

TO: KAREN CONARD, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING OF FEBRUARY 8, 2021 THAT WAS HELD BY ZOOM AND ATTENDED 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

1. At 6:00 p.m., a Work Session was held regarding Peirce Island.
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 2020-24 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. Acceptance of Minutes – January 25, 2021 and June 15, 2020 – **On a unanimous roll call 9-0, voted** to approve and accept the minutes of the January 25, 2021 and June 15, 2020 City Council meetings.
4. Public Comment Session – There were seven speakers: Josh Denton (Pop Up NH, Off Leash area for Dogs at Peirce Island and Arts & Non-Profit Blue Ribbon Committee); Brenna Cavanaugh (Flag at City Hall); Andrew Bagley (Parking fees/fines; Liability insurance for outdoor restaurants serving alcohol; keeping public comment via zoom after meeting back in person); Gregory LaCamera (Islington Street – saved comments for public hearing on this matter); Marie Bodi (Penhallow Street Construction License) Bryon Matto (Waiving fees for outdoor restaurants; keeping public comment via zoom after meeting back in person; proposed parking fees/fines); and Valerie Rochon (Reduction in liability insurance for outdoor restaurants serving alcohol).
5. First Reading of Ordinance amending Chapter 1, Article III, Section 1.310 – Zoning Board of Adjustment and Article IV. Section 1.404 – Historic District Commission – **On a roll call 8-1, voted** to pass first reading and schedule a public hearing and second reading at the February 22, 2021 City Council meeting. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.
6. First Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability – **On a unanimous roll call 9-0, voted** to refer to the Parking, Traffic & Safety Committee and Fee Committee for review.
7. Public Hearing – Capital Improvement Plan (CIP) FY 2022-2027 – Held a public hearing. **On a unanimous roll call 9-0, voted** to continue the public hearing until the March 8, 2021 City Council meeting.

8. Public Hearing & Adoption of Elderly Exemption Resolution – Held a public hearing. **On a roll call 8-0, voted** to adopt Option 2 for the Elderly Exemption Resolution. *Assistant Mayor Splaine recused from voting as he is eligible to receive the Elderly Exemption.*
- Proposed Increase of Elderly Exemption:
- | | |
|---------|------------------------------------|
| Single | \$43,928.00 increase of \$777.00 |
| Married | \$60,400.00 increase of \$1,068.00 |
9. Public Hearing & Adoption of Disabled Exemption Resolution – Held a public hearing. **On a unanimous roll call 9-0, voted** to adopt Option 2 for the Disabled Exemption Resolution.
- Proposed Increase of Disabled Exemption:
- | | |
|---------|------------------------------------|
| Single | \$43,928.00 increase of \$777.00 |
| Married | \$60,400.00 increase of \$1,068.00 |
10. Installation of Electronic Cross Walk Signs (Not on Agenda) – Moved to install electronic cross walk signals at the corners of Madison Street and Middle Street; Essex Avenue and Middle Road and Thornton Street and Bartlett Street.
- On a unanimous roll call 9-0, voted** to amend the motion to refer this matter to the Parking, Traffic & Safety Committee for review and report back to the City Council if there are any questions.
- On a roll call 6-3, voted** to pass main motion, as amended to install electronic cross walk signals at the corners of Madison Street and Middle Street; Essex Avenue and Middle Road and Thornton Street and Bartlett Street and refer this matter to the Parking, Traffic & Safety Committee for review and report back to the City Council if there are any questions. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Trace and Mayor Becksted voted in favor. Councilors Lazenby, Huda and Tabor voted opposed.
11. Appointments to be Considered – The City Council considered the appointment of Richard Duddy to the Recreation Board and Rebecca O'Brien to the Sustainable Practices Blue Ribbon Committee which will be voted on at the February 22, 2021 City Council meeting.
12. Announcement of Appointments to the Arts and Non-Profit Blue Ribbon Committee – Mayor Becksted announced the appointments of Lawrence Yerdon, Courtney Perkins, Robin Albert, Nihco Gallo and Bill Humphreys to the Arts and Non-Profit Blue Ribbon Committee.
13. Scheduling of Meeting for Priority and Goals Check-in with the City Manager – Assistant Mayor Splaine requested Mayor Becksted and City Manager Conard schedule a public meeting in the next few weeks regarding priorities and goals of the City Manager. In addition, Assistant Mayor Splaine said the City Council may move into a Non-Public Session.
14. Public Comment Post Pandemic – **On a unanimous roll call 9-0, voted** to extend the use of Zoom to Public Comment and Public Hearings participants after the Council resumes meeting in person through the rest of the City Council's term.
15. McIntyre Update – Councilor Whelan announced the McIntyre round tables will meet Thursday, February 11, 2021 from 6:00 p.m. – 8:00 p.m.

16. **On a unanimous roll call 9-0, voted** to suspend the rules in order to continue the meeting beyond 10:30 p.m.
17. Preliminary FY22 Budget Guidance – **On a roll call 5-4, voted** to finalize the FY22 Budget guidance for a goal of zero percent increase over last year's budget. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted opposed.
18. CIP (Capital Improvement Plan) – No action taken.
19. Waiver of Fees for Restaurant Outdoor Seating – **On a unanimous roll call 9-0, voted** to give the City Manager authority to relieve restaurants of fees for outdoor seating due to COVID-19 as was done in 2020.
20. Fee Committee Update – No action taken.
21. Acceptance of Donation to the Portsmouth Police Department in the amount of \$2,500.00 from Paul Gormley and Kimi Iguchi – **On a unanimous roll call 9-0, voted** to accept the donation in the amount of \$2,500.00 to the Police Department.
22. Acceptance of Donation to the Portsmouth Fire Department in the amount of \$2,500.00 from Paul Gormley and Kimi Iguchi – **On a unanimous roll call 9-0, voted** to accept the donation in the amount of \$2,500.00 to the Fire Department.
23. 60 Penhallow Street (Brick Market) Construction License – **On a unanimous roll call 9-0, voted** the City Manager be authorized to execute and accept the temporary construction license for the partial closure of Penhallow Street, use of 860 square feet of public sidewalk and roadway, and use of the ten on-street parking spaces on Penhallow Street between March 1, 2021 and April 30, 2021 as requested.
24. Proposed Public Art Donation – **On a unanimous roll call 9-0, voted** to refer the proposed Portsmouth Peace Treaty Commemoration painting donation to the City Manager with power for establishment of an ad hoc advisory group for the purpose of evaluating the painting for compliance with the public art acquisition guidelines and recommendation back to the City Council.
25. City Council Policy No. 2012-02 Regarding Use of City Property for Sidewalk Cafes – **On a unanimous roll call 9-0, voted** to grant the City Manager the power to approve licenses for use of city sidewalks and street for outdoor cafes consistent with the City Council Policy No. 2012-02 for restaurants and cafes that are current businesses in the City for the 2021 calendar year and further to allow the City Manager to waive or amend specific requirements of the City Council Policy No. 2012-02 for the 2021 calendar year on a case by case basis.
26. Middle Street Baptist Church Parking Contract Renewal – **On a unanimous roll call 9-0, voted** to approve the agreement renewal as presented.

27. Report Back to Council on Request for Release of City Interest in an Unimproved Portion of Cliff Road – **On a unanimous roll call 9-0, voted** to release any City interest in the portion of paper street that extends along a portion of the frontage of 45 Cliff Road to the center line of the paper street as shown on the exhibit prepared by City Staff.
28. Consent Agenda – Letter from John Mortimer, Millennium Running, requesting permission to hold the St. Patty's 5k & 10k on Saturday, March 13, 2021 – **On a unanimous roll call 9-0, voted** to adopt the Consent Agenda.
29. Email Correspondence – **On a unanimous roll call 9-0, voted** to accept and place on file.
30. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closure of Chestnut Street for outdoor events beginning May 1, 2021 through October 31, 2021 and the service of alcohol – **On a unanimous roll call 9-0, voted** to refer to the City Manager with Authority to Act.
31. Request of Restoration of Involuntary Merged Lot – 900 Middle Road – **On a unanimous roll call 9-0, voted** to refer to the Planning Board and Assessor for report back.
32. Liability Insurance for Sales of Alcoholic Beverages on City Property – **On a unanimous roll call 9-0, voted** to accept the report from City Attorney Sullivan on lowering insurance requirements.

Councilor Kennedy requested the City Attorney provide a letter from Primex stating they agree to lowering the amount liability insurance requirements for the sale of alcoholic beverages on City property.

33. Adjournment – **On a unanimous roll call 9-0, voted** to adjourn the meeting at 12:00 a.m.

Respectfully submitted by:
Kelli L. Barnaby, MMC, CNHMC
City Clerk