

TO: KAREN CONARD, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL RECESSED MEETING FROM AUGUST 3, 2020 HELD BY ZOOM ON TUESDAY, AUGUST 18, 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. 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 2020-16, 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.
2. Public Hearing and Second Reading of Ordinance amending Chapter 3 – Public Health, Article XI – Face Coverings During the COVID-19 Pandemic, Section 3.1101 – Face Coverings Required – Held a Public Hearing. Moved to pass second reading of the Ordinance.

**On a unanimous roll call 9-0, voted** to suspend the rules in order to allow Police Commissioner Hart and Police Chief Merner to speak regarding the proposed Ordinance.

**On a unanimous roll call 9-0, voted** to amend Section 3.1102 to read as follows: *A required face covering pursuant to this ordinance shall be any product that covers the nose and mouth of the person wearing it. The face covering may be commercially manufactured or personally created.*

**On a unanimous roll call 9-0, voted** to amend the fourth Whereas to remove Portsmouth City Council and replace with *US Centers for Disease Control, the NH Bureau of Infectious Disease Control, and the City of Portsmouth Health Officer have determined that the wearing of face coverings during the time of the pandemic is an important means of reducing the spread of COVID-19; and further to amend Section 3.1101 B, to remove the word "be" from the end of the sentence.*

**On a unanimous roll call 9-0, voted** that the following phrase be added to the end of Section 3.1104 Penalty, *except that under no circumstances shall the penalty for a violation of this ordinance exceed \$25.00.*

**On a roll call 8-1, voted** to amend Section 3.1101 B. adding after the word people *"that are not members of the same household."* Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Tabor, Trace and Mayor Becksted voted in favor. Councilor Huda voted opposed.

**On a unanimous roll call 9-0, voted** to amend Section 3.1101 to combine Items A. & B. to create Item A. to read as follows: *In indoor or outdoor places which are accessible to the public, in which a physical distancing of six feet (6') between people who are not members of the same household is not maintained.*"

**On a unanimous roll call 9-0, voted** that the provision entitled Effective Date read as follows *this ordinance shall take effect on (to be determined) and shall terminate on November 6, 2020.*

**On a unanimous roll call 9-0, voted** to amend the effective date that this ordinance shall take effect on final passage.

**On a unanimous roll call 9-0, voted** to pass second reading and hold third and final reading at the August 31, 2020 City Council meeting.

3. **On a unanimous roll call 9-0, voted** to suspend the rules in order to continue the meeting beyond 10:30 p.m.
4. Report Back on Request of Restoration of Involuntary Merged Lot – 1240 Islington Street – **On a unanimous roll call 9-0, voted** to table this matter to the August 31, 2020 City Council meeting.
5. Parking and Traffic Safety Committee Action Sheet and Minutes of the July 9, 2020 meeting – On a roll call vote 4-5, motion to accept the minutes of the July 9, 2020 Parking and Traffic Safety Committee meeting **failed** to pass. Councilor McEachern, Whelan, Lazenby, Tabor voted in favor. Assistant Mayor Splaine, Councilors Kennedy, Huda, Trace and Mayor Becksted voted opposed.
6. Middle Street Bike Lanes Current Implementation for Safety in Lieu of the Recent Accident – **On a roll call 6-3, voted** to request a report back from City Staff at the August 31, 2020 City Council meeting. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor and Trace voted in favor. Councilors Kennedy, Huda and Mayor Becksted voted opposed.
7. Update on CARES Act Fund Allotment – **On a unanimous roll call 9-0, voted** to request the City Manager provide to the Residents & City Council an update on CARES Act Fund Allotment to Include: Total Allotment - \$523,000.00, Total Amounts Submitted/Received for Reimbursement and Remaining Balance at August 1<sup>st</sup>.
8. City Manager Consent Agenda Items – **On a unanimous roll call 9-0, voted** to adopt the Consent Agenda Items.
  - Sale of Surplus E-One Fire Truck (**Anticipated action – move to approve the disposal of the surplus E-One Fire truck through the GovDeals online auction website**)
  - Parking and Traffic Safety Committee Ordinance Schedule (**Anticipated action – move to approve the proposed first reading schedule as presented**)

9. Fire Department Memorandum of Understanding regarding Health and Wellness – **On a unanimous roll call 9-0, voted** to ratify the Memorandum of Understanding with a one-year review on the implications of financial impacts.
10. Request to Waive Prescott Park Arts Festival Annual Consideration Fee – **On a roll call 5-3, voted** to postpone to receive further information on other organizations to ensure we are treating all non-profits fairly. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern and Lazenby voted opposed. Councilor Tabor abstained from voting on this matter.
11. Request to Waive Gundalow Company Annual Consideration Fee – **On a roll call 6-3, voted** to postpone for a report back at the August 31, 2020 City Council meeting on all organizations with which we have agreements, regarding their current payment status. Assistant Mayor Splaine, Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Councilors McEachern, Lazenby and Tabor voted opposed.
12. Consent Agenda - **On a unanimous roll call 9-0, voted** to adopt the Consent Agenda.
  - A. 444 Pleasant Street/Portsmouth Housing Authority Sidewalk Easement  
***(Anticipated action – move to authorize the City Manager to execute and accept a sidewalk easement over land at 444 Pleasant Street from Portsmouth Housing Authority (Tax Map 102 Lot 54)***
13. Email Correspondence – **On a unanimous roll call 9-0, voted** to move to accept and place on file.
14. City Manager’s Informational Item - Report Back from Sewer and Water on Large Rain Events and Combined Sewer Overflows as Requested at the July 13, 2020 City Council meeting – **On a unanimous roll call 9-0, voted** to request a report back on this matter at the August 31, 2020 City Council meeting.
15. Adjournment – **On a unanimous roll call 9-0, voted** to adjourn at 12:25 a.m.

Respectfully submitted by:

Kelli L. Barnaby, MMC, CNHMC  
City Clerk