

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, JUNE 15, 2020 MEETING AT EACH INDIVIDUAL CITY COUNCILOR'S HOME, CITY MANAGER CONARD'S OFFICE, CITY ATTORNEY'S OFFICE, AND CITY CLERK'S HOME

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

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1. Work Session – There is no Work Session This Evening – Postponed.
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 2020-9, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.
3. **On a unanimous roll call 9-0, voted** to hold Presentation #2 – Regarding Information Technology Budget after the Public Comment Session.
4. Presentation – by Health officer Kim McNamara regarding COVID-19 Update – Health Officer McNamara provided a presentation on COVID-19 and announced that the calls received by the Fire Department/Ambulance runs are down to 2.5% over the last 10 days. She addressed the importance of 6 feet distancing and the wearing of masks to stay safe. She spoke to the reopening of the outdoor pool with limited numbers and advised the City Council that the showers and bath houses will remain closed.
5. Presentation by Traffic & Parking Engineer Eric Eby Regarding Islington Street Corridor Project – Traffic & Parking Engineer Eby provided a presentation on the Islington Street Corridor Project. He reported that project was designed for upgrades to the area. He also addressed the street scape improvements and the bump out at the White Heron Tea. He spoke to the importance of the bump out and the median installation across from Plaza 800.
6. Acceptance of Minutes – March 16, 2020 – **On a unanimous roll call 9-0, voted** to accept and approve the minutes of the March 16, 2020 City Council meeting.

7. Public Comment Session – There were 12 speakers: Annie Poubeau (Cycling along Islington Street); Gerald Duffy (Economics of Downtown Businesses); Beth Tener (Farm to School Program); Marc Stettner (Make up of PTS Committee); Carl Diemer (Playing Fields); Josh Denton (Middle Street Bike Lanes); Andrew Bagley (Outdoor dining and School Budget); Byron Matto (Islington Street Project and Budget) Marcus Santy (Farm to School Program & the School Budget) Jonathan Blakeslee (Islington Street Improvements) Danielle Mills (Farm to School Program) and Joanna Kelley (Support for the Racial Justice Municipality Resolution)
8. Presentation by IT Manager Alan Brady Regarding Information Technology Budget – IT Manager Brady provided an overview of the budget, services and programs provided to staff. He provided statistics on the number of users and computers that are serviced through IT. He reported that we have 382 tickets for service processed recently. He outlined the training provided to employees for cyber security and two factor authentication.
9. Public Hearings and Votes on Ordinances and/or /Resolutions (Continuation of Budget Public Hearing held on May 6, 2020) – Mayor Becksted reopened the public hearing and called for speakers. With no further speakers, Mayor Becksted declared the public hearing closed.  
  

**On a roll call vote 7-2, voted** to postpone action on the budget until Monday, June 22, 2020. Assistant Mayor Splaine, Councilors Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilors McEachern and Lazenby voted opposed.
10. At 9:30 p.m., Mayor Becksted declared a brief recess. Mayor Becksted declared the meeting back to order at 9:40 p.m.
11. **On a unanimous roll call 9-0, voted** to reopen the Public Comment Session to allow for additional speakers.
12. Additional Public Comment Session – There were 4 additional speakers: Sandra Kaddy (Racial Justice Municipality); Graham Peaslee (PFAS in Turf Fields); Charlie Griffin (Islington Street Improvements); and Ted Jankowski (PFAS on Turf Fields).
13. City Manager Evaluation – Mayor Becksted announced that the City Manager's Evaluation Committee will be made up of the following: Mayor Becksted, Assistant Mayor Splaine, as Chair; Councilor Lazenby and Councilor Kennedy. The goal is to finish the evaluation with a final report is July.
14. Islington Street Corridor Project – **On a unanimous roll call 9-0, voted** to delay this vote until the next City Council meeting.

15. After 10:00 p.m. the City Manager's Action Items become Consent Agenda:

- *Item 1 – Report Back on Bluestone Properties of Rye, LLC Request for 135 Congress Street Parking Lease was removed from the Consent Agenda.*
- *Item 6 – Request to Schedule First Reading Re: Omnibus Ordinance Chamber was removed from the Consent Agenda.*
- *Informational Item 1 – Report back from Parking, Traffic and Safety Committee regarding “Recommended Modifications to Middle Street/Lafayette Bike Lanes” was removed from the Consent Agenda.*
- *Informational Item 2 – Update on the Portsmouth Citizen Response Task Force was removed from the Consent Agenda.*

16. City Manager Consent Agenda Items – On a unanimous roll call 9-0, voted to adopt the Consent Agenda, as presented.

- Request of Jeremy Conte to Unmerge Lots at 1240 Islington Street ***(Anticipated action – moved to refer the unmerger request of Jeremy Conte to the City Assessor for a report back)***
- Request of Sublease Players' Ring ***(Anticipated action – move to authorize the City Manager to assent to a temporary lease amendment to allow the Players' Ring to host Upside Arts summer day camp for the 2020 season, and allow Upside Arts to conduct camp activities in Prescott Park)***
- Report Back on Parking & Traffic Safety Committee recommendation to City Council to approve Stay and Pay Parking Rates ***(Anticipated action – move to schedule first reading of the necessary revisions to Chapter 7 to implement the ‘Stay and Pay’ parking rate at the July 13, 2020 City Council meeting)***
- 46-64 Maplewood Avenue Temporary Construction License ***(Anticipated action – move to authorize the City Manager to execute and accept the temporary construction license for 46-64 Maplewood Avenue as submitted)***

- Friends of Prescott Park “Odyssey” Sculpture (***Anticipated action – move to authorize the City Manager to execute the attached letter proposing the terms and conditions under which the City of Portsmouth would accept the sculpture entitled “Odyssey” from Richard Erdman as a gift from the Friends of Prescott Park (FoPP) to be placed in Prescott Park in honor of Michael Warhurst***)

17. Playing Fields – **On a roll call 8-1, voted** to suspend the rules to allow comments from Ted Jankowski regarding PFAS and Playing Fields. Assistant Mayor Splaine, Councilor McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.

On a roll call vote 4-5, motion that the City Council requires the City Manager to commission independent third party testing for PFAS of any new playing fields being recommended by city staff or consultants prior to the issuance of a contract. As recommended by independent experts, the testing shall use the total fluorine method to look for the presence of PFAS in the synthetic turf, as well as any shock pads if applicable. The results will be provided to the City Council and the public. The cost of testing should be billed to the proposed bidder ***failed*** to pass. Assistant Mayor Splaine, Councilors Whelan, Kennedy, Huda voted in favor. Councilors McEachern, Lazenby, Tabor, Trace and Mayor Becksted voted opposed.

18. **On a unanimous roll call 9-0, voted** to suspend the rules in order to take up the Update on the Portsmouth Citizen Response Task Force under City Manager’s Informational Items. James Petersen, Mark Stebbins, Russ Grazier and Martha Fuller Clark of the Task Force provided an update to the City Council.

19. Task Force – **On a unanimous roll call 9-0, voted** that the City Council authorizes the Portsmouth Citizen Response Task Force to create a plan and begin implementation for full or partial street closures, and use of street parking areas and other city-owned parking locations for restaurant, retail, and non-profit organization use through October 18<sup>th</sup> of this year, with the approval of our Police, Fire, Health, Planning, Public Works, and Inspection Departments with funding for a budget up to \$100,000.00 from the CARES Act.

20. **On a unanimous roll call 9-0, voted** to suspend the rules in order to continue the meeting beyond 10:30 p.m. Motion was acted upon at 12:00 a.m.

21. Parking & Traffic Safety Committee Action Sheet and Minutes of the June 4, 2020 meeting – **On a roll call 8-1, voted** to accept and approve the action sheet and minutes of the June 4, 2020 Parking, Traffic & Safety Committee meeting. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Kennedy voted opposed.

22. Proposed Resolution – Declare Portsmouth a Racial Justice Municipality – **On a unanimous roll call 9-0, voted** to adopt the Resolution as stated with minor additions by Councilor Lazenby as submitted below.

Item #2 – add the following after encourage the same of the “*Police Commission and Police Department, Fire Commission and Fire Department, School Board and School Department*”.

Item #3 – after Black Heritage Trail of NH, insert “*Seacoast African American Cultural Center*” (SAACC)

Item #4 – after Black Heritage Trail of NH, insert “SAACC”.

*Councilor Whelan lost internet connection and was not present for the remainder of the meeting.*

23. **On a unanimous roll call 8-0, voted** to table the remainder of the agenda until the next City Council meeting on Monday, June 22, 2020. *Councilor Whelan was not present for vote.*

24. Adjournment – **On a unanimous roll call 8-0, voted** to adjourn the meeting at 12:36 a.m. *Councilor Whelan was not present for vote.*

Respectfully submitted by:

Kelli L. Barnaby, MMC, CNHMC  
City Clerk

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### **Remaining Agenda Items for June 22, 2020**

1. Adoption of Proposed Budget Resolutions for Fiscal Year July 1, 2020 through June 30, 2021 (FY 21)
  - Resolution No. 7-2020 – Municipal Fees
  - Resolution No. 8-2020 – General Fund Expenditures
  - Resolution No. 9-2020 – Sewer Fund Expenditures

- Resolution No. 10-2020 – Water Fund Expenditures
  - Resolution No. 11-2020 – Special Revenues, Debt Service, Fund and committee Fund Balances for Necessary Expenditures
  - Resolution No. 12-2020 – Investment Policy
2. Assistant Mayor Splaine – Police Commission
  3. City Manager Conard – Report Back on Bluestone Properties of Rye, LLC Request for 135 Congress Street Parking Lease
  4. City Manager Conard – Request to Schedule First Reading Re: Omnibus Ordinance Change
  5. Consent Agenda
    - A. Letter from Samantha Boland, National Multiple Sclerosis Society, requesting permission to hold the 2020 Bike MS: New Hampshire Seacoast Escape cycling event on Saturday, August 22, 2020
    - B. Letter from JerriAnne Boggis, Black Heritage Trail of New Hampshire, requesting permission to the Akwaaba Ensemble drumming, dancing and singing perform traditional spirituals on Friday, June 19, 2020 at 1:00 p.m. at the African Burying Ground
    - C. Water Services Access Easement for 3110 Lafayette Road
    - D. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closure of Chestnut Street on Saturday, July 11, 2020 for an outdoor dining and concert event in the evening
  6. Presentations & Consideration of Written Communications & Petitions
    - A. Email Correspondence
    - B. Letter from Attorney Derek Durbin, Durbin Law, on behalf of James Gould, requesting the Restoration of Involuntarily Merged Lots at 246 Thornton Street
    - C. Letter from Ted Jankowski regarding PFAS free playing fields
  7. City Manager’s Informational Item
    - A. Report back from Parking, Traffic and Safety Committee regarding “Recommended Modifications to Middle Street/Lafayette Bike Lane”