual consideration fee for the 2021 season. Seconded by Councilor Huda.

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

2. Prescott Park Arts Festival's Request for Reduction of Annual Consideration Fee

Councilor Kennedy moved to accept \$6,807.00 as PPAF's annual consideration fee for the 2021 season. Seconded by Councilor Huda.

On a roll call vote 8-0, motion passed. Councilor Tabor abstained from voting on this matter.

5. Request for Municipal Bond Financial Work Session

Councilor Huda requested for a percentage of completion of projects for the work session.

Councilor Kennedy moved 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. Seconded by Councilor Huda.

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

6. Acceptance of Seacoast Growers' Association Agreement for 2021 Season

City Manager Conard reported that the Farmers; Market would be held at the Little Harbour School.

Councilor Kennedy moved to authorize the City Manager to execute the License Agreement allowing Seacoast Growers' Association to operate a Farmers' Market on Saturday's from May 1, 2021 through November 6, 2021. Seconded by Councilor Huda.

Councilor Kennedy said should would like the market moved back to City Hall as soon as it is possible.

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

7. Report Back Regarding the Updating of Fine Structures for Parking Citations after Parking and Traffic Safety Committee and Fee Committee Review

City Manager Conard reported first reading would be held at the April 19, 2021 City Council meeting.

Councilor Kennedy moved to schedule first reading on April 19, 2021. Seconded by Councilor Whelan.

Councilor McEachern said he would like to ask questions and have a discussion on this recommendation.

Assistant Mayor Splaine said he does not mind the conversation and he would like an answer on what the time period would be for making payment for the fine. City Manager Conard said the time frame to make payment is 30 days. Assistant Mayor Splaine said he would like the time frame to be 45 to 60 days for payment.

Councilor Huda said she would like at safety fines. City Manager Conard said the Parking Director feels the same way.

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

8. Report Back from the Planning Board Regarding 138 Leavitt Avenue Involuntarily Merged Lot Request

City Manager Conard said this request was referred to the Planning Board and Assessor. She reported to the Council that the City Assessor is recommending denial of request with the Planning Board voted to follow the recommendation of the Assessor.

Councilor Kennedy moved to deny the request for restoration of involuntarily merged lots requested by the owner. Seconded by Councilor Huda.

Assessor Lentz informed the City Council of her research and that the registry deed described the property as one lot and when the property was put up for sale it was as a single family lot and the owners knows that well.

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

9. Rescheduling of Public Necessity Hearing for Peverly Hill Road Complete Street Project

City Manager Conard said the motion is requesting to reschedule the public necessity hearing on Peverly Hill Road.

Mayor Becksted said there was a large outcome at the site walk held. He is not sure moving forward with a hearing because we need to draft a new final proposal for residents.

Councilor Kennedy moved to request City Manager and staff report back at the next meeting regarding the installation of just a sidewalk along the roadway. Seconded by Councilor Huda.

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.

Public Works Director Rice explained the bike path and that it would slow traffic down. He said there is a preferred option to have just a sidewalk alone but it does not conform to our policy of Complete Streets.

Councilor Lazenby said residents want traffic calming and if you just do sidewalks it would not have the desired effect.

Public Works Director Rice restated that the Council's suggestion would not conform to the Complete Street Policy.

Councilor Tabor said funding comes from Air Quality Funding. Public Works Director Rice stated we would need to find out if the change would comply with keeping the funding in place. Councilor Tabor said the cost of the project is \$4.8 million.

Councilor McEachern said we need a report back on this issue and it needs to include a multi-purpose path.

Assistant Mayor Splaine said the traffic would slow down with a sidewalk and path way for bikes. He said we have to set up a hearing to listen to both sides of this issue.

Councilor Huda thanked all the residents and neighbors for coming out during the site walk. She said that this is a main route to get to Banfield Road and the neighbors expressed that they do not feel they're being heard.

City Manager Conard said perhaps we table until we have the schematic back.

Mayor Becksted said we should hear back from the consultant on this issue.

Public Works Director Rice said we need to accommodate vehicles and pedestrians. He said the concern is it being too narrow.

Councilor Whelan said we need more public dialogue from the residents and said there would be a precedent to not following the Complete Street Policy.

Councilor Trace said she wonders if when speaking to Complete Street Policy why is it the selective policy. Public Works Director Rice said Islington Street was not wide enough and they incorporate bike lanes when possible but it is an accommodation to add bike lanes. Councilor Kennedy asked if a bike lane could be placed at Peverly Hill Road. Public Works Director Rice said staff would bring back a roadway with a sidewalk only.

Councilor Lazenby said he would not support the motion.

Mayor Becksted said nothing is being implemented this evening.

Assistant Mayor Splaine said he wants to postpone the motion.

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

XVI. CONSENT AGENDA

- 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***)

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

Councilor Kennedy moved to suspend the rules to allow Chris Maden to speak regarding his request from the Portsmouth Maritime Folk Festival.

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

Mayor Becksted asked where the festival will take place. Mr. Maden indicated it would be held in Market Square.

On a unanimous roll call vote 9-0, main 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.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Chevrolet Avenue Sidewalk Update

City Manager Conard spoke to the sidewalk update for Chevrolet Avenue and adding it to the next Planning Board agenda.

Councilor Kennedy moved to refer to the Planning Board with a report back to the City Council. Seconded by Councilor Huda.

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

2. Final Settlement Agreement for Great Bay Total Nitrogen Permit

City Manager Conard informed the City Council that the EPA sent a kind letter on Deputy City Attorney Woodland and dealing with items and negotiation an agreement. She said the letter spoke of Deputy City Attorney Woodland's hard work and dedication.

The City Council commended Deputy City Attorney Woodland on this agreement and for getting the agreement for a three year period.

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor McEachern said he would like a report back regarding federal funding. City Manager Conard advised the Council that the Department of Treasury has 60 days to release funds and come up with guidance for the states and then the states have 30 additional days to come up with any additional guidance and if this was signed into law by the end of March we would see funding by the end of the fiscal year. She further stated as soon as they receive guidance on what the funds can be used for she would share the information with the City Council.

Councilor Kennedy spoke regarding the 105 Bartlett Street Project and concerns relative to the buffer zone.

Councilor Kennedy moved 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. Seconded by Councilor Huda.

Councilor Trace spoke to the North Mill Pond being an ecosystem and urged the City Council to read the North Mill Pond Study.

Assistant Mayor Splaine spoke of the clean ups held in the past of the North Mill Pond and would like a clean-up of the area on an annual basis.

On a roll call vote 8-0, motion passed. Mayor Becksted abstained from voting on this matter.

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. City Manager Conard reported that it is a 30 year agreement with 10 year remaining.

XX. ADJOURNMENT

At 10:30 p.m., Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Huda.

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