

TO: KAREN CONARD, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD BY ZOOM ON MONDAY, MARCH 22, 2021 MEETING AT EACH INDIVIDUAL CITY COUNCILOR'S HOME, CITY MANAGER CONARD'S OFFICE, CITY ATTORNEY'S OFFICE, AND CITY CLERK'S HOME

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

1. Mayor Becksted recited that this is a Remote Meeting via Zoom Conference Call. Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-25, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location. All votes will be by roll call.
2. Acceptance of Minutes – February 22, 2021; June 22, 2020 & July 15, 2020 – **On a unanimous roll call 9-0, voted** to accept and approve the minutes of the February 22, 2021; June 22, 2020 and July 15, 2020 City Council meetings.
3. Public Comment Session – There were 8 speakers: Tom Ferrini (Portsmouth Housing Authority CIP projects); Ken Goldman (Islington Street Project CIP Funding Phase II); Andrew Bagley (Middle Street Bike Lane NH DOT Email); Police Commissioners Stefany Shaheen, Joe Onosko, Tom Hart (New Police Department CIP Funding); Mark Brighton (Providing Information to the City Council); and Chris Robillard (Middle Street Bike Lane Vote at previous meeting).
4. **On a unanimous roll call 9-0, voted** to suspend the rules in order to take up Item XV. A.1. – Adoption of Proposed Capital Improvement Plan.
5. Proposed Capital Improvement Plan:

PHA Court Street Project Driveway – **On a roll call vote 3-6, motion** to remove the funding for the project **failed** to pass. Councilors Kennedy, Huda and Tabor voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Trace and Mayor Becksted voted opposed.

PHA Court Street Project Pedestrian and Park Improvements – **On a roll call vote 1-8, motion** to remove the funding for the project **failed** to pass. Councilor Huda voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Tabor, Trace and Mayor Becksted voted opposed.

Marjorie Street Wastewater Pumping Station – On a roll call vote 3-6, **motion** to push out funding for this project to FY23 **failed** to pass. Councilors Kennedy, Huda and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor and Trace voted opposed.

Diversity, Equity and Inclusion Strategic Plan – On a roll call vote 1-8, **motion** to remove the funding from the CIP and put it into operating expenses **failed** to pass. Councilor Huda voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Tabor, Trace and Mayor Becksted voted opposed.

New Police Department Facility – On a roll call 7-2, **voted** to reduce \$2.8 million in funding for FY22 to \$1.4 million with a total funding of \$40.6 million in FY23.

Wayfinding – On a roll call vote 3-6, **motion** to remove the funding **failed** to pass. Councilors Kennedy, Huda and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor and Trace voted opposed.

Combined Funds Projects (General Fund-Water Fund-Sewer Fund)
Islington Street Improvements Phase 2 – On a roll call 8-1, **voted** to move the funding for the project from FY27 into FY22. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.

Adoption of Proposed Capital Improvement Plan – On a roll call 8-1, **voted** to approve the Capital Improvement Plan FY22 – FY27 with voted upon changes. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.

Councilor McEachern requested information back from the Public Works Department on whether the drinking water transmission pipe is buried or sits on the floor of the Bay.

6. **Appointments to be Considered** – The City Council considered the list of recommended appointments and reappointments which will be voted upon at the April 5, 2021 City Council meeting.

- Reappointment of Samantha Collins to be Conservation Commission
- Appointment of Chris Gallot to the Peirce Island Committee
- Reappointment of Thomas Ferrini to the Portsmouth Housing Authority
- Reappointment of Carl Diemer to the Recreation Board
- Reappointment of Kathryn Lynch to the Recreation Board
- Appointment of Robert Bogardus to the Recreation Board
- Appointment of Aubrey Gewehr to the Sustainable Practices Blue Ribbon Committee

7. Proposed City Council Rule regarding transparency of City Council actions – **On a roll call vote 4-5, motion** to adopt, as part of the Revised Rules & Orders of the Portsmouth City Council **failed** to pass. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted in favor. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed.

Rule 48: Motions to be Germane to Agenda

No member of the City Council shall make any motion at a City Council meeting except those motions which logically relate to an item contained in the written Agenda. To make a motion not logically related to an item contained in the written Agenda, the City Council would first need to vote by a two-thirds majority to suspend this rule.

8. Approval of National League of Cities Grant - \$10,000.00 – **On a unanimous roll call 9-0, voted** to authorize the City Manager to execute the Memorandum of Understanding with the National League of Cities as presented, and accept the grant funds in the amount of \$10,000.00.
9. Peverly Hill Road Complete Street Project Public Comment Summary and Request for Public Necessity Hearing – **On a unanimous roll call 9-0, voted** to schedule a walkabout of Peverly Hill Road on Saturday, April, 3rd at 10:00 a.m. for the public to learn about and see what the possible land taking would be and hold a public necessity hearing on April 19, 2021 during the regular City Council meeting to establish the right-of-way needs for the Peverly Hill Road Complete Street Project.
10. Resolutions to Opt-In to the Great Bay Total Nitrogen General Permit and Draft Intermunicipal Agreement – **On a roll call 7-2, voted** to adopt the Resolution entitled, “Approval to Submit a Notice of Intent to Obtain Coverage under the Great Bay Total Nitrogen General Permit” and the Revised Resolution entitled, “Approval to Enter an Intermunicipal Agreement for Development of an Adaptive Water Quality Management Plan for Great Bay Estuary.” Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor, Trace and Mayor Becksted voted in favor. Councilors Kennedy and Huda voted opposed.

11. Consent Agenda – **On a unanimous roll call 9-0, voted to adopt the Consent Agenda.**

- A. Request for License to Install a Projecting Sign for owner NNE Hospitality Group LLC for property The Puddle Dock Restaurant, LLC located at 66 Marcy Street ***(Anticipated action - move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- B. Request for License to Install a Projecting Sign for owner Henry Pariseau for property Portsmouth Feed Co. located at 22 Market Square Unit 1 ***(Anticipated action - move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- C. Request for License to Install a Projecting Sign for owner Ahmed Beju for property Sineore Cannoli located at 70 Congress Street (***Anticipated action - move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- D. Letter from Ilyse Sirmaian, Portsmouth Babe Ruth, requesting permission for placement of temporary signage at Leary Field during the 2021 baseball season (***Sample motion – move to refer to the City Manager with Authority to Act***)
12. **On a unanimous roll call 9-0, voted** to suspend the rules to continue the meeting beyond 10:30 p.m.
13. Email Correspondence – **On a unanimous roll call 9-0, voted** to accept and place on file.
14. Letter from Larry Cataldo, Citywide Neighborhood Committee, regarding Chervolet Avenue Sidewalk Project – **On a roll call 8-1, voted** to refer to the City Manager for report back. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.
15. Email Correspondence from Bill Watson, NH Department of Transportation, regarding Middle Street Bike Lanes – **On a roll call vote 4-5, motion** to request a report back from City staff regarding a plan to implement the Middle Street Bike Lane changes adopted on March 15, 2021 in a manner compliant with the guidelines expressed by the NHDOT in their e-mail dated March 15, 2021 ***failed*** to pass. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted in favor. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed.

16. Report Back on CIP and Bonding Process as Requested by Councilor Huda at the March 15, 2021 Council meeting – Councilor Huda requested a report back on the percentage of completion for projects started prior to this year.

Councilor Kennedy requested a report back on projects that have been bonded and are still in progress.

17. **On a unanimous roll call 9-0, voted** to enter into a Non-Public Session regarding the Great Bay Total Nitrogen General Permit per RSA 91-A:3 (II) (1).
18. **At 11:20 p.m., on a unanimous roll call 9-0, voted** to adjourn and seal the Non-Public Session minutes.

Respectfully submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk