

TO: KAREN CONARD, CITY MANAGER
FROM: KELLI L. BARNABY, CITY CLERK
RE: ACTIONS TAKEN AT THE PORTSMOUTH CITY COUNCIL MEETING HELD IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS ON MONDAY, MAY 17, 2021
PRESENT: MAYOR BECKSTED, ASSISTANT MAYOR SPLAINE, COUNCILORS McEACHERN, WHELAN, LAZENBY, KENNEDY, HUDA, TABOR AND TRACE

1. On a unanimous roll call 9-0, **voted** to enter into Non-Public Session regarding the Fire Chief Employment Agreement, School Superintendent Employment Agreement and an Update on Collective Bargaining Negotiations in accordance with RSA 91-A:3, II (a).
2. Non-Public Session Minutes – **On a unanimous roll call 9-0, voted** to seal the minutes of the Non-Public Sessions.
3. Acceptance of Minutes – April 19, 2021 and May 3, 2021 – **Voted** to accept and approve the minutes of the April 19, 2021 and May 3, 2021 City Council meetings.
4. Public Comment Session – There were 8 speakers: Arthur Clough (Proposed Parking Fines); Jackie Cali-Pitts, Ron Ulrich, William Downey (McIntyre); Roy Helsel (Planning Board issuing too many variances); Stephanie Lazenby, Mya Catino (Indigenous Peoples’ Day); and Andrew Bagley (McIntyre and Audit Committee);
5. Public Hearing – Recognizing Indigenous Peoples’ Day Each Year Instead of what has been Typically Designated by the State of New Hampshire as Columbus Day – Held a public hearing. **Voted** to continue the Public Hearing at the June 7, 2021 City Council meeting with the motion to carry out the intent that the City Council would make a decision on Indigenous Peoples’ Day over Columbus Day.
6. First Reading of Ordinance amending Chapter 7, Article VII, Section 7.702 – Truck Traffic Prohibited – and Report Back on City Council Concerns Related to Bartlett Truck Restrictions – **Voted** to pass first reading and schedule a public hearing and second reading at the June 7, 2021 City Council meeting.
7. Third and Final Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – PENALTIES, FORFEITURES AND SEPARABILITY – **On a roll call 6-3, voted** to adopt third and final reading of the ordinance. Councilors Whelan, Lazenby, Kennedy, Huda, Tabor and Trace voted in favor. Assistant Mayor Splaine, Councilor McEachern and Mayor Becksted voted opposed.
8. Appointments to be Considered – The City Council considered the reappointments as outlined below which will be voted upon at the June 7, 2021 City Council meeting.
 - Richard Adams Reappointment to the Trees & Public Greenery Committee
 - Michael J. Griffin Reappointment to the Trees & Public Greenery Committee
 - Peter J. Loughlin Reappointment to the Trees & Public Greenery Committee
 - Dennis Souto Reappointment to the Trees & Public Greenery Committee

9. Appointment to be Voted – Daniel Brown to the Historic District Commission – **Voted** to appoint Daniel Brown to the Historic District Commission until June 1, 2024. Councilor Lazenby voted opposed.
10. McIntyre Subcommittee – **On a roll call 8-1, voted** that the McIntyre Subcommittee as presently constituted authorized to commence negotiations with the City's development partner Redgate/Kane in an effort to bring about the withdrawal of the SoBow Square LLC vs. City of Portsmouth lawsuit by means of an agreement under which SoBow Square would construct and operate the McIntyre project in general conformance with the preferred design Concept (Scheme I) presented by the report of the Principle Group dated May 4th, with any such agreement being brought back to the City Council for final approval. Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine voted opposed.
11. Walking trails on Peirce Island – **Voted** to conduct a site walk of Peirce Island that will coincide with the opening of the Island, with a report back from the City on the following: 1) What is the city's plan to groom the walking trails on Peirce Island? 2) What is the design plan for public areas after the treatment plant updates? and 3) the status of Methuen Construction's remaining work at Peirce Island along with a review of the original plans versus what is actually taking place and further what was approved and included in the bid for the work being conducted.
12. Report back to the City Council on the first meeting of the Mayor's Blue Ribbon Committee Audit Committee including a recommendation for an audit firm to be voted on by the Council – An update regarding the meeting was provided by Councilor Huda. No action required.
13. Audit Committee – **Voted** to approve the recommendation of the Auditor by the Mayor's Blue Ribbon Audit Committee and authorize the Audit Committee and the City Legal Department to move forward with the negotiation of the contract.
14. A Report from the Historic District Commission – The unanimous vote by the Commission to have the City Council Representative bring forward to the City Council the commissioners' frustration with not being allowed to participate as residents in the McIntyre process – Councilor Trace requested that City Attorney Sullivan make a presentation at the next Land Use Board meetings regarding the Quasi-Judicial nature of the Boards.
15. McIntyre Subcommittee – Councilor Trace removed this item as it was in support of Councilor Whelan's motion.
16. Approval of Fire Chief Employment Agreement – **Voted** to ratify the agreement as presented with Fire Chief Todd Germain.
17. Approval of Superintendent Employment Agreement – **Voted** to ratify the agreement as presented with School Superintendent, Steve Zdravec.

18. Consent Agenda – **Voted** to adopt the Consent Agenda.
- A. Request for License to Install a Projecting Sign for owner Marianne Janik of Callib., for property located at 21 Daniel 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***
19. Email Correspondence – **Voted** to accept and place on file.
20. Request of Restoration of Involuntary Merged Lot – 135 Thaxter Road – **Voted** to refer to the Planning Board and City Assessor for report back.
21. Miscellaneous/Unfinished Business – Councilor Kennedy asked when the City Council could expect the report back on the Demolition Committee.
22. Adjournment – At 10:25 p.m., **voted** to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk