

TO: KAREN CONARD, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD BY ZOOM ON MONDAY, MAY 18, 2020 MEETING AT EACH INDIVIDUAL CITY COUNCILOR'S HOME, CITY MANAGER CONARD'S HOME, CITY ATTORNEY'S OFFICE, AND CITY CLERK'S HOME

PRESENT: MAYOR BECKSTED, ASSISTANT MAYOR SPLAINE (ARRIVED AT 7:38PM), COUNCILORS McEACHERN, WHELAN, LAZENBY, KENNEDY, HUDA, TABOR AND TRACE

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1. An Anticipated Non-Public Session was held regarding Collective Bargaining Agreements in Accordance with RSA 91-A:3 II (a).
2. Mayor Becksted recited that this is a Remote Meeting via Zoom Conference Call. Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-8, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location. All votes will be by roll call.
3. Public Comment Session – There were three speakers: Mark Brighton (Budget); John Akar (Outdoor Restaurant Seating); and Kathleen Cavalaro (Citizen Response Task Force).
4. **On a unanimous roll call 9-0, voted** to suspend the rules in order to take up Items XVII. A. – Presentation by Health Officer Kim McNamara regarding COVID-19 Update; XIII. A. – Portsmouth Citizen Response Task Force; XIII C. – Permit Fees for Outdoor Service; and XIII. G – Report Back from City Officials/Staff Committee Re: Restaurants to open with outside dining on May 18<sup>th</sup>.
5. Presentation by Health Officer Kim McNamara regarding COVID-19 Update – Health Officer McNamara provided a COVID-19 update and addressed the Governor's Orders for reopening of various businesses beginning May 18<sup>th</sup>.
6. Permit Fees for Outdoor Service – **On a unanimous roll call 9-0, voted** the City waive any municipal fees, such as building permit fees, sidewalk café and obstructions associated with the reopening of restaurants for outdoor service in accordance with the Governor's Emergency Order #40, Exhibit C after Columbus Day.

7. Portsmouth Citizen Response Task Force – On a unanimous roll call 9-0, voted that the City Council directs the assemblage of a Portsmouth Citizen Response Task Force that will include representatives of our business community, restaurant owners and managers, representatives of retailers and hotels, non-profit organizations from the arts community and health services, members of the Economic Development Commission, health care professionals, and citizens-at-large.

The nineteen members of the group will include two members of the Economic Development Commission selected by the Chair of the Economic Development Commission, the President of the Chamber Collaborative of Greater Portsmouth or designee, two members of non-profit organizations representing the arts community, appointed by the Mayor; two members of non-profit organizations representing health care organizations, appointed by the Mayor; two other health care professionals, appointed by the Mayor; three individuals representing restaurants, appointed by the Mayor; three individuals representing retail business, appointed by the Mayor; two members representing hotels, appointed by the Mayor; and two additional residents to represent citizens-at-large, appointed by the Mayor.

The Chair of the Portsmouth Citizen Response Task Force shall be chosen from among the members who have been appointed by the Mayor. To keep the Portsmouth Citizen Response Task Force as non-political as possible, no elected official may be a member. The group will remain in operation until December 31, 2020, and may be reestablished prior to that time.

The members would include the City Manager, and Kim McNamara, Health Officer and any other staff members that may be deemed appropriate.

The City Council requested that a member of the Committee provide an updated report at each Council meeting.

The City Council agreed that the application process take place over a two-week period.

Tasks:

*To recommend to the City management and City Council on decisions related to COVID-19 that affect the business community and organizations in addressing the needs of re-opening, within the confines of health care advisories.*

*To discuss, identify, and then educate Portsmouth businesses and the public about “best practices” and approaches as they re-open, based on health care advisories.*

*To consider further recommendations for the business community for addressing the needs of health care safety.*

*To consider guidelines and enforcement for the wearing of masks by all who work in and visit our businesses.*

*To include and work with citizen and business interests in as inclusive way as possible to provide recommendations and schedules for addressing the needs for protecting the health of our citizens, visitors, and employees.*

*To review the financial impact of the pandemic on businesses in Portsmouth, and provide recommendations for response.*

*The Portsmouth Citizen Response Task Force may call on other Portsmouth City Government staff members for assistance and advice.*

*The Portsmouth Citizen Response Task Force may hold public meetings to hear from members of the community.*

*The Portsmouth Citizen Response Task Force may meet with agencies or boards of neighboring communities and the state for advice.*

*All meetings of the Portsmouth Citizen Response Task Force shall be public at all times.*

8. Little League and further Recreation this Summer – City Council requested City Manager Conard and Councilor McEachern for a report back on reopening's for Little League at the next City Council meeting.
9. **On a unanimous roll call 9-0, voted** to suspend the rules in order to take up Item XVIII. 1. – Draft Great Bay Total Nitrogen General Permit Comments to EPA.
10. Draft Great Bay Total Nitrogen General Permit Comments to EPA – No action required or taken.
11. Public Hearing and Second Reading of Ordinance amending Chapter 7, Article I, Section 7.105 C – Designated Motorcycle Parking Area – Held a public hearing. **On a unanimous roll call 9-0, voted** to approve the second reading of an amendment to Chapter 7, Article I, Section 7.105 C, the Designated Motorcycle Parking Area Ordinance, and schedule a third and final reading at the June 1, 2020 Council meeting.
12. Appointment to be Voted – Robert W. Bogardus appointment to the Recreation Board Senior Subcommittee – **On a unanimous roll call 9-0, voted** to appoint Robert W. Bogardus to the Recreation Board Senior Subcommittee.

13. Commitment by the City of Portsmouth to use local business as a priority when buying products and services for the city – **On a unanimous roll call 9-0, voted** to have all city government departments investigate local businesses for products and services that the city uses for its everyday needs. If a local business can provide the same service or product at a market value that is competitive: then the city should give priority to purchase from that local business. For this motion, local is a product and/or service with a fifty mile radius of Portsmouth.
14. Revenues, Federal & State Aid – **On a unanimous roll call 9-0, voted** to request the City Manager and Finance Director provide an update to the residents & City Council of the latest data available on incoming (revenues) Federal & State Aid: Both COVID related & all other to include the following:
- A. All known incoming funds related to the Government Programs that the City is to receive for all departments such as:
- Police – COVID related funds of \$300 week hazard pay for COVID related activities
  - Fire - \$32,000
  - School – State & Federal Aid: School Building Aid, SPED Aid, Grants for IDEA, Medicaid, Special Revenue Food Service Municipal Aid for COVID related Federal Funds, part of the \$1.25M - \$523,000
- B. Status on the April 2020 Month End Reports (1<sup>st</sup> Full Month of Pandemic Effect)
15. **On a unanimous roll call 9-0, voted** to suspend the rules and continue the meeting beyond 10:30 p.m.
16. CARES Act Funds – Municipal Relief Fund – **On a unanimous roll call 9-0, voted** to authorize the City Manager to apply for, accept and expend any funds received by gift, grant or loan from state, federal other governmental units that become available to the City through CARES Act Flex Funds.
17. CARES Act Funds – First Responder COVID-19 Stipend Fund – **On a unanimous roll call 9-0, voted** to authorize the City Manager to pay the City's qualified first responders a stipend consistent with the terms, conditions and guidance documents of the First Responder COVID-19 Stipend Fund and to apply for, accept and expend any reimbursement for the stipend and payroll taxes received from the First Responder COVID-19 Stipend Fund and the Municipal Relief Fund.
18. CARES Act Funds – CARES Act Provider Relief Funds – **On a unanimous roll call 9-0, voted** to authorize the City Manager to accept or reject CARES Act Provider Relief Funds in the amount of \$31,698.87 pending further guidance on use of funds.

19. CARES Act Funds Cares Act Emergency Relief Funds – **On a unanimous roll call 9-0, voted** to authorize the City Manager to apply for, accept and expend any funds, including but not limited to FEMA funds, through the CARES Act Emergency Relief Fund or any other state or federal funds received by gift, grant or loan that become available to the City.
  
20. Zero-Increase Budget – **On a unanimous roll call 9-0, voted** that the City Council request of the School Board, Police and Fire Commissions, and of the City Manager, a “what if” exercise for a zero increase budget for their respective FY21 including an explanation of actions to be taken and impact on services. Work to be completed by June 1. Includes further public presentation and discussion with the Council if needed.
 

This exercise would be designed to inform final budget decisions with the best data. It would 1) allow school, fire and police to work with their boards and commissions at their May meetings, and the City Manager and Finance Director to work with department heads, to figure out specific actions needed for each unit to achieve a zero increase budget; 2) in the process develop priorities for services to share with the Council; 3) show what services would be reduced with great specificity so the Council’s final budget decisions in June are well informed and we protect services as much as possible.
  
21. The One Hundred Club Valet Parking License Renewal – **On a unanimous roll call 9-0, voted** to authorize the City Manager to execute the Valet Parking License Agreement with The One Hundred Club in a form similar to those attached in the City Manager’s comments for another year term.
  
22. Sidewalk Café License for AC Hotel, 299 Vaughan Street – **On a unanimous roll call 9-0, voted** to authorize the City Manager to enter into an Area Service Agreement with the AC Hotel for outdoor alcohol service on City land for the 2020 season subject to City Council Policy No 2012-02, and further subject to all Governor’s orders relating to the COVID-19 pandemic.
  
23. Approval of Election Support Letter – **On a unanimous roll call 9-0, voted** to approve and execute the election support letter.
  
24. Recommended Modifications to Middle Street / Lafayette Road Bike Lanes for 2020 Season – **On a unanimous roll call 9-0, voted** to refer the recommended modifications to the bollard locations, parking spaces, and reduced speed limit to the Parking and Traffic Safety Committee.
  
25. Bluestone Properties of Rye, LLC Request for 135 Congress Street Parking Lease – **On a unanimous roll call 9-0, voted** to refer to the City Manager for a report back at the June 15, 2020 City Council meeting.

26. Consent Agenda – **On a unanimous roll call 9-0, voted** to adopt the Consent Agenda.

Request for License to Install 3 Projecting Signs for owners of Laura Cote & Melanie Bisson, True East Realty, LLC; Melanie Bisson, Generations Home Inc.; and Jason Mills, BCM Advisory Group for property located at 400 Deer Street (400 The Hill) (***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***

Letter from Maria Stephanou, Alzheimer's Association, requesting permission to hold the 2020 Annual Seacoast Walk to End Alzheimer's on September 27, 2020 (***Anticipated action – move to authorize the City Manager to act***)

27. Email Correspondence – **On a unanimous roll call 9-0, voted** to accept and place on file.
28. Letter from Jeff Goss and Sean Sullivan, the Clipper Tavern, requesting permission for outdoor dining in front of the Clipper tavern and closure of road – **On a unanimous roll call 9-0, voted** to refer to the City Manager for report back at the June 1, 2020 City Council meeting.
29. Status Update on Report Back on Impact Fees – City Manager Conard advised the City Council that there would be a report back on this matter at the June 1, 2020 City Council meeting.

30. Miscellaneous/Unfinished Business- Face Masks (Not on Agenda) – **On a unanimous roll call 9-0, voted** that the message boards on the entrances into the City have the following message – “A Mask Is All We Ask.”
31. Adjournment – **At 12:15 p.m., on a unanimous roll call 9-0, voted** to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, MMC, CNHMC  
City Clerk