

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, SEPTEMBER 7, 2021

PORTSMOUTH, NH
TIME: 7:00 PM [or thereafter]

Councilor McEachern moved to come out of Non-Public Session, seconded by Councilor Kennedy. Motion passed on a 9-0 roll call vote.

Councilor Kennedy moved to adjourn and seal the minutes, seconded by Councilor McEachern. Motion passed on a 9-0 roll call vote.

III. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:08 p.m.

IV. ROLL CALL

PRESENT: Mayor Becksted, Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace

V. INVOCATION

Mayor Becksted asked everyone to join in a moment of silent prayer in memory of the 13 soldiers recently killed in Afghanistan.

VI. PLEDGE OF ALLEGINANCE

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

VII. ACCEPTANCE OF MINUTES – AUGUST 23 2021 and DECEMBER 14, 2020

Councilor McEachern moved to accept and approve the minutes of the August 23, 2021 and December 14, 2020 City Council meetings. Seconded by Councilor Lazenby.

Councilor Huda stated she has several amendments to the August 23, 2021 minutes that she would discuss separately with City Clerk Barnaby.

Motion to accept the minutes of December 14, 2020 City Council meeting as presented and the August 23, 2021 City Council meeting pending Councilor Huda amendments passed.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

A. Recognition of Juliet Walker, Director of Planning

City Manager Conard, Mayor Becksted and City Council recognized Director of Planning Juliet Walker for her 8 years of service and dedication to the City of Portsmouth as she moves on to other endeavors.

IX. PUBLIC COMMENT SESSION

Cheryl McCusker - spoke regarding the easement issue at Gosport Road explaining the history of the area and the recent problems neighbors have encountered trying to access the water through the easement.

Don Dougherty – spoke regarding the easement issue at Gosport Road and read his prepared statement which was submitted for the record.

Jason Karlin – spoke regarding Cutts Avenue and the legal proceedings being brought regarding the procedures followed with the project and urged the City to not oppose the legal action.

George Dempsey – spoke regarding the Audit Committee and the need to have different perspectives.

Ed Richards – spoke regarding the hiring of a new Planning Director as he feels there is an opportunity to do a nation-wide search for someone who is experienced in historic town development. Secondly, he discussed the Cutts Avenue legal action stating this is a result of flawed 2017 zoning change process and urged the City Council to not oppose the legal action.

Josh Denton – thanked the Mayor for the observance of the 13 soldiers killed in Afghanistan and stated that we also need to do more to support those currently deployed. He urged them to go forward with the Veteran's Tax Credit he has requested previously and stated he has spoken with the Legal Department but has heard nothing from any of the Councilors.

Andrew Bagley – began by thanking those who are wearing masks and asked if there is going to be another mask ordinance needed, then the process should be started now as it takes 3 readings. Secondly, he discussed the public water access which the city has the authority to oversee and he strongly urges that all public accesses in the City be marked as such.

Marilee Clark – stated she supports the comments of previous speaker Ed Richards regarding spot zoning. Secondly she discussed John Bohenko Park on Market Street stating it is a nice park to walk through, but feels that the crosswalk to get to the park is unsafe and would like it relocated.

Matt Glenn – discussed the issue with the Middle Street bike lanes and the 6 month trial to put the cars back to the curb against professional advice stating that 5 months into the trial period it is still not safe and feels that drivers are now going even faster. He stated that former Traffic Engineer Eby had not recommended placing the crosswalk where it is now and feels it should be moved to Mendum Avenue. He concluded asking where and when are the public meetings required, since the 6 months is almost up and feels that the NHDOT is not going to accept this solution.

Peter Somssich (via Zoom) - spoke regarding the motions under Assistant Mayor Splaine's name on the agenda regarding mask and vaccination policies and urged the City Council to support these motions.

Gerry Duffy (via Zoom) – spoke regarding the McIntyre project and its' current information and lack of information being provided by the subcommittee to the public. He stated the public needs to know the timeline and if the design has been modified but we aren't being provided this information.

Byron Matto (via Zoom) – thanked the City Manager and Assistant Mayor Splaine on their leadership regarding the masks and vaccines stating this issue should be based on the data. Next he discussed the Audit Committee stating that the City Attorney was correct that it should be made up of City Councilors and not appointed. Finally, he stated he agrees that Middle Street is not safe for bicyclists and the kids riding to school and would also like a crossing guard at Mendum Avenue.

Sue Polidura – spoke regarding COVID-19 facts stating that there is no reason to be requiring masks.

Seeing no one else wishing to speak, Mayor Becksted closed the Public Comment Session.

Councilor Kennedy moved 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.

XIII.D.1 Addressing Cutts Avenue Concerns

Councilor Kennedy moved to gather all information on Cutts Avenue concern for a public report back and status update by the Legal Department and to schedule a site walk of the area, seconded by Councilor Huda.

Councilor McEachern asked if this would be non-public information as it is regarding legal issues.

City Attorney Sullivan stated that much of the information is public and will prepare his report accordingly but if there are any confidential issues then those will have to be discussed in non-public.

Motion passed on a 9-0 vote.

XVII.A. Presentation from Health Officer, Kim McNamara regarding COVID-19

Health Officer McNamara provided a brief update of the current local COVID-19 statistics.

Mayor Becksted reminded everyone of the vaccine van on Pleasant Street in Market Square on Wednesdays.

XI. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

Public Hearings of Ordinances:

- A. Ordinance Amendments to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability

Councilor Tabor moved to pass second reading, and to schedule a third and final reading of these ordinance amendments at the September 20, 2021 City Council meeting. Seconded by Councilor Whelan.

Mayor Becksted read the legal notice and opened the public hearing. Seeing no one wishing to speak, Mayor Becksted closed the public hearing.

Assistant Mayor Splaine asked for a review of the increases for the public.

Parking Director Fletcher reviewed the ordinance and the proposed increase.

Assistant Mayor Splaine moved to amend the penalty time period where applicable from 30 days to 45 days, seconded by Councilor McEachern.

Assistant Mayor explained that this can be a lot for people on a fixed budget who need to plan how their money will be used within a month and feels that 45 days allows more time for them to budget.

Councilor Kennedy stated that there are other areas in the ordinance that is within 30 days and would want it to be consistent.

Assistant Mayor Splaine stated that his amendment is meant for all 30 day time periods to 45 days. City Attorney Sullivan clarified that if this amendment passes, the changes would come back for the 3rd and final reading.

Motion to amend 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.

Main motion passed on a 7-2 roll call vote. Assistant Mayor Splaine and Mayor Becksted voted opposed.

- B. ORDINANCE AMENDING CHAPTER 1, ARTICLE IV – COMMISSIONS AND AUTHORITIES, SECTION 1.414 AUDIT COMMITTEE (*Continued from the August 23, 2021 City Council meeting*)

- **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**

Councilor Huda read the August 31, 2021 memorandum to the Mayor and City Council into the record as follows;

“On August 30, 2021, the Mayor’s Blue Ribbon Audit Committee (MBRAC) met to consider possible amendments to the form of the Audit Committee ordinance which went to first reading before the City Council on June 21, 2021. The MBRAC took into account the discussions of the ordinance which have been held by the City Council since that date. Subsequent to that discussion, the MBRAC voted unanimously to recommend the following amendments to the version of the ordinance which is now at second reading before the Council. Attached is a redlined ordinance showing the original ordinance as amended.”

Mayor Becksted opened the continued Public Hearing:

Andrew Bagley – stated he doesn't think the amendments go far enough. He stated in watching the Audit Committee meeting, he was surprised by the lack of notification to proper authority within the ordinance.

Sue Polidura – stated that the city is currently not following the Charter. She stated that she doesn't feel there is any maleficence but the committee is meant to advise the Council.

Christopher White (via zoom) – stated he is a member of the Audit Committee and reviewed 5 objections to the ordinance he has heard and gave his responses.

Mayor Becksted closed the public hearing.

Councilor Huda moved to hold second reading of the Audit Committee Section 1.414 Ordinance and amend with the attached redlined ordinance changes as discussed and voted on by the Mayor's Blue Ribbon Audit Committee, seconded by Councilor Kennedy.

Councilor Kennedy made a friendly amendment to remove the last 8 words from paragraph B, Councilor Huda agreed.

Discussion ensued regarding the powers and duties being proposed for the Audit Committee.

Several friendly amendments to Paragraph B were voted on 6-3 roll call votes with Assistant Mayor Splaine, Councilors Kennedy and Huda voting 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.

Discussion and clarification by City Attorney Sullivan was held regarding reconsideration of previous proposed amendment votes.

Councilor Trace moved to suspend rules to reconsider a previous vote and to amend Paragraph A by adding the City Manager as a non-voting member with voice, seconded by Councilor Lazenby. Motion passed on an 8-1 roll call vote, 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).

Mayor Becksted called for a roll call vote to pass second reading as amended and to schedule a third and final reading at the September 20, 2021 City Council meeting. Motion passed on a 6-3 roll call vote. Assistant Mayor Splaine, Councilors Huda and Tabor voted opposed.

Councilor Huda moved to suspend the rules to hold 3rd reading at this meeting, seconded by Councilor Kennedy. Motion failed on a 2-7 roll call vote. Councilors Kennedy and Huda voted in favor.

Councilor Lazenby moved to move up Agenda City Manager Item XV.2. New Castle Water Line Easements, seconded by Councilor Whelan and voted.

XV.2. New Castle Water Line and Easements

Councilor Lazenby moved 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, seconded by Assistant Mayor Splaine.

Councilor Trace asked how many buildings are being proposed in the special assessment area as currently it doesn't show any units there.

Councilor Lazenby moved to suspend the rules to allow New Castle Selectman Bill Stuart to address the Council, seconded by Councilor Trace and voted.

Mr. Stuart stated there are actually 19 existing homes in that area and there old and inadequate pipes that need to be replaced.

Councilor Trace asked if that is sewer as well. Mr. Stuart responded no.

Councilor Huda asked if there is any cost to Portsmouth taxpayers with maintenance to those lines.

City Attorney Sullivan explained that new water lines last a long time and the maintenance is already built into the rate model.

Motion passed on a 9-0 vote.

**Mayor Becksted called a brief recess at 9:15 p.m.
Reconvened at 9:25 p.m.**

XII. MAYOR BECKSTED

1. Appointments to be Considered:

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

The City Council considered the appointments which will be acted upon at the September 20, 2021 City Council meeting.

2. Appointments to be Voted:

- Marylou McElwain reappointment to the Parking and Traffic Safety Committee
- Stephen Pesci reappointment to the Parking and Traffic Safety Committee
- Harold Whitehouse reappointment to the Parking and Traffic Safety Committee
- Mark Syracuse appointment to the Parking and Traffic Safety Committee

Councilor Kennedy moved to approve the above stated reappointments/appointment to the Parking and Traffic Safety Committee with terms to expired September 17, 2024. Seconded by Assistant Mayor Splaine and voted.

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Encouraging Masks in All City Buildings

Assistant Mayor Splaine moved 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, seconded by Councilor Lazenby.

Assistant Mayor Splaine explained that because there are breakthrough variants and we are concerned with children who cannot be vaccinated yet we need to reduce any spread that we can. He read a portion of the September 2,/2021 Mayor's BRC Health Committee minutes outlining their concerns.

Councilor Huda suggested a friendly amendment to the motion to add "administrative" before policy which the maker of the motion accepted.

Discussion ensued regarding the City Manager authority to set policy for city facilities.

Assistant Mayor Splaine stated this is meant to show support for the policy City Manager Conard has put in place.

Councilor Kennedy explained that within the school system for which she works they have a color code system in place as to whether a mask is required at any given place and time and suggested the Health Committee look at this system.

Councilor Lazenby asked for clarification that the City's ability to set a mandate is dependent on a Governor's order and does this policy include schools.

City Attorney Sullivan stated that yes there needs to be a Governor's Order in place to set a mandate and further clarified that this policy does not include the schools.

Mayor Becksted stated he agrees with the color coding system and feels that this type of thing is occurring in stores as well and is their choice to do so.

Motion passed on a 9-0 roll call vote.

2. Encouraging COVID-19 Vaccinations or Tests for City Employees

Assistant Mayor Splaine moved 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 a policy that all city employees, full and part-time, and contractors who work in city buildings, be vaccinated. We also encourage that the City Manager set an administrative 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 administrative policy, with exceptions and a timetable to be determined by the City Manager, seconded by Councilor McEachern.

Assistant Mayor Splaine stated that many public sector employees are being encouraged to be vaccinated and although we cannot mandate it, we can encourage it. He read a letter received by long-time resident and past City Councilor Linda Panori explaining the various vaccination requirements implemented and mandated over the years for public health.

Councilor Kennedy recused herself from the vote and discussion as her employer's attorneys have stated that this cannot be requested.

Councilor Huda asked for the same friendly amendment to add "administrative" before policy but agrees with Councilor Kennedy that this cannot be required or asked of the employees.

City Attorney Sullivan clarified that it is correct that members of the public cannot be required to be vaccinated but if it is negotiated in the collective bargaining agreements, then it could happen with employees.

Councilor McEachern stated that he has been required to be vaccinated through his employer but understands that there are unions involved so this can be a challenge. He stated he supports the spirit of this as our employees serve the public and there are services provided that must be done in person in the building.

Councilor Trace moved to add a friendly amendment: "that she feels best benefits all city employees" after, Therefore, we encourage the City Manager to set an administrative policy....", which as accepted by the maker of the motion, Assistant Mayor Splaine.

Mayor Becksted stated he doesn't want COVID-19 testing paid for by the city.

Main motion passed on a 7-0 roll call vote. Councilor Kennedy recused herself and Councilor Huda abstained.

B. COUNCILOR WHELAN

1. **Action Item Needing Approval by City Council**

- No Parking sign 20 feet from crosswalk at intersection of Kensington Road and Middle Road, and triangle mark the No Parking area

2. Parking & Traffic Safety Committee Action Sheet and Minutes of the August 5, 2021 meeting

Councilor McEachern moved to accept and approve the Action Sheet and Minutes of the August 5, 2021 Parking & Traffic Safety Committee meeting, seconded by Councilor Lazenby. Motion passed on a 7-2 vote, Councilors Kennedy and Huda voted opposed.

C. COUNCILOR LAZENBY

1. Proposed City Policy regarding Transparency of Information to Elected Officials

Councilor Lazenby moved that the City Council adopt City Council Policy No. 2021-01 regarding Transparency of Information to Elected Officials, as written, effective immediately, seconded by Assistant Mayor Splaine.

Councilor Lazenby explained that he feels a policy is necessary as the Council needs access to information to fulfill their duty to the citizens of Portsmouth. He explained that there have been some recent incidents that information has been denied to some Councilors by city staff regarding the McIntyre for example, that has been available to 4 Councilors but not the rest.

Councilor McEachern cited the example of the non-public session held prior to this meeting stating that the documents that they were handed were then collected at the end of the meeting and also expressed concern that the level of IT security on individual Councilor's computers is not known. He stated it is not about mistrust of Councilors but of ensuring security.

Councilor Lazenby stated the simple solution to that is to not send the information electronically and stated that language could be added to the policy "If confidential in nature, the City Manager will not send electronically".

Councilor Kennedy stated she will not support this as they agreed as a Council on the McIntyre Subcommittee and they have to do sensitive work. She stated that there are 4 Councilors, each representing differing views on the issue, who have put a lot of hours into this and we owe it to them to finish the process. She stated that she feels Councilor Lazenby has just publicly spoken about non-public issues.

Councilor Lazenby stated he did not speak about non-public information as those were e-mails that were publicly discussed. He continued that this policy was prompted by the McIntyre but it isn't about that specifically and is about information flowing to all 9 Councilors on all issues as all of them are elected.

Councilor Whelan stated he will not support this either and feels that the last sentence is unbelievable. He continued that the McIntyre has been an open process with minutes and prior to this Council there were no minutes and everything was done in private and as Councilor Lazenby as Assistant Mayor at that time, he didn't have any problems with the process. He

stated that more information will be coming out about the McIntyre in a few days and they have been working with the partners and feels this is the last thing we need.

Councilor Lazenby stated this is not about the subcommittee and feels it is revisionist history to say he didn't care then as he had made the motion to have minutes. He stated the last election was about the McIntyre and the information needs to be shared and that the resistance to this is of concern.

Assistant Mayor Splaine stated he would like to get off the McIntyre discussion as he likes the generic approach of the policy. He stated as Assistant Mayor 5 times, he was told that the Mayor was aware of information that the other Councilors were not and wants to know the implications involved if everyone were to receive all information. He stated he would like to make sure that it is properly worded.

Assistant Mayor Splaine moved to refer the policy to the City Manager and City Attorney for report back of their opinion of the policy within the next month, seconded by Councilor McEachern.

Councilor McEachern stated he supports this in general but wants clarification as to what information is included, would it be everything they all get, including mail addressed to them specifically, etc.

Councilor Tabor stated he likes the idea of referring to legal and appreciates the spirit of transparency. He stated that there are always different negotiations ongoing all of the time and asked if there is flexibility such as receiving summaries.

Councilor Lazenby stated that this would be for reasonable requests and doesn't feel that summaries are appropriate.

Motion to refer to City Manager and City Attorney for report back passed on a 7-2 vote. Councilors Kennedy and Huda voted opposed.

3. McIntyre Project – Request for Updated Timeline and Status of Post Office Correspondence

Mayor Becksted stated there will be an update when available.

D. COUNCILOR KENNEDY

1. Addressing Cutts Avenue Concerns (*Previously addressed*)

E. COUNCILOR HUDA

1. Audit Committee Section 1.414 Ordinance (*Previously addressed*)

XIV. 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

B. Acceptance of Skate Board Park Donation - \$2,500.00

Councilor Kennedy moved to approve and accept the grant for the Police Department in the amount of \$200,000.00 as presented and the donation from the Blalock family in the amount of \$2,500.00 as presented. Seconded by Councilor Huda and voted.

Councilor Whelan moved to suspend the rules to go past 10:30 p.m. Seconded by Councilor Kennedy and voted.

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Request to Schedule Portsmouth Housing Authority Work Session

City Manager Conard stated that in speaking with the Portsmouth Housing Authority, they suggested meeting at 6:00 p.m. on October 18th prior to the regular Council meeting.

Councilor Kennedy stated she feels this is a big subject and should have its own meeting night.

Discussion ensued regarding the time needed and which topics should be included in the discussion.

Councilor Lazenby moved to schedule a work session with Portsmouth Housing Authority on a mutually available date in November 2021. Seconded by Councilor McEachern and voted.

2. New Castle Water Line and Easements (*Previously addressed*)

3. Acquisition of Sewer Line Easements and Proposed Release of Paper Street

Councilor Huda asked about the 3 easements for the property with no structures on the property as the owners don't reside there, but what happens if the property changes hands, does the easement go with the property.

Deputy City Attorney Woodland explained that this is a unique situation where the neighbors want the sewer and they can't use the property so it is a trade-off.

Councilor Lazenby moved to authorize the acceptance of four (4) sewer line easements as described and to release the paper street known as Ruth Street where it abuts 28 Thornton Street as shown. Seconded by Councilor McEachern and voted.

4. Request for First Reading regarding Amendment to Chapter 7, Article XI, Section 7.1100 – Speed Limits

Councilor McEachern moved to schedule a first reading regarding this ordinance amendment at the September 20, 2021 City Council Meeting, seconded by Councilor Lazenby.

Councilor McEachern requested Chief Newport to be present at the next meeting to discuss speed limits.

Mayor Becksted stated he would like a discussion on changing all 30 mph zones to 25 mph zones and will be presenting legislation to the delegation regarding this issue.

Motion passed.

5. Request for First Reading regarding Amendment to Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled

Councilor Huda moved to schedule a first reading regarding this ordinance amendment at the September 20, 2021 City Council Meeting. Seconded by Councilor Kennedy and voted.

6. Borthwick Forest Easements

Councilor Kennedy moved to have a presentation on Borthwick Forest Easements at the next meeting, seconded by Councilor Huda.

Kennedy stated that the previous Council dealt with this a lot and there needs to be an update for the citizens.

Motion passed on a 7-2 vote. Councilors Lazenby and Tabor voted opposed.

7. Report Back on 135 Thaxter Road Request for Restoration of Involuntarily Merged Lots

Councilor Lazenby moved to grant the request to restore the involuntarily merged lots at 135 Thaxter Road. Seconded by Councilor Whelan and voted.

8. Request to Establish a Public Hearing for Refinancing a Callable Bond

Councilor Huda stated that she wants a report back on various questions that she still has on refinancing callable bonds.

After a brief review by Finance Director Belanger, Councilor Huda stated she still needs more information and clarification.

Councilor Lazenby moved 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) to refund the remaining portion of the aforementioned callable bond and all related costs; and 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 Thousand Dollars (\$1,600,000) to refund the remaining portion of the aforementioned callable bond and all related costs. Seconded by Councilor McEachern and voted.

XVI. CONSENT AGENDA

Councilor Kennedy moved to adopt the Consent Agenda. Seconded by Councilor Trace and voted.

- 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***

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Presentation from Health Officer, Kim McNamara regarding COVID-19 (***Previously addressed***)
- B. Email Correspondence

Councilor Tabor moved to accept and place on file. Seconded by Councilor Lazenby and voted.

- C. Letter from H. Dixon Turner regarding mitigation of speeding on Woodbury Avenue

Councilor Whelan moved to refer to the Parking and Traffic Safety Committee for a report back. Seconded by Councilor McEachern and voted.

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Peverly Hill Road Public Necessity Hearing

Councilor Kennedy moved to send out invitations by mail to ensure all residents and abutters are notified of the meeting, seconded by Councilor Huda.

Councilor McEachern asked if this was already required.

Deputy City Attorney Woodland explained that those directly impacted are notified by certified mail.

Mayor Becksted stated that the more ways that people are notified the better.

Motion voted.

2. Islington Creek Residents Comments to Surface Transportation Board regarding Rail Yard
3. Wetland Conditional Use Permits Granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021

City Manager Conard explained that she e-mailed the complete list of CUP's which will be included in the next City Council packet as well.

Councilor Trace clarified that her original request did not specify Wetlands only and the time-frame was 4 years.

4. Report Back on the Number of Upcoming/Ongoing Development Projects
5. Report Back on Litigation List
6. City Council Quorum
7. Report Back on Portsmouth Community Garden

City Attorney Sullivan stated that the City owns the property and we are close to having an agreement to bring back to the Council as the group is looking to start planting this fall.

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Kennedy reminded everyone of the Site Walk beginning at New Franklin School regarding the Sound Barriers on September 13, 2021 at 5:00 p.m.

Secondly, Councilor Kennedy stated that there was a tremendous response to serve on the newly formed Mayor's Blue Ribbon Cemeteries Committee and **moved to raise the number of members of 7 to 13. Seconded by Councilor Huda and voted.**

Councilor Trace requested a report back on when the excavated bones from the North Cemetery will be reinterred.

Councilor Kennedy thanked City Attorney Sullivan and Judy Renaud from Finance Department for getting the Skateboard Park donation button to the City website.

Mayor Becksted stated that there will not be the usual 9/11 ceremony held in the upper parking lot of city hall but there will be flowers placed at the memorial site. He stated the formal ceremony will be in conjunction with the Air Show at Pease.

XX. ADJOURNMENT [at 10:30 p.m. or earlier]

At 11:05 p.m., Councilor Huda moved to adjourn. Seconded by Councilor Whelan and voted.

Respectfully submitted by:

Valerie A. French
Deputy City Clerk