

TO: KAREN CONARD, CITY MANAGER

FROM: VALERIE A. FRENCH, DEPUTY CITY CLERK

RE: ACTIONS TAKEN AT THE PORTSMOUTH CITY COUNCIL MEETING HELD IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS ON TUESDAY, SEPTEMBER 7, 2021

PRESENT: MAYOR BECKSTED, ASSISTANT MAYOR SPLAINE, COUNCILORS McEACHERN, WHELAN, LAZENBY, KENNEDY, HUDA, TABOR AND TRACE

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1. At 6:30 p.m., a Non-Public Session was held Re: Acquisition of Real Estate – RSA 91-A:3, I (d)
2. Proclamation – Constitution Week – Mayor Becksted read the Proclamation and presented it to Barbara Pamboukes representing the Ranger Chapter of the DAR.
3. Acceptance of Minutes – August 23, 2021 and December 14, 2020 – **Voted** to accept and approve the minutes of the December 14, 2020 City Council meeting. August 23, 2021 minutes accepted pending Councilor Huda amendments to be addressed separately with City Clerk.
4. Recognition of Planning Director Juliet Walker – City Manager Conard, Mayor Becksted and City Council recognized Planning Director Juliet Walker who is leaving the City of Portsmouth after 8 years of service.
5. Public Comment Session – There were 13 speakers: Cheryl McCusker, Don Dougherty (Easement @193 Gosport Rd.); Jason Karlin, Ed Richards, Marilee Clark (Cutts Avenue issues), George Dempsey (Independent Audit); Josh Denton (Veterans Tax Credit); Andrew Bagley (Water Access, Masks); Matt Glenn, (bike lanes); Peter Somssich, Sue Polidura (masks); Gerry Duffy (McIntyre); Byron Matto (Masks, Audit);
6. **Voted to suspend the rules** to move up on the Agenda Item XIII.D. Councilor Kennedy Item 1 – Addressing Cutts Avenue Concerns and Item XVII.A Presentation from Health Officer, Kim McNamara regarding COVID-19.
7. Addressing Cutts Avenue Concerns - **Voted** to gather all information on Cutts Avenue concerns for a public report back and status update by the Legal Department and to schedule a site walk of the area.
8. Presentation from Health Officer Kim McNamara regarding COVID-19 – Health Officer Kim McNamara provided a brief update of the current local COVID-19 statistics.
9. Public Hearing and Second Reading re: Ordinance Amendments to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability – Public Hearing held with no speakers. **Motion to amend** the penalty time period where applicable from 30 days to 45 days, **FAILED** on a 4-5 roll call vote. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted in favor. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed. **Voted on a 7-2 roll call** to pass second reading and schedule a third and final reading of the ordinance amendments at the September 20, 2021 City Council meeting. Assistant Mayor Splaine and Mayor Becksted voted opposed.

10. Continuation of Public Hearing and 2<sup>nd</sup> reading of Ordinance Amending Chapter 1, Article IV – Commissions and Authorities, Section 1.414 Audit Committee – Held a public hearing with 3 speakers. **Motion made and seconded** to hold second reading of the Audit Committee Sec. 1.414 Ordinance and amend with the attached redlined ordinance changes. These changes were discussed and voted on by the Mayor’s Blue Ribbon Audit Committee.

**Voted** several “friendly” amendments to Paragraph B on 6-3 roll call votes, Assistant Mayor Splaine, Councilors Kennedy and Huda voted opposed.

**Paragraph B as amended reads as follows:**

- B. Duties and Powers: The primary purpose of the Audit committee is to recommend an external auditor to the City Council. In the event the auditor identifies any serious exceptions, the Audit Committee shall advise and work with the City Council as to next steps.

**Voted** on an 8-1 roll call to suspend the rules to amend Paragraph A by adding the City Manager as a non-voting member which had failed at a previous meeting, Councilor Huda voted opposed.

**The amended section of Paragraph A reads as follows:**

- A. Membership and Term: The Audit Committee shall have five (5) *voting* members who shall be appointed by the Mayor and confirmed by the City Council, *two* members shall be City Councilors. *The City Manager shall be a member of the Committee with voice, non-voting. (The remainder of Paragraph A accepted without further amendment).*

**Voted** on a 6-3 roll call to pass second reading as amended and to schedule a third and final reading at the September 20, 2021 City Council meeting. Assistant Mayor Splaine, Councilors Kennedy and Huda voted opposed.

**Motion to suspend the rules to hold 3<sup>rd</sup> reading** at this meeting **FAILED** on a 2-7 roll call vote. Councilors Kennedy and Huda voted in favor.

11. **Voted to suspend the rules** to move up on the Agenda Item XV.A. City Manager Item 2 – New Castle Water Line Easements.

12. New Castle Water Line Easements – **Voted to suspend the rules** to allow New Castle Town Selectman Bill Stuart to address the Council. **Voted** to authorize the City Manager to accept the new water lines if constructed to the satisfaction of the City and accept the easements necessary for the City to access and maintain them.

**RECESS/RECONVENED**

13. Appointments to be Considered – The City Council considered the appointments listed below with action to take place at the September 20, 2021 City Council meeting.

- Alan Gold reappointment to the Economic Development Commission
- Marsha Fillion reappointment to the Board of Library Trustees

14. Appointments to be Voted: - **Voted** to reappoint Marylou McElwain, Stephen Pesci and Harold Whitehouse to the Parking and Traffic Safety Committee with terms to expire 09/17/2024; and

appoint Mark Syracuse to the Parking and Traffic Safety Committee with term to expire 09/17/2024.

15. Encouraging Masks in All City Buildings (Assistant Mayor Splaine) – **Voted on a 9-0 roll call** that with new cases and hospitalizations increasing, the Portsmouth City Council is concerned about the impact of COVID-19 and its variants on the health and well-being of our residents, visitors and city employees. Therefore, we encourage the City Manager to set an administrative policy that masks be worn indoors at all times by city employees, residents, and visitors in the public areas of all city buildings. We will back the City Manager in setting the administrative policy, with exceptions and a timetable to be determined by the City Manager.
16. Encouraging COVID-19 Vaccinations or Tests for City Employees – **Voted on a 7-0 roll call** that with nearly 40% of the population of New Hampshire unvaccinated and with the Delta variant now infecting many who are vaccinated and unvaccinated, the Portsmouth City Council is concerned about the impact of COVID-19 on the health and well-being of our residents, visitors and city employees. We also agree with the science about the spread of viruses, and the advice of medical professionals, that every additional person who is vaccinated contributes to the reduction and impact of the spread of COVID-19 and variants. Therefore, we encourage the City Manager to set an administrative policy that she feels best benefits all city employees, full and part-time, and contractors who work in city buildings, be vaccinated. We also encourage that the City Manager set a policy that employees and contractors who do not produce proof of vaccination be required to be tested for COVID-19 at least once a week. We will back the City Manager in setting that policy, with exceptions and a timetable to be determined by the City Manager. *Councilor Kennedy recused herself from the vote. Councilor Huda abstained.*
17. Parking & Traffic Safety Committee Action Sheet and Minutes of the August 5, 2021 meeting – **Voted 7-2** to accept and approve the Action Sheet and Minutes of the August 5, 2021 Parking & Traffic Safety Committee meeting. Councilors Kennedy and Huda voted opposed.
18. Proposed City Policy regarding Transparency of Information to Elected Officials (Councilor Lazenby) – **Voted 7-2** to refer the policy to the City Manager and City Attorney for report back of their opinion of the policy within the next month. Councilors Kennedy and Huda voted opposed.
19. McIntyre Project (Councilor Lazenby) – There was no action taken on this matter.
20. Approval of Grants/Donations:
  - A. Acceptance of Grant from the State Department of Justice for the NH Internet Crimes Against Children (ICAC) Task Force Grant - \$200,000.00 - **Voted** to approve and accept the grant for the Police Department in the amount of \$200,000.00 as presented
  - B. Acceptance of Skate Board Park Donation - \$2,500.00 - **Voted** to approve and accept the donation from the Blalock family in the amount of \$2,500.00 as presented
21. **Voted to suspend the rules** to continue meeting past 10:30 p.m.
22. Request to Schedule Portsmouth Housing Authority Work Session – **Voted** schedule a work session with Portsmouth Housing Authority on a mutually available date in November 2021.

23. Acquisition of Sewer Line Easements and Proposed Release of Paper Street – **Voted** authorize the acceptance of four sewer line easement as described and to release the paper street known as Ruth Street where it abuts 28 Thornton Street as shown.
24. Request for First Reading regarding Amendment to Chapter 7, Article XI, Section 7.1100 – Speed Limits – **Voted** to schedule a first reading regarding this ordinance amendment at the September 20, 2021 City Council meeting.
25. Request for First Reading regarding Amendment to Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled – **Voted** to schedule a first reading regarding this ordinance amendment at the September 20, 2021 City Council meeting.
26. Borthwick Forest Easements – **Voted 7-2** to have a presentation of Borthwick Forest easements at the September 20, 2021 City Council meeting to inform and update the public. Councilors Lazenby and Tabor voted opposed.
27. Report Back on 135 Thaxter Road Request for Restoration of Involuntarily Merged Lots - **Voted** to grant the request to restore the involuntarily merged lots at 135 Thaxter Road.
28. Request to Establish a Public Hearing for Refinancing a Callable Bond:
- Voted** to establish a public hearing at the September 20, 2021 City Council meeting for a Refunding Bond Resolution of up to Eleven Million Six Hundred and Fifty Thousand Dollars (\$11,650,000.00) to refund the remaining portion of the aforementioned callable bond and all related costs; and
- Voted** to establish a public hearing at the September 20, 2021 City Council meeting for a Refunding Bond Resolution of up to One Million Six Hundred Dollars (\$1,600,000.00) to refund the remaining portion of the aforementioned callable bond and all related costs.
29. Consent Agenda – **Voted** to adopt the Consent Agenda.
- A. Request for License to Install Projecting Sign from owner John Tilton, of Troupe Studio for property located at 18 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***
30. Email Correspondence – **Voted** to accept and place on file.

31. Letter from H. Dixon Turner regarding mitigation of speeding on Woodbury Avenue – Voted to refer to the Parking and Traffic Safety Committee.
32. Peeverly Hill Road Public Necessity Hearing (City Manager Info Item #1) – **Voted** to send out invitations by mail to ensure all residents and abutters are notified of the meeting.
33. Miscellaneous Item - **Voted** to increase the number of members to the recently established Portsmouth Cemeteries Blue Ribbon Committee from 7 to 13.
34. Miscellaneous Item – Councilor Trace requested a report back on when the excavated bones from the North Cemetery will be reinterred.
35. Adjournment – **At 11:05 p.m. voted to adjourn.**