

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, MARCH 16, 2020

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

**AN ANTICIPATED NON-PUBLIC SESSION WILL BE HELD AT THE END OF THE CITY COUNCIL MEETING RE: MCINTYRE – RSA 91-A:3, II (e)**

I. **6:00PM WORK SESSION – SAGAMORE AVENUE SEWER EXTENSION – *POSTPONED DUE TO COVID-19.***

II. **PUBLIC DIALOGUE SESSION *[when applicable – every other regularly scheduled meeting]***

III. **CALL TO ORDER [7:00 p.m. or thereafter]**

Mayor Becksted called the meeting to order at 7:00 p.m.

IV. **ROLL CALL**

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

V. **INVOCATION**

Mayor Becksted said that everyone is being kept in our thoughts and prayers during this time of concern regarding COVID-19.

VI. **PLEDGE OF ALLEGIANCE**

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

VII. **ACCEPTANCE OF MINUTES – JANUARY 28, 2020**

Councilor Lazenby moved to accept and approve the minutes of the January 28, 2020 City Council meeting. Seconded by Councilor McEachern and voted.

VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

- Recognition of 5<sup>th</sup> Grade Little Harbour School student Aadhavan “Addy” Veerendra, winner of the NH Spelling Bee with Principal Lawson and Spelling Bee Club teacher Molly Green

**POSTPONED DUE TO COVID-19**

IX. **PUBLIC COMMENT SESSION – *POSTPONED DUE TO COVID-19***

X. **PUBLIC DIALOGUE SUMMARY *[when applicable]* – *POSTPONED DUE TO COVID-19***

**XI. PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS – POSTPONED  
DUE TO COVID-19**

- A. First reading of Ordinance amending Chapter 7, Article I, Section 7.105 C – Designated Motorcycle Parking Area - **POSTPONED**

**XII. MAYOR BECKSTED**

1. Appointments to be Considered:
- Appointment of Beth Margeson to the Conservation Commission as an Alternate
  - Reappointment of Jessica Blasko to the Conservation Commission
  - Reappointment of Allison Tanner to the Conservation Commission
  - Reappointment of Jackie Cali-Pitts to the Recreation Board
  - Reappointment of Lisa Louttit to the Recreation Board

The City Council considered the appointed listed above which will be voted on at the next City Council meeting.

2. \*Appointments to be Voted:
- Reappointment of Barbara McMillan to the Conservation Commission
  - Reappointment of William Townsend to the Peirce Island Committee
  - Reappointment of John Simon to the Peirce Island Committee
  - Appointment of Kara Rodeneizer to the Portsmouth Housing Authority
  - Reappointment of Robin Pickering to the Portsmouth Housing Authority – Resident Member
  - Appointment of David Cosgrove to the Citywide Neighborhood Committee
  - Appointment of Mark Syracuse to the Citywide Neighborhood Committee

**Councilor Tabor moved the appointments and reappointments of the following. Seconded by Councilor Trace and voted.**

- **Reappointment of Barbara McMillan to the Conservation Commission until April 1, 2023.**
- **Reappointment of William Townsend to the Peirce Island Committee until December 31, 2021.**
- **Reappointment of John Simon to the Peirce Island Committee until December 31, 2021.**
- **Appointment of Kara Rodeneizer to the Portsmouth Housing Authority until April 1, 2025.**
- **Reappointment of Robin Pickering to the Portsmouth Housing Authority – Resident Member until April 1, 2025.**
- **Appointment of David Cosgrove to the Citywide Neighborhood Committee until December 31, 2021.**

**Assistant Mayor Splaine moved to suspend the rules in order to take up Item XVII. B. – Report from City’s Health Department regarding COVID-19. Seconded by Councilor Whelan and voted.**

## **XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

### **A. Report from the City's Health Department regarding COVID-19**

Health Officer McNamara provided a status update regarding COVID-19 (Coronavirus). She spoke to the origin of the virus and that there is no vaccine currently to fight against it. She reported that there are currently 17 cases in NH and 525 being monitored. Health Officer McNamara addressed the incubation period and personal hygiene recommendations to follow.

Assistant Mayor Splaine asked who someone could call if they are having COVID-19 symptoms. Health Officer McNamara suggested calling 211 which is a line for the State of New Hampshire and there will be a referral service provided to the caller.

City Manager Conard said that Health Officer McNamara and staff has been wonderful and we are putting out information which is known as a daily advisory. She reported that the core team of Emergency Operations Center are meeting every day on these matters.

Councilor Lazenby thanked Health Officer McNamara and her staff for their work on this matter. He asked if people are concerned they have the virus, what is the protocol. Health Officer McNamara said if you have symptoms to call the contact care providers or the emergency room which has the test. She advised that the test takes 72 hours to read and not sure what that will mean as numbers rise. Councilor Lazenby said reports are through medical services. Health Officer McNamara said the Division of Health and Human Services are being modified and monitored.

Councilor Whelan said he attended the presentation given by Health Officer McNamara with the Chamber of Commerce. He asked if there are any numbers that you could call for help for the elderly. Health Officer, Kim McNamara said any resident can call the Health Department for any issues.

Mayor Becksted said that he would like the presentation on the website. He thanked Kim McNamara and City Manager Conard for their work on this matter.

Assistant Mayor Splaine asked City Manager Conard to summarize the availability of City Hall offices. City Manager Conard reported that City offices will be closed to the public and you will get a person when calling because core staffing will be in the building. She indicated this is the last public meeting for the next 2 weeks. She said we will speak on a daily basis on this matter.

Councilor Trace asked about the mail box in the parking lot and its availability to residents to make payments. City Manager Conard said yes, the mail box is available to the public to place payments in to be processed by staff.

Councilor Lazenby said he would like to know if we can provide relief on parking tickets and parking fees.

City Manager Conard said Planning Director and Public Works Department, Parking Division generates \$800,000.00 per month, which we would lose if we generate free parking.

Mayor Becksted said he would like to use the Holiday Parking now during this need rather than in December. He would like to work collaboratively on parking in lots and businesses. He said we will be a functioning government no matter what.

Assistant Mayor Splaine said we should be able to make a decision on the parking holiday period, available parking for employees, and the garage would solve some of the problems.

**Assistant Mayor Splaine moved to give authority to act to City Manager Conard and work out details with parking officials for a free-parking program through April 6<sup>th</sup> with a report back regarding financial implications. Further that enforcement will continue to ensure the turnover of parking spaces. Seconded by Councilor McEachern.**

Councilor Trace said she agrees with Assistant Mayor Splaine and Councilor McEachern that this is something we need to do immediately. She suggested that Strawberry Banke has been very kind and maybe we can use their parking lot.

Councilor Tabor said we give people free parking in the area of restaurants and retailers will encourage picking up a dinner. He said we should target some streets downtown and maybe create free parking for downtown employees at Foundry Garage.

Councilor Kennedy requested to implement safety programs, by adding safety cones to ensure areas for pick-up remain safe. She said the spaces should be for 10 minute parking.

Councilor Lazenby said we should work on something now. He said he would like to instead of holiday parking, institute the free parking from March 17<sup>th</sup> through March 31<sup>st</sup>.

Assistant Mayor Splaine suggested free parking in city garages for downtown workers during this health emergency.

Councilor Trace said she would like to look at employees working in the city to park in the garage.

Councilor Huda requested City Manager Conard gather a list of businesses and retailers that are open and post the list on the website.

**Motion passed.**

## **XII. MAYOR BECKSTED**

### **3. Establish Committee for Negotiations Re: Boyle**

Mayor Becksted requested any City Councilors that are interested in serving on this Committee to contact him for consideration of appointment.

Assistant Mayor Splaine said he is not supportive of creating a committee. He said City Attorney Sullivan has recommended that the City Council not meet with Mr. Boyle. He said if a committee was chosen and any members of the City Council served on the committee or met with Mr. Boyle before or after the election would have been unconscionable. He said we can try to justify that we are working on behalf of the City and the worst thing that could happen is a settlement offer is made but there could be legal action and the City Council would be compromised. He said the City Council as a whole should have a separate negotiator to work with Mr. Boyle to see if we can reach an agreement.

### **XIII. CITY COUNCIL MEMBERS**

#### **A. ASSISTANT MAYOR SPLAINE**

1. Jones Avenue Landfill

*Item postponed.*

2. Coronavirus Planning and Preparation – and Observations/Concerns from Economic Development Commission meeting of Friday, March 6, 2020

Update provided earlier in agenda.

#### **B. COUNCILOR McEACHERN**

1. Creation of a Subcommittee comprised of 2 Council members and 4 residents selected by the Mayor and approved by the Council to discuss current ADU Approval process and ways to improve

Councilor McEachern removed this item from the agenda.

#### **C. COUNCILOR WHELAN**

1. McIntyre Subcommittee Report

Councilor Whelan said a meeting was held today to work towards a resolution with Redgate/Kane.

#### **D. COUNCILOR KENNEDY**

1. Impact Fees  
*I would recommend the following suggestions to support The City of Portsmouth's Infrastructure:*  
For projects over two units the following impact fees would apply:  
1-Bedroom or 1,000 sq. ft. or less \$25,000/unit  
2-Bedrooms or 1,500 sq. ft. or less \$50,000/unit  
3-Bedrooms or 2,000 sq. ft. or less \$75,000/unit  
4-Bedrooms or 2,500 sq. ft. or less \$100,000/unit  
5-Bedrooms or 3,000 sq. ft. or less \$125,000/unit

**Councilor Kennedy moved to have the City Manager, Legal Staff, Fees Committee and Planning Board review and report back on the suggested Impact Fees by the April 20, 2020 City Council meeting. I would also encourage other suggestions from these groups on Impact Fees with a report back on April 20, 2020. Seconded by Councilor Huda.**

Councilor Kennedy said we need to receive input on this matter.

Councilor Lazenby said to have staff and the City Manager look into impact fees we need to compare with exactions.

Assistant Mayor Splaine said he would like to understand the impact on houses and housing developments.

Councilor McEachern said he would support the motion if it was comparable with a cost and plan standpoint impact fee type model.

Councilor Tabor said it is important to understand that incremental capital costs can only be attached to capital costs. He said Dover and Somersworth are coming up with lower figures and he has a problem voting on this with lack of data to support capital spending.

Mayor Becksted said that these are examples and this is something the staff would work on implementing percentages.

Councilor Kennedy said she is suggesting impact fees and a report back on this matter.

Councilor McEachern said we are trying to bring light to the situation and a report back with impact fees and extractions. He would like to point to something on the website and make it clear to residents.

City Manager Conard said staff will be providing a comprehensive report.

**Motion passes with Councilor Lazenby opposed.**

#### **E. COUNCILOR HUDA**

1. Annual Budget Spending Request by Department

Does that mean the Department Manager has the ability to spend those dollars on anything as long as they stay within the budget dollars appropriated to them?
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**Councilor Huda moved to request a report back from the City Manager on the following:**

- **To Clarify the dollar limit spending authority granted to different positions (i.e. Directors, Department Managers, City Purchasing Agent, City Manager)**
- **To discuss if there is a dollar limit restriction on the City Department Directors or Managers ability to transfer dollars among the various line items in their appropriated budgets. Do these transfers require the approval of either the Finance Director or City Manager.**
- **Please include references to source documentation that authorizes such dollar limits.**
- **Please include a discussion on the various controls applied to the above.**

**Seconded by Councilor Kennedy.**

City Manager Conard said she would be happy to report back at the next meeting.

**Motion passed with Councilor Tabor opposed.**

2. To Clarify the City Managers, Interpretation of Section 7.23 Information Technology Management of the City Charter as it relates to the Information Technology section of the Administrative Code?

**Councilor Huda moved to request a report back from the City Manager on the following:**

- *Is there any conflict?*
- *Based on the interpretation of the above, is the City following the City Charter or the Administrative Code?*

**Seconded by Councilor Kennedy.**

Councilor Lazenby asked if the City Manager has a comment. City Manager Conard said we are following the Charter and will provided a report back.

**Motion passed with Councilor Lazenby opposed.**

#### **XIV. APPROVAL OF GRANTS/DONATIONS**

1. Acceptance of Donations to the Portsmouth Police Department:
  - Mr. Gormley and Ms. Inguchi in support of Portsmouth Police Department – \$1,000.00
  - Ms. Marchi in support of Police Explorer Cadets - \$20.00

**Councilor McEachern moved to accept and approve the donations for the Police Department as presented. Seconded by Councilor Kennedy and voted.**

2. Acceptance of Grant from the NH Department of Safety for Night Vision Equipment - \$37,500.00

**Councilor Whelan moved to accept and approve the grant for the Police Department as presented. Seconded by Councilor McEachern and voted.**

#### **XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

##### **A. CITY MANAGER CONARD**

##### **City Manager's Items Which Require Action:**

1. Market Street Property Purchase from NH Department of Transportation

*City Manager Conard said that this item is postponed.*

2. Report Back from Planning Regarding 27 Thaxter Road

*City Manager Conard said that this item is postponed.*

3. Foundry Place Agreements and Easements

City Manager Conard said that DSA is ready to move forward with the Foundry Place Agreements and Easements.

Staff Attorney McCourt reviewed the 7 documents thoroughly with the City Council.

Councilor Kennedy asked how much the parking passes and parking permit are currently.

Councilor Whelan responded \$100.00 per month.

Mayor Becksted asked about the 58 parking spaces in the agreement.

Staff Attorney McCourt reported there are 10 additional flex spaces and we moved the passes within the garage versus lot 2 which is community space.

Mayor Becksted said on Exhibit B there are green and blue sections and would like to know about those approvals.

Staff Attorney McCourt reported those shaded areas refer to Lot 2 and Lot 6. He advised the Council that Lot 6 (green shaded area) approvals are not here this evening and Lot 2 is the blue shaded area for which DSA is required to secure a bond.

Councilor Trace asked about the parking spaces and whether they run with the land if DSA was to sell.

Staff Attorney McCourt said it would go for the 40 year agreement and they would need to choose which lots the spaces are to go with.

**Councilor Lazenby moved to authorize the City Manager to negotiate, executive and accept the community space easement (Exhibit D), an easement for construction and egress on Lot 2 (Exhibit E), and a landscape license agreement (Exhibit F) in a form similar to those attached in the City Manager's memorandum dated Friday, March 13, 2020. Seconded by Councilor McEachern.**

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

4. Request to Establish a Work Session Regarding Prescott Park

City Manager Conard requested that the Sagamore Avenue Sewer Extension Work Session to be scheduled for April 6, 2020 and the Prescott Park Work Session to be held on April 20, 2020.

**Councilor Kennedy moved to schedule a work session on April 6, 2020 for the Sagamore Avenue Sewer Extension and a work session on April 20, 2020 for the purposes of reviewing the Prescott Park Master Plan. Seconded by Councilor Lazenby and voted.**

5. Request to Renew Seacoast Growers' Association (Farmer's Market) Proposed 2020 License Agreement

**Councilor Whelan 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 2, 2020 through November 7, 2020. Seconded by Councilor Kennedy.**

Councilor Lazenby asked if Seacoast Growers' Association would be made aware of the plastic bag policy.

Councilor Whelan said the Farmer's Market bring their own bags and are environmentally conscious.

**Motion passed.**

6. Request for Public Hearing Regarding Bonding of Fire Apparatus

City Manager Conard requested a public hearing for the next City Council meeting for the bonding of fire apparatus.

**Councilor Kennedy moved to establish a public hearing for the April 6, 2020 Council meeting regarding the bonding of up to One Million Four Hundred Dollars (\$1,400,000) for the acquisition of one fire apparatus. Seconded by Councilor Trace and voted.**

7. Request to Establish Public Hearing Regarding Petition for Discontinuance of a Portion of Cate Street Connector Road

City Manager Conard advised that this item is being postponed.

## **XVI. CONSENT AGENDA**

Item C was removed from the Consent Agenda.

- A. Request for License to Install Projecting Sign for owner Harrison Schoaneu of Fresh House for property located at 76 Congress 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***

- B. Request for License to Install Projecting Sign for owner Nuttaya Nicholas of 5 Thai Bistro for property located at 40 Pleasant 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 adopt the Consent Agenda. Seconded Councilor Whelan and voted.**

- C. Letter from Monte Bohanan, Portsmouth Halloween Parade, requesting permission to hold the 26<sup>th</sup> Annual Portsmouth Halloween Parade on Saturday, October 31, 2020 at 7:00 p.m.

**Councilor McEachern moved to refer to the City Manager with authority to act. Seconded by Councilor Trace and voted.**

**XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Email Correspondence

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

- C. Letter from Marc Stettner Re: Designated Motorcycle Moped Parking Area

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

- D. Letter from Craig M. Steigerwalt Re: Petition for Release of Interest in Paper Street contiguous to 276 Dennett Street (Tax Map 143, Lot 13) pursuant to RSA 231:51 and 231:52

**Councilor Kennedy moved to refer to the Planning Board for report back. Seconded by Councilor Lazenby.**

Councilor McEachern asked what happens when the request goes to the Planning Board for review.

City Attorney Sullivan said you cannot act this evening on the paper street because there needs to be a detailed search to see if there is a recording of deed or a prior plan. He further reported that the Planning Board would look at this request and see if the City has interest in putting a street in that area and the Planning Board would make the appropriate decision on this matter.

**Motion passed.**

- E. Letter from Attorney Daniel C. Hoefle Re: Request for Release of Paper Street Pursuant to NH RSA 231:51 and 231:52 – 294 Dennett Street (Tax Map 143, Lot 26)

**Councilor Lazenby moved to refer to the Planning Board for report back. Seconded by Councilor Whelan and voted.**

- F. Letter from Seth Levine regarding the Middle Street Bike Lanes

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

- G. Letter from Jim Fernald regarding proposed dock on 21 Fernald Court

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

- H. Background Information from Deb & Ken Jennings on 27 Thaxter Road

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

## **XVIII. CITY MANAGER'S INFORMATIONAL ITEMS**

1. Market Street Pedestrian Bridge
2. \*Questions from Councilor Huda from the 3/2/20 City Council meeting
3. Memorandum on Consultants, Contracts and Purchases over \$10,000.00

**XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

City Manager Conard said we are postponing the public informational meeting and will come back with a date for when the meeting could take place.

Mayor Becksted thanked everyone for coming this evening and appreciates staff, the measures followed, and protocols. He said if there are any issues please contact the City Council or staff on matters. He wished Portsmouth a healthy journey moving forward.

**At 8:45 p.m., Councilor Whelan moved to enter into Non-Public Session regarding McIntyre relative to RSA 9`-A:3, II (e). Seconded by Councilor McEachern.**

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

**At 10:05 p.m., Councilor McEachern moved to come out of Non-Public Session. Seconded by Councilor Lazenby and voted.**

**Councilor McEachern moved to seal the minutes of the Non-Public Session. Seconded by Councilor Lazenby and voted.**

**XX. ADJOURNMENT**

**At 10:05 p.m., Councilor McEachern moved to adjourn. Seconded by Councilor Lazenby and voted.**



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK