

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: TUESDAY, AUGUST 18, 2020

PORTSMOUTH, NH  
TIME: 7:00PM

### Remote Meeting Via Zoom Conference Call

To register in advance for this meeting, click on the link below or copy and paste it into your web browser:

[https://zoom.us/webinar/register/WN\\_6B7HmG2OStSgQ83W7gXxkw](https://zoom.us/webinar/register/WN_6B7HmG2OStSgQ83W7gXxkw).

You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site: <https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

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.

***(Recessed from the August 3, 2020 City Council meeting)***

***Items stricken have been voted upon***

- ~~I. WORK SESSION – THERE IS NO WORK SESSION THIS EVENING~~
- ~~II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – **POSTPONED**~~
- ~~III. CALL TO ORDER [7:00 p.m. or thereafter]~~
- ~~IV. ROLL CALL~~
- ~~V. INVOCATION~~
- ~~VI. PLEDGE OF ALLEGIANCE~~
- ~~VII. ACCEPTANCE OF MINUTES – APRIL 20, 2020, MAY 4, 2020 & MAY 6, 2020~~
- ~~VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS~~
- ~~IX. PUBLIC COMMENT SESSION – (Via Zoom)~~
- ~~X. PUBLIC DIALOGUE SUMMARY [when applicable] – **POSTPONED**~~
- XI. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS
  - A. Public Hearing and Second Reading of Ordinance

ORDINANCE AMENDING CHAPTER 3 – PUBLIC HEALTH, ARTICLE XI – FACE COVERINGS DURING THE COVID-19 PANDEMIC, SECTION 3.1101 – FACE COVERINGS REQUIRED

    - **PRESENTATION**

There was no Presentation.

- **CITY COUNCIL QUESTIONS**

Mayor Becksted questioned if any of the Councilors had any questions or comments about the proposed Ordinance.

Councilor Kennedy commented that many people are concerned about being able to walk around their neighborhood without being arrested. Councilor Kennedy proposed limiting this policy to the Downtown Overlay District.

City Attorney Sullivan noted that this was the second reading of the Ordinance. If the Council wants to make any changes to the Ordinance at this point, it needs to be made via a motion.

Councilor Trace commented that there were parts of the proposed ordinance that should be simplified. The simpler it is the better off the residents would be able to follow it.

Assistant Mayor Splaine commented that he had some proposed changes. It would be good to have the public hearing first to see what the residents have to say.

Councilor Lazenby agreed with Councilor Trace. They should try to keep the initiative simple and straightforward. They should not restrict the ordinance to a specific area. Applying this to the whole City simplifies it. There is commerce and other group activities outside of the downtown too.

Councilor Tabor agreed with keeping it citywide. There are restaurants, schools, and commerce outside of the downtown. Extra protection would be prudent.

Mayor Becksted commented that they already have guidance in place for indoor locations. Private stores mandate they will not serve without a mask. Schools already have procedures in place. Mayor Becksted suggested limiting it to outdoors. City Council is creating rules with no real support of any kind from science or local or state government. It does not justify a mask mandate. Portsmouth has 5 cases. The biggest concerns are from people who are downtown and visitors. The resolution has been working and they have 60-70% of the public participating in it. The Police Commissioner is here tonight to discuss the cost of enforcing this. Council needs to be listening to staff. There is no recommendation from the Health Department.

Assistant Mayor Splaine commented that 70% of people are following the mask resolution which Council proposed 6 weeks ago. Medical professionals have said that if that gets up to 95%, then we can beat it. That is the science behind it. Mayor Becksted commented that the Health Department has said at this time they have no justification to do it. This is based on people's opinion.

Councilor Lazenby commented that they have received an endorsement memo from the Citizen Response Taskforce Health Subcommittee which includes representation from the Health Department and others in the medical field. They were specifically supporting the proposed mask ordinance.

City Manager Conard further clarified that the Public Health Officer has been clear about supporting the mask mandate. They are just not in an emergency status. The goal is to keep the numbers low.

- **PUBLIC HEARING SPEAKERS**

Kathy Baker of 127 Gates Street commented that laws are followed when rational and reasonable. Masks should not be considered at this time. There are fewer than 300 cases and they have been dropping since March. The health officials have said that an ordinance is not necessary because Portsmouth is not in a state of emergency. What that City is already doing is working. People are wearing masks inside. Outdoor transmission is negligible. People already wear masks where it makes sense. Asking people to wear masks outside while walking is taking unconstitutional measures.

Michael Torrent of 197 Madison Street thanked the Council for acting on this public health issue. It is good that Portsmouth is doing well, and people are wearing masks. However, just a few or one person can be the cause of an outbreak. In order to protect the community, we need to do everything we can. That includes a mask ordinance. Part of ordinance defines a permissible face covering. That definition doesn't follow the CDC recommendation and it should. Mr. Torrent agreed that people should be free to walk outside without masks as long as social distancing can be maintained.

Marc Stettner of 91 Fairview Avenue. questioned how law enforcement would know if an individual had a medical condition and they could not wear a mask. There are privacy concerns that have to be addressed. There should be an exception for eating and drinking outside of the business establishments licensed by the City of Portsmouth. Otherwise, someone drinking water on bench could be fined. Outdoor seating sites are not business establishments. There is due process to contest a parking ticket, and there should be a process for this. Fines should not go to the General Fund. They should go to health protection measures or charity. This will be an enforcement nightmare. Police should have full discretion if a ticket or warning is warranted, so they can use their judgement. Millions of people across the country are unemployed and cannot afford fines.

David Muse of 579 Sagamore Avenue. thanked the Council for recognizing that it was better to take action before a surge happened. The Governor has been very active in some areas but passive in mask wearing. In just a few weeks the stakes will get higher because people will be moving indoors. All it takes is one infected person in a public setting to spread the virus. In the absence of an emergency order some communities in NH have passed a mask mandate. It is the elected officials' job to protect the community. Help save lives and businesses. Pass this ordinance quickly and unanimously.

Cindy Hollenback of 6 Elwyn Road. spoke against the ordinance. The time is not right to have a mask ordinance for Portsmouth. Ms. Hollenback cannot wear a mask and has not worn one this whole time. If the pandemic was that strong, she would have already had Covid. If someone is sick, then they should be smart enough to stay home.

Anne Burner of 77 State Street. spoke in favor of the ordinance. Portsmouth is fortunate to have low case numbers. Students are coming back, and people would be moving indoors. We need to remain vigilant. The zonal approach is not the way to go.

Elizabeth Barret of 1 Freedom Circle. spoke in favor of the ordinance. People are relying on COVID test numbers. It is good to have statistics, but some of those numbers are inaccurate. UNH students are coming to town in a couple of weeks. If people can ask her to put on shirt when in public, then people can be asked to wear a mask. Numbers in the U.S. are getting worse. Put the ordinance in place and tweak it after if needed.

Elizabeth Moreau of 81 Langdon Street, supported the ordinance. Like many ordinances that are approved it is not perfect at the start, but it can be adjusted. Residents feel unsafe to go downtown because they fear people are not wearing masks. All it takes is one person to transfer the virus to many. A lot of people from out of state come to visit. The virus is not in control in all states. This ordinance needs to pass.

Justin Richardson of 586 Woodbury Avenue, supported the proposed ordinance. Mr. Richardson is immune compromised. It is better to be on the right side of this issue than the wrong side. Kids are going back to school and the spread could explode any time. The numbers are low because of the actions that have been taken so far. It is time for us all to do our part and do what needs to be done. There is a typo in paragraph B that makes it unclear on how that is supposed to read. People are not wearing masks on walks and others have to walk in the street to socially distance. This ordinance should move forward.

Chris Robillard commented that the Health Department has always been clear about the effectiveness of masks. The CDC is in favor of masks. Nashua has not issued any fines for violation of their ordinance. Everything seems to align with wearing masks. The ordinance sends a good message and sets the tone for what Portsmouth stands for.

Richard (inaudible) commented that the science was clear. Masks prevent transmission. Kim McNamara has not said she does not support wearing masks. She does support it. Portsmouth is just not under an emergency response status. The ordinance should not be limited to the downtown overlay because Covid does not discriminate based on location. Hundreds of communities have passed mask ordinances and they are functioning well. The Governor requiring masks for gatherings of 100 people, or more is ridiculous. The virus does not count. One wedding of less than 100 people in Maine spread the virus to 26 people. This is a global pandemic and City Council should do what's right.

Rick Horowitz of 127 Gates Street, opposed the mask ordinance. New Hampshire does not have a COVID problem. COVID is not easily transmitted outdoors. It is transmitted indoors when people are in close proximity for a long time. COVID will not be eradicated with an ordinance or a vaccine. The curve has been flattened. Extended mask wearing will make people desperate to take barely tested vaccines. They are only testing vaccines on healthy people. There is no justification for requiring masks outside of the downtown. If this moves forward, then the ordinance should not require masks outside of the downtown.

- **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**

**Assistant Mayor Splaine moved to pass the resolution which opens it up to amendments, seconded by Councilor Lazenby.**

City Attorney Sullivan commented that the typo correction mentioned during public comment should be included in the amendments.

**Mayor Becksted moved to suspend the rules in order to allow Police Commissioner Tom Hart and Police Chief Robert Merner to speak regarding the proposed Ordinance, seconded by Councilor Huda. On a unanimous roll call vote 9-0, motion passed.**

Police Commissioner Tom Hart commented on the concerns that law enforcement would have for this ordinance. There has been a lot of tension with law enforcement for obvious reasons throughout the country. They are working on community and policing relations. Giving tickets for masks will make tensions higher with law enforcement. This is not good timing. Another concern would be resources. This would take officers away from calls to work on this. People are tight on money during this pandemic, so paying any amount of fine is concerning. Police have to be able to articulate suspicion in order to approach a member of the public. Checking someone for a face mask stop could escalate when checking the person's details with dispatch. Commissioner Hart was concerned about an officer asking about a citizen's health or their relationship to someone they are with. They have to be able to legally approach a citizen. The enforcement of this ordinance needs to be outlined in the due process. Everyone has the right to have due process. The front of the police building is closed off to the public to limit contact as much as possible because of COVID. An ordinance like this will increase officer contact with the public. Commissioner Hart's main concerns were safety and due process. Commissioner Hart questioned how far they would go with questioning and dealing with tourists.

Assistant Mayor Splaine commented that he understood the pressures officers would have but questioned how this was working in thousands of other communities who have mandates. There have been very few arrests. The message is more important than enforcement. Commissioner Hart responded that he did not know how other towns were handling this. Right now, there is a good percentage of people wearing masks downtown. People should not be afraid of being arrested in their neighborhood.

Police Chief Robert Merner commented that he has been in communication with police chiefs across the country about COVID. There is a struggle with when and how to enforce COVID restriction requirements. They should be promoting education instead of enforcement. That's how many cities have been looking at it. The education piece will be key for this and needs to come well before citations or fines are implemented. This may increase the amount of calls the police or 911 receive about people not wearing masks. That will impact the department.

Councilor Lazenby agreed they should start with education then move to enforcement and questioned how it was going in similar communities and their police departments. Chief Merner responded that there has not been a ton of enforcement in the surrounding communities. As a City education is key to show what Portsmouth is expecting from members of the public.

Mayor Becksted agreed that education was important. Portsmouth should pay attention to surrounding communities to have more information on that.

Councilor Kennedy questioned how they could support those who could not wear masks and avoid inappropriate enforcement. Councilor Kennedy questioned if a \$100 fine was too high. Commissioner Hart responded that a police officer cannot inquire about someone's health on an approach. Chief Merner noted that in his experience those with legitimate issues are more open about it. They will need to train officers on how to deal with those issues. They will give specific instruction when/if the ordinance passes. They will be guided by the City Attorney.

Mayor Becksted questioned what the cost of enforcement for this would be. Chief Merner responded that if there was an increase in calls reporting people not wearing masks, then that will pull on resources. Adding one officer a day would cost about \$66,000. They would be added if the situation became so cumbersome and an additional resource was required. Four new officers will be coming on the force soon and will be ready to go on the street. The number of resources applied will all depend on the demand and number of complaints. Mayor Becksted questioned if limiting the enforcement area to just the downtown or peak times would make it easier on the police department. Chief Merner responded that they put on an extra officer in the warmer months. There will be a second officer downtown to assist. Selective enforcement would not be easier. The ordinance should be citywide.

Councilor Huda questioned how campus police were enforcing this and how schools were testing students. Chief Merner responded that he would have to follow up with UNH to understand their protocols. Portsmouth does get a lot of the student's downtown. Councilor Huda questioned if there was any CARES Act money that could be used to support this. City Manager Conard responded that it would be premature to say if there were dollars available.

Councilor Tabor agreed with the approach of education first and enforcement second. Councilor Tabor questioned if it would make sense to set up training on that. Chief Merner agreed and confirmed that they would implement that. There would also be PSAs for the public. Councilor Tabor questioned if the police department was running at peak capacity now. If not, then they could handle this enforcement increase within existing resources. Chief Merner responded that they are receiving less calls in some categories, however, the number of crisis calls have increased 40%. Motor vehicle stops are starting to pick up again. The length of time and number of officers required on calls have increased. If the ordinance does pass then it should be in effect through Halloween and not end on October 29, 2020.

Councilor McEachern agreed education was the most important thing, and the police will have discretion in terms of enforcing this. Nashua has not issued any fines. If Council passes the ordinance and there is a fine, that doesn't mean officers will be looking to enforce that. Education is the first step. Chief Merner agreed discretion will be important.

**Assistant Mayor Splaine moved to amend Section 3.1102 to use the language suggested in the citizen's task force letter, seconded by Councilor McEachern.**

Assistant Mayor Splaine commented that the CDC has made it clear that the masks with valves are often used in construction and do not control the droplets when conversing. The purpose of these faces masks is to prevent droplets. The task force endorsed this ordinance unanimously and the Health Officer is on that committee.

Councilor Kennedy commented that the types of masks are evolving. It would make sense to have the ordinance align with whatever the CDC is recommending. That would allow the ordinance to grow with new information and technology as the CDC makes updates. Assistant Mayor Splaine agreed the motion could be updated. Councilor Lazenby agreed.

City Attorney Sullivan noted that the amendment has gotten to be messy. They should not use the word current in the ordinance because that creates ambiguity.

Councilor Trace commented that they needed to be careful about getting too specific about the types of masks. That could create another complication around the enforcement of the ordinance. Councilor Trace questioned how the City would handle those who smoke or vape.

Councilor McEachern agreed with Councilor Trace about the specific types of masks. Getting too specific would limit changing and new technologies. The most important aspect is education. Councilor McEachern supported keeping the types of masks vague enough to allow flexibility but education to the residents.

Mayor Becksted commented that the language in front of them that described a facemask of cloth covering or other material that covers the nose and mouth was clear enough. Mayor Becksted was in favor of leaving the language how it was. The facemask may be commercially or individually manufactured.

Assistant Mayor Splaine agreed it was better to keep it simple. The face covering pursuant shall be any product covering nose and mouth that is manufactured or personally created. There are a lot of new things coming on the market and this language would cover it.

Councilor Lazenby agreed they should not get overly specific.

**Assistant Mayor Splaine moved 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, seconded by Councilor McEachern.***

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

**Councilor Lazenby moved 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* replace *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, seconded by Councilor Tabor.***

Councilor Lazenby commented that this is to show Council determined this was important based on guidance from the government, CDC, and City Health Officer.

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

Councilor Kennedy questioned what the plan was to educate the public about the ordinance. Councilor Kennedy questioned how they would let tourists know about the ordinance.

Councilor McEachern responded that if the ordinance did pass, then it would be in the papers because it is a newsworthy event. That has a limited shelf life. Hopefully there would be CARES Act money to put up signage saying masks are the law. Similar signs can be seen in Durham. There can be larger signs on the main entry points to the City. Smaller signs can be put in the downtown area to educate tourists.

City Manager Conard commented that the Health Subcommittee and Citizen Task Force at large are ready to start messaging. There will be a public service campaign that will include news outlets. Staff have sent in examples of signage that has worked in other communities. They have spent \$45,000 of the CARES Act money so far. There would be money that could go toward messaging. They will be ready to go when the message is clear.

Councilor Kennedy commented that she was concerned that the fine would cost \$100. There is no due process written in the ordinance. Councilor Kennedy questioned how someone could appeal a ticket.

City Attorney Sullivan responded that the ordinance ties into an existing enforcement mechanism. That allows for writing a civil citation for \$25. Non-payment leads to increased fines. Due process would be available to people who felt they were not in violation. The first instance would be with the person enforcing the ordinance. The citizen could point out circumstance. Another level would be for a person in city government who could review citations and determine whether or not the citation was appropriately issued. Thirdly, this would go to court only after the citation is not paid.

Assistant Mayor Splaine commented that it is covered in the ordinance. The main effort is education first. It should have some kind of fine, but it does not need to be excessive. The message is that there would be a fine and it would be enforced. Education will come first and enforcement will come second. This can be put in place without being overbearing.

**Councilor Kennedy moved 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*, seconded by Assistant Mayor Splaine.**

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

**Councilor Lazenby moved to amend Section 3.1101 B. adding after the word people *“that are not members of the same household.”*, seconded by Assistant Mayor Splaine.**

Councilor Lazenby commented that this was a simple enough clarification to show the intent is to include people who are quarantined together.

Councilor Kennedy agreed and questioned if they should use the term bubble. Families are working together to help educate each other's children on remote days. Some are moving in together for various reasons. The term should be inclusive enough to support those who have networks to keep mental health and social interaction positive.

Councilor Tabor commented that it would be difficult to define that in the ordinance. It is simpler to stick with the motion on the table.

Councilor Trace agreed with Councilor Tabor. The word household does not imply a single-family unit. It can be used loosely.

Councilor Huda questioned if this wording would infringe on people's rights and questioned how people would prove they were part of the same household. It is unclear how the police would enforce this.

Assistant Mayor Splaine commented that the most important part of this ordinance was the messaging and education.

Councilor McEachern commented that they have a good police force that will be able to interpret this. The police having discretion is important.

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

Councilor Whelan commented that Section 3.1103 talks about eating or drinking in establishments that are licensed by the City of Portsmouth. Councilor Whelan questioned if there should be an exception that addressed people eating and drinking in outdoor public spaces.

City Attorney Sullivan commented that the ordinance specifically calls out establishments licensed by the City of Portsmouth because those are the places regulated for social distancing. There does not need to be an exception for eating and drinking outdoors. It can just be assumed. People will need to be 6 feet apart.

Councilor Trace questioned if they needed to clarify those eating and drinking outside would need to be seated and not on the move. City Attorney Sullivan commented that people could do either as long as they maintained a distance of just 6 feet.

Councilor Kennedy commented that she has received feedback from residents who are concerned about losing their freedoms. That was why she suggested applying the ordinance to just the downtown area. Then individuals can choose if they want to be downtown with masks on or walk in their neighborhood without one. There was also a lot of concern from those who have health issues. They are worried that they are going to be managed and treated poorly. It is not defined in the ordinance. Also, right now the guidance for schools is 3 feet social distancing, not 6 feet. The Council should mitigate the public's fears about getting arrested while out on a walk.

Councilor McEachern commented that he came into this evening pretty open to either idea. One of the public commenters noted that it was not necessary to limit this to the downtown because the ordinance was written for times when people can't distance up to 6 feet. Police Chief Merner also said it was easier to apply the ordinance everywhere. This is an effort to educate the public and use the law to make it clear. Police won't be looking to hand out tickets to people who are just walking around the neighborhood.

Councilor Trace agreed with Councilor McEachern. If someone is out walking their dog and no one is near them, then they don't have to wear a mask. This ordinance is about Portsmouth coming together as a community. This is about educating visitors so Portsmouth can remain healthy. The fears are understandable. However, this is a simple ordinance with a good police force.

Councilor Kennedy questioned what the citizen recourse would be to a police officer who is very black and white on enforcement. City Attorney Sullivan responded that civilian citation enforcement was ultimately under the control of the City's Legal Department. The citizen could bring it to him and if it is determined that it was improperly issued, then the citation can be withdrawn.

**Assistant Mayor Splaine 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.*", seconded by Councilor Kennedy.**

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

Councilor Lazenby commented that the ordinance does not currently have an end date. Councilor Lazenby questioned if they did not have an end date if that meant Council could bring it up to modify it. City Attorney Sullivan confirmed that was correct. As the Council feels things are winding down, they can bring it back up with an end date. Mayor Becksted questioned if that would take three readings. City Attorney Sullivan confirmed that was correct. Mayor Becksted commented that it would be better to have an end date and then modify it if needed. City Attorney Sullivan noted that modification would also need three readings.

Councilor Kennedy commented that there should be an end date to give people confidence in this. It should go through Halloween.

Councilor Kennedy moved to add an end date of November 1, 2020, seconded by Councilor Huda.

Councilor Lazenby commented that the end date should go through the election. *Councilor Kennedy accepted the amendment to go to November 6, 2020. Councilor Huda also accepted the amendment.*

Councilor McEachern commented that he was not in favor of an end date if took the same amount of time to extend the end date as it would to repeal this. People will be moving indoors, and this will end during the middle of flu season.

Councilor Tabor questioned if it would be better to end the ordinance when the Governor's emergency order ended.

Assistant Mayor Splaine commented that he was concerned about automatically ending the ordinance based on what the Governor did. The Governor is under a lot of pressure to end the restrictions. This ordinance should be independent of the Governors actions.

Councilor Kennedy commented that it was important to give people an end date even if Council needs to relook at it in the future.

Councilor Lazenby commented that an end date of November 6, 2020 was better than following the Governor order because he currently reconsiders the order every 21 days and decides whether to renew it or not. Mayor Becksted noted that whether the set an end date or not they will have to go through 3 readings to modify it either way. Most of the other communities have created a mandate under a medical emergency. Council is creating an ordinance based on opinion; it is not emergency based.

Councilor McEachern commented that he would support the November 6, 2020, end date in order to move this forward unanimously. If there is need to extend the date Council should move to do that quickly. Councilor McEachern agreed with Councilor Kennedy that it is important to give the feeling that there's a time past this.

Councilor Huda supported the November 6, 2020, end date. Council can look at the data at that point in time and decide how to proceed. The resolution will still be active as well.

**Councilor Kennedy moved 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,* seconded by Councilor Huda.**

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

Mayor Becksted commented that there was still a 50/50 split on masks. This is not based specifically on science and numbers. The Health Department has always been supportive of masks, but the justification may not be there. This mandate is based on opinion. The average police officer will not be able to identify 6 feet. Mayor Becksted had concerns about their interpretation. The minute this law is created it will be challenged because it is not at a state level. The cost and enforcement will be a challenge. Council should worry about expenditures because it is unclear what the future holds. They need to be conscious about spending. Mayor Becksted commented that he would support moving this to a final reading. The community should be able to weigh in again. There are people on vacation who may not have been able to speak tonight. Council should give the community time to look at the amendments and weigh in one more time. Mayor Becksted questioned if any of the amendments were considered a significant change, such that the Council could not move this forward. City Attorney Sullivan did not think so. The amendments were modest enough. In the end it is Council's decision. Mayor Becksted questioned how this would impact PDA, and if this would be enforced there. City Attorney Sullivan responded that PDA was outside the jurisdiction of the City for this matter. Mayor Becksted commented that this whole conversation started with a debate about an event that was located outside the City's jurisdiction.

Assistant Mayor Splaine commented that they were talking about the requirements for a face covering mandate before what happened at PDA. It has been a long process to get here. It began with a sign that evolved into a resolution which is now evolving into an ordinance. The purpose of the entire discussion is to send a message that we are concerned about one another. People wear a mask for others. Negative comments will continue and that is fine because this is a democracy. The intent is to inform and educate the public.

Councilor McEachern agreed they should have a full third reading on August 31, 2020. Giving due process is important. This should be in place before students come back to UNH. The community needs to come together to protect one another. The goal of this ordinance is to protect citizens.

City Attorney Sullivan commented that the Council needed to set an effective date.

**Assistant Mayor Splaine moved to amend the effective date that this ordinance shall take effect on final passage, seconded by Councilor McEachern.**

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

**Councilor McEachern moved to pass second reading and hold third and final reading at the August 31, 2020 City Council meeting, seconded by Councilor Tabor.**

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

~~ORDINANCE AMENDING CHAPTER 7, ARTICLE I, SECTION 7.102 — PARKING METER ZONES; CHAPTER 7, ARTICLE I, SECTION 7.105 — PARKING; CHAPTER 7, ARTICLE III, SECTION 7.324 — LIMITED PARKING — ONE HOUR; SECTION 7.325 — LIMITED PARKING — THIRTY MINUTES; SECTION 7.326 — LIMITED PARKING — FIFTEEN MINUTES; SECTION 7.327 — LIMITED PARKING — TWO HOURS; SECTION 7.328 — LIMITED PARKING — THREE HOURS; SECTION 7.328-1 — UTILIZATION OF MULTIPLE PARKING SPACES; AND SECTION 7.329 — LIMITED PARKING — FOUR HOURS (STAY AND PAY)~~

- ~~PRESENTATION~~
- ~~CITY COUNCIL QUESTIONS~~
- ~~PUBLIC HEARING SPEAKERS~~
- ~~ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS~~

~~(Sample motion – move to pass second reading and hold third and final reading at the August 31, 2020 City Council meeting)~~

## ~~XII. MAYOR BECKSTED~~

- ~~1. Appointments to be Considered:
 
  - ~~Appointment of Thaddeus Jankowski to the Conservation Commission~~
  - ~~Appointment of Adam Webster to the Conservation Commission~~
  - ~~Appointment of Jane Wright as an Alternate to the Conservation Commission~~~~
- ~~2. \*Appointment to be Voted:
 
  - ~~Reappointment of Erica Wygonik to the Parking & Traffic Safety Committee as an Alternate~~~~

## XIII. CITY COUNCIL MEMBERS

### A. ASSISTANT MAYOR SPLAINE

- ~~1. That Mill Pond Way be named for former Portsmouth Assistant Mayor Paul McEachern  
(Sample motion – move that the Portsmouth City Manager meet with Jon Wyckoff, who acting on behalf of the Advocates for the North Mill Pond, and the Creek Neighborhood Committee will formalize the naming of the “Paul McEachern Park”)~~
- ~~2. Request First Reading of an Ordinance Requiring That Face Coverings Be Worn At Specific Times In The City of Portsmouth (See Ordinance Attached)~~
- ~~3. Report Back on Request of Restoration of Involuntary Merged Lot – 246 Thornton Street (Request for Reconsideration of Vote by the City Council at the July 13, 2020 meeting)~~
- ~~4. Report Back on Request of Restoration of Involuntary Merged Lot – 1240 Islington Street (Request for Reconsideration of Vote by the City Council at the July 13, 2020 meeting)~~

Assistant Mayor Splaine commented that he was originally offering to not bring this up for reconsideration. The original intent was to revisit the Thornton Street application, but this one did not need to be considered.

**Assistant Mayor Splaine moved to suspend the rules in order to continue the meeting beyond 10:30 p.m., seconded by Councilor Lazenby.**

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

Mayor Becksted commented that he would like to debate the process at the next meeting.

**Councilor McEachern moved to table this matter to the August 31, 2020 City Council meeting, seconded by Councilor Lazenby.**

Councilor Huda questioned if the Assessor would prepare a report on this prior to that meeting. Councilor McEachern responded that the Assessor already made a statement and recommended that Council move forward and unmerge the lots. Council wants to create a process, and this is a good opportunity to do that. However, Council can unmerge the lots now and debate the process in the future as well.

Mayor Becksted commented that the process was changed in April of this year based on the Planning Department's recommendation. Council should have a further discussion on the process.

Councilor McEachern agreed that it would be good to talk about the process and get good input around that. However, these lots could be unmerged tonight, and the process could be discussed later. Council should not pick and choose applications based on the process Council agreed to. Councilor Huda did not recall discussing this application. Mayor Becksted commented that they could discuss this application and the process at the next meeting.

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

**B. COUNCILOR McEACHERN**

1. ~~\*Resolution that the City Council Supports our Educators as they take the Necessary Steps to Keep Both Children and Themselves Safe~~

**C. COUNCILOR WHELAN**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the July 9, 2020 meeting (*With Summary Sheet: Stay and Pay Recommended for Approval to City Council*)

Councilor Whelan commented that the packet had a summary of actions taken at the July Parking Traffic and Safety (PTS) meeting. The purpose of the summary is to outline key points from the meeting and actions taken on the ordinance to the Council. This separate memo will clearly identify the actions of PTS. The minutes are also included. They are not deviating from approving the minutes. The ordinance says minutes approved by PTS are sent via email and can be accepted at the next City Council meeting. When Council accepts the minutes, any changes are implemented on a one-year temporary basis. At the end of the year Council can vote to permanently implement the change under the omnibus. Council has the minutes and action sheet to review, but are voting on the minutes from the July PTS meeting.

**Councilor Whelan moved to accept the minutes of the July 9, 2020 Parking and Traffic Safety Committee meeting, seconded by Councilor Lazenby.**

City Manager Conard commented that the last time this was before the Council the minutes were in draft form, but now they are final.

Councilor Kennedy commented that they reviewed this at the last meeting, and she still had some concerns about some of the items on the minutes. Councilor Kennedy was under the impression that this was postponed to the August 31, 2020, City Council Meeting.

Councilor Whelan pointed out that there was a motion on the floor for tonight.

Mayor Becksted also thought this was postponed to the August 31, 2020, meeting. City Clerk Barnaby commented that according to the action sheet this was postponed to the August 18, 2020, meeting. Assistant City Attorney Jane Ferrini commented that the action sheet for the July meeting was put forward for the sole purpose of showing changes for the Stay and Pay Program. The minutes and action sheet are now final. The action sheet doesn't suffice as minutes moving forward. The final minutes are before Council at this meeting.

Councilor Kennedy commented that she would not vote for this because she was concerned about putting timed parking spots in on Mechanic Street, Hancock Street, and Washington Street neighborhoods. They don't exist there today. If someone wants to add spots there it should go through the appropriate process.

Assistant City Attorney Ferrini commented that she did not see a reference to parking on those streets on the July action sheet. Councilor Kennedy commented that it was on the omnibus that was brought forward. Assistant City Attorney Ferrini commented that this had nothing to do with the omnibus. This was separate.

Councilor Whelan commented that there was nothing about adding parking on those streets Councilor Kennedy mentioned in the minutes. PTS went through it with a fine-tooth comb and took residents' input.

Councilor Tabor commented that voting on the minutes made sense. A lot of changes run through PTS, and they can't wait for the long process of passing through Council. This process of approving minutes allows for temporary changes to go in immediately. It gives the City a chance to try them out. There is value in voting on the minutes.

Councilor McEachern commented that he would support the minutes. It is not possible for all the Council to sit on PTS. They have Councilor Whelan who does. It is admirable this Council wants to be involved and give transparency to so many parts. However, they need to delegate when necessary to allow the City to move forward. PTS and Councilor Whelan are doing a good job.

Mayor Becksted commented that he would not support the minutes. There is way too much confusion when it comes to PTS. PTS needs an overhaul. They meet too early in the day and there are too many staff members on it. The changes don't impact them. This council should look at PTS with the help of staff. They should overhaul the meeting time and membership of the PTS Committee.

Assistant Mayor Splaine agreed with Mayor Becksted about the process and noted he would support an effort to overhaul the PTS Committee. Assistant Mayor Splaine commented that he would not vote in favor for the minutes.

Councilor Huda agreed with Mayor Becksted and noted that she would not be voting for the minutes.

**On a roll call vote 4-5, motion failed to pass. Councilor McEachern, Whelan, Lazenby, Tabor voted in favor. Assistant Mayor Splaine, Councilors Kennedy, Huda, Trace and Mayor Becksted voted opposed.**

**D. COUNCILOR LAZENBY**

1. ~~\*Permitting Fee Relief for Businesses and Outdoor Use~~
2. ~~\*Request for explanation of Ethics Complaint process and update on current status~~

**E. COUNCILOR KENNEDY & COUNCILOR HUDA**

1. Middle Street Bike Lanes Current Implementation for Safety in Lieu of the Recent Accident

Councilor Kennedy clarified that they were looking at the safety of 2,000 feet of the bike lane.

Councilor Huda commented that she sent out a fact sheet. This came about because of the accident that happened recently. All of the research was based on the Planning Department's web site and the letter received from professional transportation engineer Hannah G. at the March 12, 2020, meeting. The data collected shows that this is a winding corridor with limited sight lines and variable width. It is confusing and dangerous for all modes of transportation. This is a principal arterial road with cars traveling at 30-35 mph. The road sees an average of 11,000 vehicles per day. Councilor Huda questioned why this road was selected in the first place because it is an arterial road. They need to look at a design that complies with standards for a winding arterial road. This road is not friendly for pedestrian crossing. Most of the bike lane standards have been met but the public does not feel comfortable with the tight lanes. It is confusing. This is not consistent with the design of the rest of the bike lane in Portsmouth. The goal of the project was to create safe routes to school. There has not been an increase in cyclists using this roadway. There has been a net decrease after the bike lane was put into place. Before there were an average of 59.7 cyclists per day and now there is 45. The bike lane has deep seated drains, trash in the path, and an increase in contact points in the bike lane. It is common practice for anyone exiting a vehicle to look at the main flow of traffic not multiple points. For cyclists it is easier to stop at every cross street or be in the road with the flow of traffic. Councilor Huda questioned how many of these safety issues could be eliminated by putting the cars back to the curb.

**Councilor Kennedy moved to temporarily move parking back to the curb and work to ensure the bike lanes are safe, seconded by Councilor Huda.**

Councilor McEachern commented that it was his understanding that the current design was approved by NHDOT. City Manager Conard confirmed that was correct. Councilor McEachern agreed they should make the bike lane safer. Councilor McEachern questioned if the bollards that kept cars from encroaching on the lane while parking were removed in that area. Mayor Becksted confirmed there was a reduction in bollards for many reasons. Councilor McEachern commented that lower profile bollards would prevent cars from encroaching. The car involved in the accident was illegally parked and opened their door into bike traffic. Council should limit any conversation to that specific incident and not make further efforts to take broader generalizations.

Councilor Kennedy commented that she reached out to NHDOT and was told if there were safety concerns then she needed to bring it back to the City.

Councilor Tabor commented that he could not vote for the motion on the floor. If a cyclist is on the driver side and they open the door, then the cyclist would be pushed into traffic. It may be possible to create enough buffer to prevent that, but Council doesn't know that tonight. Councilor Tabor did not want to vote for something that could be just as or more dangerous. They should look at a long-term solution. Councilor Tabor reached out to the design alliance and asked for their participation. They have agreed to look at how to make Middle Street a good design for cyclists, pedestrians and vehicles. They can employ a task force that contains residents in the neighborhood, the design alliance, and cyclist groups. Middle St. is an iconic arterial street in Portsmouth. It is easy to say let's get rid of the bike lane, but Middle Street is the backbone of bike pedestrian master plan. It links the schools to the other side of town. They should come up with long term solution.

Councilor Huda commented that so far, they have not found a balance between cyclists, vehicles and parking. Safety should be in the forefront. There have been a lot of issues with this and now there has been an accident. Councilor Huda commented that she would support the motion to stop anyone else from getting hurt.

Councilor Trace commented that Councilor Tabor should have included PTS in his efforts and questioned why they would go back to the design group who was responsible for the original problematic design. Putting cars back to the curb is an emergency measure. Nobody wants another accident.

Councilor Tabor commented that he did include the Mayor and City Manager in advance. The intent of the meeting with the design alliance to see if they wanted to engage on this project. Councilor Tabor has also talked with Councilor Whelan on this effort.

Councilor McEachern commented that they should recognize the accident was caused by an illegally parked car. They were able to park there because there were no bollards preventing that. The motion calls for safety, but Council does not know that moving cars back to the curb would increase safety. Councilor McEachern commented that he could not vote for something in the name of safety without knowing it is in fact safer. This accident was a specific incident. Councilor McEachern agreed with Councilor Tabor's approach. They need to do a lot more work on the bike lanes. It may make sense to move the bike lane up a block or move where the cars are parked. They should try to solve the problem presented with the accident. PTS should look at this, but Council does not seem to trust PTS as indicated by the discussion to revamp that committee.

Councilor Lazenby commented that safety was a major concern for everyone. Moving the cars to the curb was less safe in Durham in 2014. A cyclist was doored on the driver side and died. A driver side dooring will shove a bike into traffic. The man who was doored on Middle Street did not get thrown into traffic and declined medical treatment. Making the current motion in the name of safety is the wrong move. Councilor Lazenby appreciated that they want to tackle this issue but was disappointed in the process to get there. It was not clear this was a motion happening tonight. The material was sent late and no one from the public had an opportunity to review it. There was no input from public safety professionals or cyclist groups. This should be sent to PTS to review, and they should look for a long-term solution.

**Councilor Lazenby moved to refer to the PTS for a report back, seconded by Councilor McEachern.**

Assistant Mayor Splaine commented that the bike lanes would be clearer if they were all painted the same color. Signage should also be added. Assistant Mayor Splaine commented that he was tempted to vote in favor of Councilor Kennedy's motion however the information for this came out of nowhere for tonight's discussion. Assistant Mayor Splaine commented that he would support Councilor Lazenby's motion to send this to PTS.

Councilor Tabor questioned if their funding would be threatened if they made a change to improve the bike lane safety. City Manager Conard responded that they would need NHDOT approval to make substantial modifications to the bike lanes. If they make changes without NHDOT's advance approval, then they would be required to return the funding. They can do an engineering study to find out what modifications can be made in attempt to communicate to NHDOT. City Manager Conard commented that she just looked at this tonight and would like to give PTS the opportunity to report back.

Councilor Whelan commented that discussion about this accident was on the September agenda for PTS. They have received several letters written by Middle Street residents about how hard it is for people to parallel park in the street with no frame of reference. Council should wait until they have a report back from Staff at the August 31, 2020, meeting to take action.

Mayor Becksted did not know if he would support delaying action until August 31, 2020. This section of road is a death trap waiting to happen. There are drains and garbage in the bike lane. This 1,600 feet of bike lane should be modified under an emergency mandate. Cyclists expect a driver side door to open but not a passenger door. Mayor Becksted commented that he would support Councilor Kennedy's motion to take action on this.

Councilor McEachern commented that the materials for this was emailed to Council today at 5 p.m. There has been no staff input, and it's being presented at a special meeting. There are consequences to that type of action. Council should not take action on this tonight. That part of the bike lane does need changes. Cyclists do have the right to be in traffic. Bike lanes help protect people who are not as skilled. It would be good to see a report back on starting the bike lane one block ahead and potentially moving cars to park on the curb.

Councilor Lazenby commented that it would be useful for the community and Council to hear a report back. Council should be upfront and transparent on the work they are doing. The materials are not just for Council. The public should have time to review the materials as well.

Councilor Kennedy commented that it would be temporary so Council could take action tonight and discuss it at future meetings. All of the information they presented was available to the public online.

Councilor Lazenby commented that the spreadsheet from Councilor Huda was not a public document, and the motion was not available until the meeting. The motion should have been in the packet.

Councilor Huda clarified that the spreadsheet was a summary of information that could be found on the Planning Department's site.

**Councilor Lazenby moved to request a report back from City Staff at the August 31, 2020 City Council meeting, seconded by Councilor McEachern.**

On a roll call vote 6-3, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor and Trace voted in favor. Councilors Kennedy, Huda and Mayor Becksted voted opposed.

**F. COUNCILOR HUDA**

1. Update on CARES Act Fund Allotment (*Sample motion – move 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>*)

Councilor Huda moved 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>, seconded by Councilor Kennedy.

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

**G. COUNCILOR TRACE**

1. ~~Paul McEachern Park (*Sample motion – move to name a certain City owned parcel of land (143-8) located on Mill Pond Way on the North Mill Pond, the Paul McEachern Park*)~~

**XIV. APPROVAL OF GRANTS/DONATIONS**

*(There are no Grants or Donations on this Agenda)*

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

**A. CITY MANAGER CONARD**

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

Mayor Becksted commented that they took care of items 2 and 6 at the last meeting. Mayor Becksted questioned if Council agreed to vote on the rest of the items under a consent agenda.

Councilor Lazenby commented that they should vote on item 1 separately.

Councilor Trace requested to vote on item 3 separately.

Councilor Tabor commented that he would have to abstain from voting on item 3.

Councilor Kennedy requested to vote on item 4 separately.

Councilor Lazenby moved to adopt the Consent Agenda Items, seconded by Councilor Whelan.

- **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*)**

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

1. Fire Department Memorandum of Understanding regarding Health and Wellness

Fire Chief Todd Germain spoke to the health and wellness program proposal that would be included in the collective bargaining agreement for the union. It would be a 2-year trial and management or labor could opt out with a 30 day written notice. The body of the program includes an annual physical exam. It is becoming increasingly important for fire fighters to get to the doctors once a year. The results of those exams would be between the doctor and patient. They would just get a document indicating they had that physical exam. The on duty fit program would allow fire fighters time to engage in physical fitness activities. That member is welcome to engage in what they feel is appropriate for their fitness level. There will be prescribed time to include that. If they are having a busy day of calls or incorporate fit time in group training, then that time can be waived for the day as well. There will be periodic physical fitness and wellness education. There will also be quarterly physical skills training that will be specific to fire fighter skills. This will allow Chief Germain to point to physical evidence that the fire fighters are up to date on their skills. The team will also move to a 24-hour shift schedule. Over 70% of fire stations use some kind of 24-hour shift schedule. Every department in NH except for Portsmouth already does.

City Manager Conard commented that they will check in at the 6 month and year mark to look at how these working conditions are impacting leave time and over time etc. The fire department has been in the 24-hour shift mode since the middle of June.

Councilor Trace commented that she would support this, and it would be good to see the report back from the 6 month and yearly check in. A healthier fire department is a better fire department.

Councilor Huda questioned if Council was the final sign off for this. City Manager Conard responded that Council would vote to ratify the Memorandum of Understanding as approved by the Fire Commission.

**Councilor Kennedy moved to ratify the Memorandum of Understanding with a one-year review on the implications of financial impacts, seconded by Councilor Huda.**

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

~~2. Establish Polling Hours for the State Primary Election~~

3. Request to Waive Prescott Park Arts Festival Annual Consideration Fee

City Manager Conard commented that they have received a request from Prescott Park Arts Festival to waive their fee due to the pandemic. They have canceled their 2020 season. There is a clause within their license with the City that the City Manager is allowed to negotiate a lower fee in extraordinary events. The City runs on a fiscal year calendar and the Prescott Park Arts Festival runs on a regular calendar, so reconciling that is a little confusing.

**Councilor Lazenby moved to waive the fee, seconded by Councilor McEachern.**

Councilor Kennedy questioned if they were setting precedent by doing this and questioned if other organizations had paid their contributions.

Councilor Huda requested clarification on the different fiscal years. City Manager Conard responded that Prescott Park Arts Festival made one in payment in July of 2019 and one in September of 2019. Those were the most recent payments. This request is to waive the fee for 2020.

City Manager Conard commented that she was not familiar with all of the groups that have a license agreement and what the magnitude of that was. City Attorney Sullivan noted that Council would not be setting a precedent in a legal sense.

Mayor Becksted commented that the other request was to waive the Gundalow's Company remaining balance. City Manager Conard confirmed that was correct. They paid half of their amount in July 2020.

Mayor Becksted questioned if Prescott Park Arts Festival had plans to do anything this year. Councilor Tabor responded that they did not have any plans at this moment.

Councilor Kennedy questioned if all of the other groups had already paid. City Manager Conard did not know. Councilor Kennedy was concerned about setting a precedent for other groups. A lot of those groups have not able to operate normally.

**Councilor Kennedy moved to postpone to receive further information on other organizations to ensure we are treating all non-profits fairly, seconded by Councilor Huda.**

Councilor Lazenby commented that it was not a bad precedent to set. This is an extraordinary circumstance.

Councilor McEachern commented that they should vote to waive the fee for Prescott Park Arts Festival tonight and hear back about the other groups at the next meeting. Councilor Lazenby agreed they should not postpone this item. They should get a report back at the next meeting about the other groups.

**On a roll call vote 5-3, motion passed 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.**

4. Request to Waive Gundalow Company Annual Consideration Fee

**Councilor Kennedy moved 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, seconded by Councilor Huda.**

**On a roll call 6-3, voted Assistant Mayor Splaine, Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Councilors McEachern, Lazenby and Tabor voted opposed.**

5. Sale of Surplus E-One Fire Truck

~~6. Temporary Construction License for 111 Maplewood Avenue~~

7. Parking and Traffic Safety Committee Ordinance Schedule

**XVI. CONSENT AGENDA**

- A. 444 Pleasant Street/Portsmouth Housing Authority Sidewalk Easement

**Councilor Lazenby moved to adopt the Consent Agenda, seconded by Councilor Trace.**

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

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

- ~~A. \*Presentation by Health Officer Kim McNamara regarding COVID-19 Update~~
- ~~B. Update on the Portsmouth Citizens Response Task Force~~
- ~~C. \*Presentation regarding Census Reporting – Richard Perrin, US Census Bureau~~
- D. Email Correspondence (***Sample motion – move to accept and place on file***)

**Councilor McEachern moved to accept and place on file, seconded by Councilor Trace.**

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

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

1. Report Back from Sewer and Water on Large Rain Events and Combined Sewer Overflows as Requested at the July 13, 2020 City Council meeting

**Councilor Trace moved to request a report back on this matter at the August 31, 2020 City Council meeting, seconded by Councilor Kennedy.**

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

2. Report Back on Services Provided by former City Manager John Bohenko Over the 6-Month Period Ending June 30, 2020 as Requested at the July 13, 2020 City Council meeting
3. Prescott Park Implementation Committee Public Process
4. Proposed Ordinance regarding Face Coverings During the COVID-19 Pandemic

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

## **XX. ADJOURNMENT**

**Councilor Kennedy moved to adjourn at 12:25 a.m., seconded by Councilor Huda.**

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

**Becky Frey  
Acting Recording Secretary for City Council**