

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, FEBRUARY 8, 2021

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

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_Sg-uYL3KQTqAWtI8QKsi_g

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 2020-25, 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.

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 2020-25 and Emergency Order #12, Section 3. Members location. All votes will be by roll call.

- 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**

At 7:10 p.m. Mayor Becksted called the meeting to order.

IV. **ROLL CALL**

Mayor Becksted, Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace

V. **INVOCATION**

Mayor Becksted asked everyone to join in a moment of silent prayer in memory of Phil Scarponi who recently passed away and offered thoughts to his family through their loss.

VI. **PLEDGE OF ALLEGIANCE**

Mayor Becksted led in the Pledge of Allegiance to the Flag.

VII. ACCEPTANCE OF MINUTES – JANUARY 25, 2021 AND JUNE 15, 2020

Assistant Mayor Splaine moved to approve and accept the minutes of the January 25, 2021 and June 15, 2020 City Council meetings. Seconded by Councilor Kennedy.

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

IX. PUBLIC COMMENT SESSION

Josh Denton requested a time line for when the Peirce Island off-leash dog area will be reopened. He spoke to the appointments of Lawrence Yerdon and Courtney Perkins and the recommendation by staff to lower the amount of liability insurance for alcohol use at outdoor tables and chairs.

Brenna Cavanaugh thanked the City for raising the flag up at City Hall. She said when the decision is made to lower or take down the flag it should be a decision of the Council.

Andrew Bagley said parking fees need a thoughtful analysis and no increases should be made for a year. He said the fee structure for parking fines is too high. He also spoke in support of keeping zoom for public comment sessions and public hearings when the City Council meets back in person.

Marie Bodi spoke to the abutters meeting recently with residents and property owners regarding the McNabb Project on Penhallow Street. She said before you this evening is a recommendation for a temporary road closure.

Byron Matto spoke in support of waiving fees for outdoor restaurants, keeping public comment via zoom after meeting back in person and his opposition to increased parking fees/fines.

Valerie Rochon spoke in support of waiving fees for outdoor seating and to authorize the City Manager to approve the new fees. She thanked the City Manager and City Attorney for reducing the amount of liability insurance required for serving alcohol for outdoor seating at restaurants.

XI. PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

First Reading of Ordinances:

- A. 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

Councilor Kennedy moved to pass first reading and schedule a public hearing and second reading at the February 22, 2021 City Council meeting. Seconded by Councilor Huda.

City Attorney Sullivan spoke to the quasi-judicial roles of the boards.

Mayor Becksted spoke in support of the ordinance and requested the support of the Council.

Councilor Lazenby said he does not see any inconsistencies or the need for this amendment.

Councilor Kennedy spoke in support of this housekeeping amendment.

Assistant Mayor Splaine said he supports the motion and appointments to the boards/commissions should not be popularity contests.

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

- B. First Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability

Councilor McEachern said he would like to see a compromise on the amendment and increase to fees/fines.

City Manager Conard said the request came from the Parking Traffic & Safety Committee and could go back to the Committee for further review and recommendation.

Councilor Kennedy moved to refer to the Parking Traffic & Safety Committee and Fee Committee for review. Seconded by Assistant Mayor Splaine.

Councilor Trace said some people cannot afford a \$50.00 parking ticket and the Council needs to take a deep breath on this matter.

Councilor Kennedy requested keeping Parrott Avenue lot free of parking meters. She said when the Parking Traffic & Safety Committee and Fee Committee meet on this matter they need to have a public comment session to hear how residents feel on this matter.

Assistant Mayor Splaine said he would like to hear from Fire Chief Germain and Police Chief Newport on these amendments. He said it is important to look at the big picture when considering the fees/fines.

Councilor Tabor said \$50.00 is too high for a parking ticket and the Council needs to receive more public input on adjusting the ticket fees.

Councilor McEachern said we need the Fee Committee reviewing this ordinance and recommended fees and fines. He said the ordinance needs to take a holistic approach and look at the downtown employee and what they can afford.

Councilor Whelan said Parking Traffic & Safety Committee will take another look at this and evaluate the unintended consequences from the Pay and Stay Program.

Councilor Lazenby said he agrees that the fine is too high and suggested creating a program for the downtown with better promotion and efforts in this area.

Mayor Becksted said there is a time and a place, but so many people are suffering financially. He spoke to parking bans being enforced in other areas of the City where they had not been enforced previously.

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

Public Hearing – Capital Improvement Plan (CIP):

C. CAPITAL IMPROVEMENT PLAN (CIP) FY 2022-2027

- **PRESENTATION** (*Presentation was held at the January 13, 2021 Work Session*)

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers.

- **CITY COUNCIL QUESTIONS**

Councilor Trace said she has questions why the Islington Street Corridor has been pushed back again.

City Manager Conard said the CIP is a plan and the City Council can choose to bring certain plans forward and make recommendations as a City Council.

Mayor Becksted said the CIP would be adopted at the March 8, 2021 City Council meeting.

- **PUBLIC HEARING SPEAKERS**

Josh Denton spoke on two items that played a large role in achieving Portsmouth's Net Zero Energy Policy, one is the regional digester which took years to get into the CIP and has been removed, and the DC fast charger has also been removed from the CIP which he feels is leaving money on the table. He said the DC fast charger should be put back into the CIP for funding.

Andrew Bagley said the Islington Street project has been delayed a number of times and should move forward as a priority.

Gregory LaCamera said he supports moving the Islington Street project forward as it has been ongoing since 1997. He said it is an investment to complete the Islington Street project and it is unacceptable to delay any further. He stated this would connect the downtown with the West End.

Robin Husslage spoke in favor of Islington Street project moving forward in 2022. She is opposed to pushing the project out to 2027. Ms. Husslage stated the improvements will benefit the City. She requested that any changes that are significant or affect residents be posted to allow for input on the impact of changes.

Nicole LaPierre echoed concerns and comments made by Ms. Husslage. She said Islington Street needs to be a priority.

Michael Johnson said it is important to move forward with Phase II of the Islington Street project. He said expanding the West End is needed.

After three calls and no further speakers, Mayor Becksted asked if there were further questions from the Council.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor McEachern said if there is a fee to point out or a critical issue with a plan, a letter should be sent on changes to allow residents to come forward and speak to the matter. He said the Islington Street project should be moved back to 2022. He stated we need to make the Islington Street area more inviting.

Councilor Trace asked why this project keeps getting pushed back.

Mayor Becksted said because this is a large project and we are in the middle of COVID.

Public Works Director Rice said due to the feedback from residents and businesses some large projects were delayed. He also indicated delays were put in effect due to bonding and water and sewer rate increases. He stated he would work with the Finance Department and move the Islington Street project forward based on the direction of the City Council.

Councilor Lazenby inquired as to costs for the McIntyre building being put into the CIP. Councilor Whelan said there are some requirements from GSA that will need to be considered and a place holder put in the CIP.

Discussion followed among the Council regarding the need to install electronic signalizations at the corners of Madison Street and Middle Street and Essex Avenue and Middle Road.

Councilor Kennedy said the recent memorandum from Finance Director Belanger regarding bonding and rescinding bonds needs to have a real in-depth review with the CIP in mind. She said she would like to see what is contained in the CIP that could go into CARES Act funding.

Councilor Kennedy moved to continue the public hearing until the March 8, 2021 City Council meeting. Seconded by Councilor Huda.

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

Public Hearing & Adoption of Resolutions

D. Public Hearing Re: Elderly Exemption

Resolution Pursuant to RSA 72-39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,928 for a single taxpayer or \$60,400 for married taxpayers, inclusive of social security payment. The elderly exemption shall remain unchanged except as amended hereby

Assistant Mayor Splaine recused himself from the public hearing because he is eligible for the elderly exemption.

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Becksted declared the public hearing closed.

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Proposed Increase of Elderly Exemption:

Single	\$43,928.00 increase of \$777.00
Married	\$60,400.00 increase of \$1,068.00

Councilor Tabor moved to adopt Option 2 for the Elderly Exemption Resolution. Seconded by Councilor Lazenby.

On a unanimous roll call vote 8-0, motion passed. Assistant Mayor Splaine abstained from voting on this matter.

E. Public Hearing Re: Disabled Exemption

Resolution Pursuant to RSA 72:37-b, City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,712 for a single taxpayers or \$60,103 for married taxpayers, inclusive of social security. The disabled exemption shall remain unchanged except as amended hereby

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Proposed Increase of Disabled Exemption:

Single	\$43,928.00 increase of \$777.00
Married	\$60,400.00 increase of \$1,068.00

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Becksted declared the public hearing closed.

Councilor McEachern moved to adopt Option 2 for the Disabled Exemption Resolution. Seconded by Councilor Tabor.

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

At 9:08 p.m., Mayor Becksted declared a brief recess. At 9:21 p.m., Mayor Becksted called the meeting back to order.

The City Council discussed the installation of electronic cross walk signs.

Councilor Trace 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. Seconded by Councilor Whelan.

Councilor Huda said Parking and Traffic Engineer Eby provides report backs on these kinds of requests.

Assistant Mayor Splaine suggested having staff review the request to see if buying multiple signs could be purchased at a reduced fee.

Councilor Lazenby questioned why we are not looking at other areas that may be a concern, and should be considered for these types of signs. He suggested referring this matter to the Parking Traffic & Safety Committee for report back or to have the purchasing of the signs be part of the CIP.

City Manager Conard said that this should go on the next Parking Traffic & Safety Committee agenda and the costs are approximately \$15,000.00 each for which we have funds in the Bike and Pedestrian Project.

Councilor Lazenby said he supports the City Manager recommended approach.

Mayor Becksted said this needs to happen because of public safety.

Councilor Kennedy move to pass Councilor Trace's motion and refer this matter to the Parking Traffic & Safety Committee for review and report back to the City Council if there are any questioners. Seconded by Councilor Huda.

Councilor Lazenby said part of the process is to place items on the agenda for people to be aware of things and speak to the matter. He said there are about 60 safety issues in the CIP and 200 requests submitted by residents and this just came out in the meeting this evening. He stated people should have input on this matter.

Mayor Becksted said the Parking Traffic & Safety Committee would look at all three items and implement them. He said he would like the Committee to look at each request independently.

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.

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Richard Duddy to the Recreation Board
 - Rebecca O'Brien to the Sustainable Practices Blue Ribbon Committee

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.

2. Announcement of Appointments to the Arts and Non-Profit Blue Ribbon Committee
 - Lawrence Yerdon
 - Courtney Perkins

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.

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Scheduling of Meeting for Priority and Goals Check-In with the City Manager

Assistant Mayor Splaine reported that a meeting was held with City Manager Conard, City Attorney Sullivan, and the City Manager's Evaluation Committee in the Law Library on Saturday, January 30, 2021. He reported that the Committee and City Manager agreed that the City Council will schedule a public meeting on Zoom on priorities and goals and the Council would keep the possibility of having a Non-Public Session at that time. Assistant Mayor Splaine requested the City Manager and Mayor schedule a meeting in the next 4 weeks.

Mayor Becksted said we would look at a date in March.

Councilor Huda said this seems to be a personnel review and would like to know what purpose it would have to be held in public. City Manager Conard said that this is a formal check-in that she asked for 6 months ago.

Assistant Mayor Splaine said guidance would be provided to the City Manager and from the City Attorney to the City Council.

Councilor Kennedy said she thought we were going to hold both a public and Non-Public session.

City Attorney Sullivan stated that the City Council could go into Non-Public Session without notice at that meeting.

B. COUNCILOR McEACHERN

1. Public Comment Post Pandemic

Councilor McEachern moved to extend the use of Zoom to Public Comment participants after the Council resumes meeting in person through the rest of the City Council's term. Seconded by Assistant Mayor Splaine.

Councilor McEachern said it allows the City Council to have more view points from residents throughout the City. He said this is something that should be at the top of our minds as a Council. He stated everyone should not have to overcome finding child care or residents that have issues with traveling in inclement weather.

Assistant Mayor Splaine said he supports the motion and the screen in the Council Chambers could be used to show the residents speaking. He said this is a great idea and allows for more public participation.

Mayor Becksted said he understands and sees us back in the Chambers soon. He would like to try this out to see what works and what doesn't. He feels we are better off meeting in a room face to face, and it may be the next City Council that imposes something like this.

Assistant Mayor Splaine requested to add public hearings to the motion as a friendly amendment that was accepted by Councilor McEachern. Councilor McEachern also agreed to add to the motion as a friendly amendment "through the rest of the City Council term."

Councilor Lazenby said that this will open up the process for residents. He said this might fit well to our City Council rules.

City Attorney Sullivan said it does fit well as a City Council rule and the motion could be converted to a City Council rule.

Councilor Lazenby said he would like to have this brought back at the next City Council meeting for a vote.

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.

C. COUNCILOR WHELAN

1. McIntyre Update

Councilor Whelan announced the McIntyre round tables will meet Thursday, February 11, 2021 from 6:00 p.m. – 8:00 p.m.

Councilor Kennedy said if someone is not an architect, could they participate in the round tables.

Councilor Whelan said anyone from the public will be able to be part of the meeting.

Councilor Huda asked if the City Council can participate. Councilor Whelan said the City Council should not be part of it, a Councilor could listen but it is more for the public.

D. COUNCILOR HUDA

1. Preliminary FY22 Budget Guidance

Councilor Huda moved to finalize the FY22 Budget guidance for a zero percent increase over last year's budget. Seconded by Councilor Kennedy.

Councilor Huda said we are looking at a decrease in revenues and holding the line is what we have been discussing. She said she wants to make sure the City Manager can give clear guidance on this matter to staff.

Councilor Tabor said he appreciates the need for guidance but we have \$1.9 million in pension costs which have been downshifted from the State of New Hampshire and we would be looking at a 1.9% increase from that item alone which would be 20 employees.

Councilor Lazenby said he is interested in seeing what other increases are part of the budget. He said we need to see more details, and getting down to 0% will mean cuts.

Assistant Mayor Splaine said he supports the goal of a 0% budget but he would like to see us at that objective, however we need feedback from the School, Fire and Police Departments. He said there are real issues with the schools in particular. He said he would not support the motion as stated.

Councilor Kennedy moved to suspend the rules in order to continue the meeting beyond 10:30 p.m. Seconded by Councilor Huda.

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

Councilor Kennedy said she would like to make an amendment that the motion makes it a goal and have everyone do their best and make the commitment to make the budget as low as possible.

Councilor Huda agreed to the wording for a goal to be part of the motion.

Motion reads: ***to finalize the FY22 Budget guidance for a goal of zero percent increase over last year's budget.***

Councilor McEachern said we need to reduce the burden on taxpayers. He said he feels that all hands are on deck to keep the budget low. He stated there are reductions in revenues and we need to speak to the ultimate goal that taxpayers are looking for in the budget process.

Assistant Mayor Splaine said maybe we don't need this motion as the School Board, Fire and Police Departments are doing a great job with their budgets. He said we could thank everyone in the budget process for their work, and that the work needed would be done.

Councilor Kennedy said we need the motion because people are asking where we are at.

Councilor Lazenby said he agrees with Assistant Mayor Splaine and everyone is working hard to keep things as trim as possible. He said a 0% budget will mean staff cuts and he would like to know what those cuts are.

Discussion followed among the City Council on this issue.

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.

2. CIP (Capital Improvement Plan) ***(Sample motion – move for the following clarifications to be included in the CIP Discussion:***
 - ***When the Council Votes to Accept the CIP – Does that mean that the Council has approved and agreed to all of the items in that 6 year plan?***
 - ***Does the Approval of the CIP by the Council constitute the “authorizing” of the amount listed by line item and amount for that specific project?***
 - ***Please clarify what happens when an item is listed on the CIP for a number of years, then is not listed in the current plan? If the amount in the prior plan was approved/authorized, then where do the funds go, if the line item goes away?***

- ***Please discuss the effect if any on authorized but unissued bonds related to the above.***
- ***Are these projects considered authorized but unissued from a bonding perspective?)***

Councilor Trace said last week she was provided information on bonds in the City and would like to know how this information will be disseminated to the public.

City Manager Conard said it would be part of this agenda packet under the City Manager's Informational Items along with the report on the CIP which is contained in the packet.

Councilor Huda asked what happens to funds that are not in the CIP.

City Manager Conard said the CIP is a plan and if money has not been associated with a project, that project does not move forward. She spoke to the budget and bonding process.

Councilor Kennedy asked if the Finance Department has a depreciated sheet for projects. City Manager Conard said we could make that available.

E. COUNCILOR TABOR

1. Waiver of Fees for Restaurant Outdoor Seating

Councilor Tabor moved to give the City Manager the authority to relieve restaurants of fees for outdoor seating due to COVID-19 as was done in 2020. Seconded by Councilor Whelan.

Councilor Tabor stated the Mayor's Blue Ribbon Committee gave this a strong endorsement and it is timely and good for everyone. He said the businesses need to know if there is a cost or not because they're looking to start early and increase aesthetics.

Assistant Mayor Splaine said he supports the motion and stated we might need to do this for the coming 3 to 5 years. He would like to know the cost to the City to provide the use of the outdoor sidewalks/streets/parking spaces and provide a report for the next meeting.

City Manager Conard said it is a license fee and reflects the cost to administer the program.

Discussion followed regarding CARES Act funding that has been provided to businesses.

City Manager Conard said she will provide updates at regular City Council meetings on the number of businesses that have applied for licenses.

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

2. Fee Committee Update

Councilor Tabor provided a brief report on the recent meeting he and Councilor Huda had with staff regarding the Fee Committee. He reported there are 550 fees with minor fee increases being requested. He stated a review and discussions were held regarding the creation of possible fees such as, treating storm water, water separation, recoup parking increases for tourists versus residents, charging for parking at the Parrott Avenue Parking Lot, selling wastewater treatment facility sludge, etc.

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Portsmouth Police Department in the amount of \$2,500.00 from Paul Gormley and Kimi Iguchi

Councilor Kennedy moved to accept the donation in the amount of \$2,500.00 to the Police Department. Seconded by Councilor Huda.

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

- B. Acceptance of Donation to the Portsmouth Fire Department in the amount of \$2,500.00 from Paul Gormley and Kimi Iguchi

Councilor Kennedy moved to accept the donation in the amount of \$2,500.00 to the Fire Department. Seconded by Councilor Huda.

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

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. 60 Penhallow Street (Brick Market) Construction License

City Manager Conard said staff has reviewed this matter and residents are in support of the road closure. She reported the license fee for the partial closure of Penhallow Street is \$2,623.00 for the street and sidewalk and \$30,500.00 for the parking spaces on Penhallow Street for a total fee of \$33,123.00.

Councilor Kennedy asked what would happen if the construction is not completed and whether the document will be attached to the plan.

City Manager Conard stated after the April 30th timeline Mr. McNabb would need to go before the City Council for further approval.

Planning Director Walker reported that the License Agreement references the letter itself and is memorialize in the license.

Councilor Kennedy wants to make sure that signs for loading and unloading zones are put in place for the businesses. Planning Director Walker said the signs will be put in place.

Councilor Lazenby moved 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. Seconded by Councilor Tabor.

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

2. Proposed Public Art Donation

City Manager Conard reported that the City has received an artwork donation offer from Dan Rawling. She stated the painting was made for the centennial celebration of the Japanese-Russian Peace Treaty of 1905 in Portsmouth. She recommended following the same process as the Council did with the McEachern Park whale sculpture donation.

Councilor Lazenby moved 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 recommend it come back to the City Council. Seconded by Assistant Mayor Splaine.

Councilor Kennedy said in the future we need to look at the Arts Blue Ribbon Committee to be part of these type of requests.

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

3. City Council Policy No. 2012-02 Regarding Use of City Property for Sidewalk Cafes

Councilor Lazenby moved 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. Seconded by Assistant Mayor Splaine.

City Manager Conard noted that we will need to work in modifications into the policy and we need authorization.

Councilor McEachern said this allows for instance, the modification for Raleigh's to serve in front of the restaurant where bike racks were located.

Councilor Trace said she supports the motion and we need to help restaurants and businesses in the City.

Councilor Huda said this is only for this season and if everything goes back to normal so would the outdoor seating requirements.

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

4. Middle Street Baptist Church Parking Contract Renewal

City Manager Conard spoke to the contract renewal for parking at the Middle Street Baptist Church.

Councilor Kennedy moved to approve the agreement renewal as presented. Seconded by Councilor Lazenby.

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

5. Report Back to Council on Request for Release of City Interest in an Unimproved Portion of Cliff Road

City Manager Conard reviewed her memorandum on the paper street and reported that the Planning Board has voted and recommend releasing the paper street.

Councilor Lazenby moved 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. Seconded by Assistant Mayor Splaine.

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

XVI. CONSENT AGENDA

- A. Letter from John Mortimer, Millennium Running, requesting permission to hold the St. Patty's 5k & 10k on Saturday, March 13, 2021

Councilor Kennedy moved to refer to the City Manager with Authority to Act. Seconded by Councilor Lazenby.

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

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

Councilor Kennedy moved to accept and place on file. Seconded by Councilor Lazenby.

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

- B. 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

Councilor Kennedy moved to refer to the City Manager with Authority to Act. Seconded by Councilor Whelan.

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

- C. Request of Restoration of Involuntary Merged Lot – 900 Middle Road

Councilor Kennedy moved to refer to the Planning Board and Assessor for report back. Seconded by Councilor Huda.

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

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Liability Insurance for Sales of Alcoholic Beverages on City Property

City Manager Conard reported that City Attorney Sullivan is recommending lowering the amount of liability insurance required for the sale of alcoholic beverages on City property throughout the pandemic.

Assistant Mayor Splaine moved to accept the report from City Attorney Sullivan on lowering insurance requirements. Seconded by Councilor Tabor.

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

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

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XX. ADJOURNMENT [at 10:00 p.m. or earlier]

At 12:00 a.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Huda.

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



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK