

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 4, 2021

PORTSMOUTH, NH
TIME: 6:00PM [or thereafter]

Councilor Kennedy moved to come out of Non-Public Session and to seal the minutes. Seconded by Councilor Huda.

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

III. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:32 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.

VI. PLEDGE OF ALLEGINANCE

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

VII. ACCEPTANCE OF MINUTES – REACCEPTANCE OF AUGUST 2, 2021; SEPTEMBER 7, 2021 & SEPTEMBER 20, 2021

Councilor McEachern moved to reaccept and approve the minutes of the August 2, 2021 meeting as presented. Seconded by Councilor Lazenby and voted.

Councilor Tabor moved to accept and approve the minutes of the September 7, 2021 and September 20, 2021 meetings as presented. Seconded by Councilor Whelan and voted.

PROCLAMATION (Not on Agenda)

1. Breast Cancer Awareness

Mayor Becksted read a Proclamation declaring October as Breast Cancer Awareness Month. He stated this marks the 10th year that his wife is breast cancer free.

IX. PUBLIC COMMENT SESSION

Mayor Becksted announced that individuals that have signed up to speak regarding KENO should speak during the Public Hearing on this matter.

Josh Denton, Commander #168 VFW, requested that the Council bring back the Combat Veterans Tax Credit at the October 18th City Council meeting. He spoke to the importance of this credit for the combat veterans. He said this resolution would allow for the \$500.00 tax credit but they could not double dip.

Liza Hewitt addressed Tuesday's Board of Adjustment meeting where outside legal counsel was engaged. She adamantly spoke opposed to outside legal counsel being used and said it was disrespectful to the residents and taxpayers.

Bill Downey said it has been over 60 days and they have still not received the McIntyre data they requested. He said they want the final survey data for the final design. He asked why the group that requested this information has not had their request answered by the subcommittee and where is the transparency on this matter.

Frank Denpasar urged the City Council to bring back the resolution for the tax credit for our veterans.

George Remick said he supports the resolution on the veteran's tax credit.

Councilor Kennedy moved to suspend the rules to bring forward Item XI. C. – Public Hearing – “Shall we Allow the Operation of KENO Games within the City of Portsmouth.” Seconded by Councilor Huda and voted.

Public Input:

- C. “SHALL WE ALLOW THE OPERATION OF KENO GAMES WITHIN THE CITY OF PORTSMOUTH” *THIS QUESTION WILL APPEAR ON THE NOVEMBER 2, 2021 MUNICIPAL ELECTION BALLOT*

Mayor Becksted read the legal notice, declared the public hearing open, and called for speakers.

George Remick spoke in support of the referendum question regarding KENO on the ballot.

Michael Griffin spoke in support of placing the question on the ballot regarding KENO. He is speaking on behalf of the Elks Lodge, which offer lottery games and this will add to their revenue stream which assists them in the many scholarships provided to Portsmouth High School, Little League, Babe Ruth, Connie Bean Basketball teams, etc. He said they also offer support to our veteran's and provide “Welcome Kits” to the homeless transitioning back to living in a home. He requested that residents give KENO consideration when voting your ballot at the November Municipal Election.

Kelly Jean Cleland, Lottery Commission, said she is encouraged and amazed by the residents desire to bring this issue to the ballot for the residents to decide. She spoke to the various benefits of KENO and that she is available to answer any questions anyone may have this evening regarding KENO coming to your community, if it is adopted.

Eli Sokorelis spoke in support of KENO being allowed in the City. He said he has a business in Seabrook that has KENO and it works out well for the customers and him. He asked that residents consider the referendum question on the ballot in November.

After three calls and no further speakers, Mayor Becksted declared the Public Hearing closed.

Councilor McEachern said he appreciates the comments this evening but he does not feel this will solve the education funding matters we have. He said he does feel it is a business decision to allow for KENO.

Councilor Kennedy said it is important to have voters weigh in on things now. She said voters have a choice to decide and this may help some of the smaller establishments. She said she is pleased with what is being done for veterans in the community with the tax credit.

Mayor Becksted said it is up to voters to make the decision on KENO. He knows how hard it is for small businesses and if this helps, he supports it.

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

Public Hearing and Second Reading of Ordinances & Resolutions:

- A. ORDINANCE AMENDING CHAPTER 7, ARTICLE XI, SECTION 7.1100 – SPEED LIMITS SUB-SECTION E – SPEED LIMIT: 25 MPH – CHEVROLET AVENUE

Mayor Becksted read the legal notice, declared the public hearing open, and called for speakers. With no speakers, Mayor Becksted closed the public hearing.

Councilor Kennedy moved to pass second reading, and schedule a third and final reading at the October 18, 2021 City Council meeting. Seconded by Councilor Huda and voted.

- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE XII, SECTION 7.1200 – PARKING FOR THE WALKING DISABLED

Mayor Becksted read the legal notice, declared the public hearing open, and called for speakers. With no speakers, Mayor Becksted closed the public hearing.

Councilor Kennedy moved to pass second reading, and schedule a third and final reading at the October 18, 2021 City Council meeting. Seconded by Councilor Huda.

Councilor Kennedy said whenever we can support people with disabilities she supports it. She said she appreciates this coming forward.

Motion passed.

XII. MAYOR BECKSTED

1. Appointment to be Considered:
 - Sarah Lachance reappointment to the Economic Development Commission

The City Council considered the reappointment of Sarah Lachance to the Economic Development Commission, which will be voted upon by the Council at the October 18, 2021 meeting.

2. Letter from Ron Zolla regarding not seeking reappointment to the Economic Development Commission

Councilor McEachern moved to accept and send a letter of thanks to Mr. Zolla for his years of service to the Economic Development Commission and City. Seconded by Councilor Whelan.

Assistant Mayor Splaine said he was impressed every time Mr. Zolla makes a comment, it always contributes to economic improvement to the City. He said we will miss both Mr. Zolla and Mr. Levenson on the Economic Development Commission.

Mayor Becksted said he presented Certificates of Thanks for Service to Dana Levenson and Ron Zolla at the last Economic Development Commission meeting.

Mayor Becksted said we are looking for appointees to serve on the Economic Development Commission.

Motion passed.

3. Announcement of Audit Committee Council Representatives

Mayor Becksted announced the City Council Representatives to the Audit Committee are Councilor Kennedy and Councilor Huda. He said he would bring forward appointments to the Committee at the next City Council meeting.

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR McEACHERN

1. Railroad Grant Money Application

Councilor McEachern moved to authorize the City Manager to submit an application for the Consolidated Rail Infrastructure and Safety Improvements Program (FY2021) no later than 5:00 p.m. EDT, November 29, 2021 if applicable projects are identified. Seconded by Assistant Mayor Splaine.

Councilor McEachern said \$365,000,000.00 has been appropriated for projects by the federal government.

Mayor Becksted asked if there is anything else that the grants could be used for. He said for every non-signal intersections trains need to blow their horns.

B. COUNCILOR WHELAN

1. Action Items Needing Approval by City Council:

- Request for Approval of Executed Valet Agreements of Portwalk Hampton and Portwalk Marriott (*Tabled from the September 20, 2021 City Council meeting*)

Councilor Kennedy moved to approve the agreements. Seconded by Councilor McEachern.

Councilor Kennedy asked if parking spots are being taken and where are the cars going to be placed. Public Works Director Rice said they cannot use the garages or lots owned by the City for parking the vehicles. He said he does not know where they will be placing the cars.

Motion passed.

2. Parking & Traffic Safety Committee Action Sheet and Minutes of the September 2, 2021 meeting (*Tabled from the September 20, 2021 City Council meeting*)

Councilor Whelan moved to accept and approve the Action Sheet and Minutes of the September 2, 2021 Parking & Traffic Safety Committee meeting. Seconded by Councilor McEachern and voted. Councilors Kennedy and Huda voted opposed.

C. COUNCILOR LAZENBY

1. "Drawdown Portsmouth – Climate Solutions 101" Dialogue 10/6/2021

Councilor Lazenby announced the Blue Ribbon Committee on Sustainable Practices is having a Virtual Dialogue on October 6, 2021 at 7:00 p.m. regarding Drawdown Portsmouth – Climate Solutions 101.

Councilor Kennedy stated that is the same night of the meeting regarding Sound Barriers and she will not be attending because she committed to the Sound Barrier meeting.

D. COUNCILOR KENNEDY

1. Cutts Avenue

Councilor Kennedy moved to have a date for the Cutts Avenue Neighborhood Walk provided at the October 18, 2021 City Council meeting. Seconded by Councilor Huda.

Councilor Kennedy said we might want to have the walk on a Saturday morning or Sunday afternoon.

Motion passed.

E. COUNCILOR HUDA

1. August 2021 Monthly Report

Councilor Huda moved for a report back from the City Manager to the residents at the October 18th City Council meeting on the following related to the August 2021 Monthly Report:

At the month of August we are at 16.7% of the Fiscal Year

- ***On Page 7 – School Revenues – other sources is 1042% of budgeted amount- listed as School Dental Care Reimbursement, please define***
 - ***On Page 13 – Parking & Transportation***
 - Parking Enforcement - \$130,279.00 – 30.4%***
 - Parking Meter Ops - \$149,718.00 – 46.6%***
 - Contingency - \$54,554 – 27.7%***
- Please described why the % expended is so high***

Seconded by Councilor Kennedy and voted.

F. COUNCILOR TRACE

1. Request for Presentation regarding Conditional Use Permits

Councilor Trace moved to have a presentation by City Staff on the use/approval of Conditional Use Permits and the effects on Character Based Zoning at the October 18, 2021 City Council meeting. Seconded by Councilor Kennedy.

Councilor Trace said we need greater clarity on how all Conditional Use Permits apply to Character Based Zoning. She said there are multiple situations going on. She said the use of Conditional Use Permits has provided a vehicle to help or hinder our zoning to provide affordable housing. She would like clarification on zoning regulations.

Motion passed.

2. Presentation regarding unsafe speeding on Woodbury Avenue

Councilor Whelan said this matter is on the agenda for the Thursday Parking and Traffic Safety Committee meeting.

Councilor Trace moved that City Staff report back with a presentation on solutions to the unsafe speeding on Woodbury Avenue at the October 18, 2021 City Council meeting. Seconded by Councilor Kennedy.

Public Works Director Rice said data will be presented at the October 7th Parking and Traffic Safety Committee meeting but the solution cannot be developed at that time. He said it is difficult to get these things accomplished without a Transportation Director.

Councilor Trace said it could be a small presentation on the data provided to the Parking and Traffic Safety Committee. Public Works Director Rice said the same information would be provided to the City Council as is at the Parking and Traffic Safety Committee meeting.

Motion passed.

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Donation to the African Burying Ground Trust from JoAnn Monagle - \$50.00

Councilor Kennedy moved to approve and accept the donation from JoAnn M. Monagle in the amount of \$50.00 as presented. Seconded by Councilor Huda and voted.

- B. Approval for Moose License Plate Conservation Grant - \$9,150.00

Councilor Kennedy moved to approve and accept the grant from the New Hampshire State Library in the amount of \$9,150.00 as presented. Seconded by Councilor Huda and voted.

- C. NHDES Household Hazardous Waste Day FY22 Grant - \$4,587.00

Councilor Kennedy moved to approve and accept a grant from the DES in the amount of \$4,587.00 for the purpose of household hazardous waste collection events, and authorize the City Manager to execute any documents which may be necessary for this grant contract. Seconded by Councilor Huda and voted.

- D. Acceptance of Donation to Skateboard Park - \$100.00

Councilor Kennedy moved to approve and accept the donation from Linda Desjardins in the amount of \$100.00 as presented. Seconded by Councilor Huda 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 said we have coordinated a scheduled date for a Joint Work Session with the Portsmouth Housing Authority, on an off City Council meeting evening for November 8, 2021 at 6:30 p.m.

Councilor Kennedy moved to schedule a joint work session with the Portsmouth Housing Authority on November 8, 2021 at 6:30 p.m. Seconded by Councilor Trace and voted.

2. Request to Establish Polling Hours for Municipal Election

Councilor Kennedy moved to approve the polling hours of 8:00 a.m. to 7:00 p.m. for the Municipal Election on November 2, 2021 as recommended by the City Clerk. Seconded by Councilor McEachern and voted.

Mayor Becksted said that Ward 3 polling location was moved to the Senior Activity Center from the Robert J. Lister Academy last year and he would like this advertised well this year because he feels there was a misstep during the last election.

XVI. CONSENT AGENDA

- A. Letter from Barbara Massar, Pro Portsmouth Inc., requesting permission to hold the following 2022 events:
- First Night Portsmouth 2022, Friday, December 31, 2021
 - Children's Day, Sunday, May 1, 2022
 - 45th Annual Market Square Day Festival & 10k Road Race, Saturday, June 11, 2022
 - 19th Annual Summer in the Street – Saturday evenings – July 2nd, 9th, 16th, 23rd, 30th, 2022 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
 - Request the City's Financial Support for First Night Sponsorship for Fireworks' Display - \$3,000.00
- B. Letter from Laurie Mantegari, Scarecrows of the Port Committee, requesting permission to put up scarecrows on Thursday, October 7th through Monday, November 1st (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- C. Letter from Chris Carragher, Seacoast Paddleboard Club, requesting permission to hold the Annual Halloween Costume Paddle Contest at Peirce Island on Sunday, October 24th from 11:00 a.m. to 12:30 p.m. (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- D. Request for License to Install Projecting Sign for owner Josh Bolduc of ATX Fitness Therapy for property located at 951 Islington 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***

Councilor Kennedy moved to refer to the City Manager with Authority to Act. Seconded by Councilor Whelan and voted.

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**A. Presentation – Stormwater Outreach Update**

Deputy Public Works Director Goetz said a component of the MS4 Stormwater Permit Requirements is to have a public outreach to distribute educational materials to the community, or conduct equivalent outreach activities about the impacts of stormwater discharges on local water bodies and the steps that can be taken to reduce stormwater pollution. He reported that we started out with the written forms and had a water/sewer billing insert that provided information on what is stormwater and what the City is doing, and how the public help can. He said we updated the City website, which continues to evolve. He spoke to the production of post cards. He addressed the lawn care post cards. He said we had a Rake It or Leave It Campaign on what to do with your leaves and grass clippings. He said City Clerk Barnaby and staff hand out Pet Waste postcards regarding picking up your dog wastes. He said there are also signs throughout the City on picking up dog waste. He spoke to the launch two years ago of "Think Blue...What Can You Do?" He said the campaign was involved in-house by Joe Almeida's daughter Jane, a graphic designer, created "Blue". He also addressed an exhibit at Strawberry Banke – "Water Has A Memory" with "Think Blue!" and an Outreach Component. He said there is an inactive component at the end of the exhibit.

Deputy Public Works Director Goetz spoke to Stormwater GIS Staff Phoebe Rafferty and Dan Okuniewicz. He advised the City Council that Phoebe's last day was today and that she has taken a job in Oakland, California for Stormwater with the State. He spoke to Dan and Phoebe's idea of creating short informative videos on stormwater. He said our City Attorney Sullivan and his dog Panda have been part of two short videos created on stormwater.

B. Email Correspondence

Councilor Kennedy moved to accept and place on file. Seconded by Councilor McEachern and voted.

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Response to Councilor Huda's Audit Questions

City Manager Conard said Councilor Huda's audit questions were answered at the last Council meeting but the written answers have been provided in the packet.

2. Sagamore Sewer Extension Project Update with Responses to Various Questions

Councilor Huda moved to hold a work session on this matter with residents. Seconded by Councilor Kennedy.

Councilor Huda said it would be valuable to have a work session on this matter and inform the residents on this information.

Motion passed.

3. Report Back regarding Combat Deployment Tax Credit

Councilor Lazenby asked City Attorney Sullivan what would be an appropriate motion to bring this item back for the next City Council meeting.

City Attorney Sullivan said to request a Resolution to be drafted and brought back to the City Council at the next meeting.

Councilor McEachern moved to request a Resolution to be drafted and brought back to the City Council at the October 18, 2021 meeting. Seconded by Councilor Trace and voted.

4. NHDOT Noise Program Information

City Manager Conard reported that Assistant City Attorney Ferrini had a conversation with David at DOT regarding the 10-year plan and the public hearing that was scheduled at the Kingston Town Office, which has been changed to Thursday, October 21st at 7:00 p.m. at the Kingston Town Office, in the Town Hall Meeting Room. She listed the other two dates as follows:

- Monday, November 1, 2021, Hampton Beach at 7:00 p.m. at the Seashell Ocean Front Pavilion Room
- Wednesday, November 3, 2021 Virtual at 7:00 p.m. with information to be posted on website (1) week before

Councilor Kennedy requested the updated information be posted on our Facebook Page.

Mayor Becksted said he would like to see the November 1, 2021 meeting changed to another time due to Municipal Elections.

XX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor McEachern said he would like more information on the process of how a project is identified as a Type 1 or Type 2 and if there is any history of that being challenged. Assistant City Attorney Ferrini explained that currently construction from exit 3 to the bridge is Type 1 and Pannaway Manor is Type 2. She said everything is being reviewed, and it is an ongoing process. She said we continue to try and gather information from the DOT to have communication to relay to the Council and the residents. She said we will continue to find out who makes the decisions. Councilor McEachern said this does not need to be exhaustive research, but he would like to know, has there been any municipality that has challenged a project and if they were successful or not.

Councilor Kennedy said she would like, as part of the City Manager's weekly report, a summary update on the sound barriers to be included.

XX. ADJOURNMENT

At 8:52 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Huda and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK