

TO: KAREN CONARD, CITY MANAGER
FROM: KELLI L. BARNABY, CITY CLERK
RE: ACTIONS TAKEN AT THE PORTSMOUTH CITY COUNCIL MEETING HELD IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS ON MONDAY, JUNE 7, 2021
PRESENT: MAYOR BECKSTED, ASSISTANT MAYOR SPLAINE, COUNCILORS McEACHERN, WHELAN, LAZENBY, KENNEDY, HUDA, TABOR AND TRACE

1. Acceptance of Minutes – May 17, 2021; June 1, 2021; August 18, 2020; September 14, 2020 & September 22, 2020 - Moved to accept and approve the minutes of the May 17, 2021; June 1, 2021; August 18, 2020; September 14, 2020 and September 22, 2020 City Council meetings.

Voted to amend page 5 of the minutes of May 17, 2021 Councilor Huda's response regarding first reading of truck traffic prohibited to read as follows: *Councilor Huda said being a former resident of Dennett Street, she witnessed a tractor trailer turning the wrong way on Woodbury Avenue in traffic which was paralyzing to the area of Dennett Street and Woodbury Avenue for two to three hours.*

Main motion passed as amended.

2. Recognition of Fire Department and Health Department Staff for COVID-19 Vaccination Efforts – Mayor Becksted on behalf of the City Council and City of Portsmouth expressed his sincere thanks and appreciation to Fire Chief Germain and Health Officer McNamara for all they did during the COVID-19 vaccination efforts. Mayor Becksted presented both Fire Chief Germain and Health Officer McNamara with a City of Portsmouth coin.
3. Sustainable Practices Committee Presentation: Community Power – Councilor Lazenby & Portsmouth High School Eco Club – Darla Mahoney and Maya McKinnon – Councilor Lazenby, Ms. Mahoney and Ms. McKinnon provided a presentation regarding community power in the City of Portsmouth.

Voted to suspend the rules to bring forward Item XIII. C.1. – Work Session Regarding Community Power.

Voted to schedule a City Council Work Session regarding Community Power during the summer 2021.

4. Public Comment Session – There were 5 speakers: Jackie Cali-Pitts (Indigenous Peoples' Day); Andrew Bagley (Budget & Face Masks); Zelita Morgan (Thank you to Council for their Leadership); Bill Downey (McIntyre); and Carly Galantia (Mask Mandate).
5. Public Hearing – Recognizing Indigenous Peoples' Day each year instead of what has been typically designated by the State of New Hampshire as Columbus Day – Held a public hearing. Moved to recognize Indigenous Peoples' Day each year instead of what has been typically designated by the State of New Hampshire as Columbus Day.

On a roll call 5-4, voted to amend the motion to add the choice of recognizing Indigenous Peoples' Day or Columbus Day until such time as the State or Federal laws recognize the need for the change for elimination of the current name. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern, Lazenby, and Tabor voted opposed.

Voted to amend the proposed amended motion to change the word "or" to "and". Councilor Huda voted opposed.

On a roll call vote 7-2, voted to amend the motion and strike the State requirement of enabling legislation to celebrate Indigenous Peoples' Day alongside Columbus Day. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor, Trace and Mayor Becksted voted in favor. Councilors Kennedy and Huda voted opposed.

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

6. Reopening of Public Hearing regarding FY22 Budget – Held a public hearing.
7. Public Hearing/Ordinance amending Chapter 3, Article XI, Face Coverings during the COVID-19 Pandemic is hereby Repealed in its entirety – Held a public hearing. Moved to pass second reading.

On a voice vote 1-8, motion to amend the ordinance to eliminate the outside mask requirement but keep the inside mandate until the ordinance naturally ends of June 30, 2020 **failed** to pass. Councilor Tabor voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Trace and Mayor Becksted voted opposed.

On a roll call 8-1, voted to pass second reading of the ordinance. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Councilor Tabor voted opposed.

On a unanimous roll call 9-0, voted to suspend the rules in order to take up third and final reading of the ordinance this evening.

On a unanimous roll call 9-0, voted to pass third and final reading of the ordinance.

8. Public Hearing/Ordinance amending Chapter 7, Article VII Section 7.702 – Trust Traffic Prohibited – Held a public hearing. **Voted** to pass second reading and scheduled third and final reading at the June 21, 2021 City Council meeting.
9. Adoption of Budget Resolution #7-2021 – Municipal Fees – **On a unanimous roll call 9-0, voted** to adopt Resolutions #7-2021 – Municipal Fees.

10. Adoption of Budget Resolution #8-2021 – General Fund Expenditures – Moved to adopt Resolution #8-2021 – General Fund Expenditures.

On a voice vote 1-8, motion to include in the Capital Improvement Plan a placeholder for McIntyre Redevelopment Cost or Settlement of Litigation **failed** to pass. Councilor Lazenby voted in favor. Assistant Mayor Splaine, Councilor McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted opposed.

On a voice vote 1-8, motion to move the Islington Street Phase II Project to Fiscal Year 24 to allow the Resolution of the Contingency Liabilities of the McIntyre Project and the Deer Street Associates versus City of Portsmouth law suit **failed** to pass. Councilor Lazenby voted in favor. Assistant Mayor Splaine, Councilor McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted opposed.

On a voice vote 8-1, motion to adopt Resolution #8-2021 – General Fund Expenditures in the amount of \$123,209,033.00 passed. Assistant Mayor Splaine, Councilor McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.

Department	Appropriation
General Government	\$21,458,910.00
Police	\$12,553,495.00
Fire	\$9,816,421.00
School	\$53,492,241.00
Collective Bargaining	\$108,000.00
Transfer to Indoor Pool	\$150,000.00
Transfer to Prescott Park	\$177,486.00
McIntyre Building Maintenance	\$480,000.00
Non-Operating	\$24,972,480.00
Total	\$123,209,033.00

11. **Voted** to suspend the rules in order to continue the meeting beyond 10:30 p.m.
12. Adoption of Budget Resolution #9-2021 – Sewer Fund Expenditures – **Voted** to adopt Resolution #9-2021 – Sewer Fund Expenditures. Mayor Becksted abstained from voting on this Resolution.
- **Appropriate sum of \$19,269,492.00 to defray expenses for the operations of the sewer system**
 - **Cash requirement of \$21,919,035.00 to defray expenses for the operations of the sewer system**
 - **Sewer user rate effective July 1, 2021 is \$14.89 per unit for the first 10 units of consumption per month, and \$16.38 per unit for all units used thereafter to yield a portion of revenue to meet the cash requirements for the operation of the sewer system**

13. Adoption of Budget Resolution #10-2021 – Water Fund Expenditures – **Voted** to adopt Resolution #10-2021 – Water Fund Expenditures.
 - ***Appropriate sum of \$9,941,953.00 to dray expenses for the operations of the water system***
 - ***Cash requirement of \$10,377,764.00 to dray expenses for the operations of the water system***
 - ***Water user rate effective July 1, 2021 is \$4.40 per unit for the first 10 units of water consumed per month, and \$5.30 per unit of all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the water system***
 - ***Water irrigation user rate effective July 1, 2021 is \$5.30 per unit for the first 10 units of water consumed per month, \$10.00 for consumption over 10 and up to 20 units consumed, and \$12.34 per unit for all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the water system***
14. Adoption of Budget Resolution #11-2021 – Special Revenues, Debt Service Fund, and Committed Fund Balance for Necessary Expenditures – **Voted** to adopt Resolution #11-2021 – Special Revenues, Deb Service Fund, and Committed Fund Balance for Necessary Expenditures.
15. Adoption of Budget Resolution #12-2021 – Investment Policy – **Voted** to adopt Resolution #12-2021 – Investment Policy. Councilors Kennedy and Huda voted opposed.
16. Resignation of John Formella from the Zoning Board of Adjustment – Mayor Becksted announced that John Formella has resigned from the Zoning Board of Adjustment.
17. Appointments to be Considered – The City Council considered the appointments listed below which will be acted upon at the June 21, 2021 City Council meeting.
 - Appointment of Henry Mellynchuck to the Conservation Commission
 - Appointment of Beth Margeson to the Zoning Board of Adjustment
18. Appointments to be Voted – **Voted** to reappoint Richard Adams, Michael Griffin, Peter Loughlin and Dennis Souto to the Trees & Public Greenery Committee until June 7, 2024.
19. Allowing for 60 days instead of 30 days for the payment of parking fees before they are increased due to non-payment – **Voted** to request City Manager Conard and Parking & Traffic Safety Committee to make a recommendation on this item and report back to the City Council in 60 days.
20. PFAS / Playing Fields – **Voted** to refer to City Manager Conard for a response back in 30 days to the City Council.
21. Request to Update Housing Needs Assessment – Councilor McEachern requested a report back to the City Council regarding an update to the Housing Needs Assessment and to look at actual data on what the City takes on in the future.

22. Portsmouth Skateboard Park Fund – **Voted** to set up a designated city fund for the Portsmouth Skateboard Park. This fund will allow individuals and businesses to donate to the city on behalf of the new Portsmouth Skateboard Park.
23. Greenleaf Skateboard Park Event – **Voted** to grant permission for the Mayor’s Blue Ribbon Committee to hold a celebration at the Greenleaf Skateboard Park. The event will occur on National Skateboard Day Monday, June 21, 2021 from 5:00 p.m. to 7:00 p.m. We would like to invite everyone for Pizza, Skateboard Tricks, Prizes and Fun.
24. Creation of Ordinance Re: Independent Audit Committee – **Voted** to create an ordinance that the City of Portsmouth permanently create and maintain an Independent Audit Committee. This Audit Committee will be composed of 5 members, one of whom will be a City Councilor, for the purpose of annually selecting & engaging an independent Certified Public Accounting Firm reporting directly to the City Council in compliance with the City Charter Section 7.4 – Independent Audit and the applicable laws of the State of New Hampshire.
25. Discussion on City Manager & Staff responding to questions from the Council – No action required. City Attorney Sullivan explained in detail the Right-to-Know law regarding communication by the City Council.
26. Approval of Grants/Donations – **Voted** to accept and approve the Grants and Donations as presented.
 - A. Acceptance of Community Development Block Fund Grants (**Sample motion – move to accept and expend a Community Development Block Grant in the amount of \$531,393 from the U.S. Department of Housing and Urban Development**)
 - B. Acceptance of Memorial Bench Donation in Memory of Joe Iudice (**Sample motion – move to approve and accept the donation for a bench in memory of Joe Iudice, as presented**)
 - C. Acceptance of Memorial Bench Donation in Memory of Rus Wilson (**Sample motion – move to approve and accept the donation for a bench in memory of Rus Wilson, as presented**)
 - D. Acceptance of Grant from the NH Department of Safety to the Portsmouth Police Department for Night Vision Equipment (**Sample motion – move to accept and approve the grant for the Police Department from the NH Department of Safety in the amount of \$7,801.75 for night vision equipment**)
 - E. Acceptance of Amended Grant from the NH Office of Highway Safety to the Portsmouth Police Department for FY21 Highway Safety (**Sample motion – move to accept and approve the amended grant for the Police Department from the NH Office of Highway Safety as presented**)
 - F. Acceptance of a Donation of a Baby Gate from Port City Veterinary Referral Hospital to the Portsmouth Police Department’s Animal Control Officer (**Sample motion – moved to accept and approve the donation of a baby gate from Port City Veterinary Referral Hospital as presented**)

27. Proposed Art Donation by Dan Rawling – **Voted** to accept the proposed Portsmouth Peace Treaty commemoration painting, “Victory of Peace Kimono,” by Dustan Knight and display it in City Hall with an appropriate interpretive plaque.
28. Acceptance of American Rescue Plan Act Funds and Request for Related Work Session – **Voted** to schedule a work session on Monday, June 14, 2021 at 7:00 p.m. to assess our community’s needs and to begin creating a plan to expend the Coronavirus State and Local Fiscal Recovery Funds received through the American Rescue Plan Act of 2021.
- City Manager Conard announced that there would be a public hearing on this matter at the June 21, 2021 City Council meeting.
29. Report Back on 900 Middle Road Request for Unmerger of Involuntarily Merged Lots – **Voted** to deny this request as recommended by the Planning Board and the City Assessor.
30. Consent Agenda – **Voted** to adopt the Consent Agenda.
- A. Letter from Bruce Hurley, Seacoast Half Marathon, requesting permission to hold the 16th Annual Seacoast Half Marathon on Sunday, October 31, 2021 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- B. Letter from Lilia Potter-Schwartz, Race to Educate, requesting permission to hold the 6th Annual Race to Educate on Saturday, July 31, 2021 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- C. Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the 13th Annual Seacoast Rotary Turkey Trot 5k on Thursday, November 25, 2021 (***Anticipated action – move to the City Manager with Authority to Act***)
- D. Letter from Michelle Bitterli requesting permission to hold free yoga classes at Prescott Park beginning June 7, 2021 through August 30, 2021 on Monday’s and Wednesday’s at 12:00 p.m. – 12:45 p.m. (***Anticipated action – move to the City Manager with Authority to Act***)
31. Email Correspondence – **Voted** to accept and place on file.
32. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closures of Chestnut Street, 1 lane of Hanover Street between Fleet Street and the Portwalk Garage entrance, and the southern half of Portwalk Place to present a multi-stage outdoor Music Festival on Saturday, September 25, 2021 to benefit the community’s first responders and frontline essential workers - **Voted** to refer to the City Manager with Authority to Act.
33. Letter from Tricia Donohue, Beth Hartnett and Tamara Henderson, Portsmouth Community Garden Steering Committee, requesting permission for the creation of a Portsmouth Community Garden partnership with the City of Portsmouth and require the following support
- Space at the Route 33 city-owned NH Rideshare Lot which has unused, open space with parking, sun exposure and flat topography
 - Extension of the water line to create two water stations at either end of the garden area

- Any additional liability rider to existing city insurance policy to cover this Portsmouth Community Garden

Voted to refer to the Legal Department for report back.

Letter from James Petersen and Mark Stebbins of the BRC to Reopen Portsmouth, and Kathryn Lynch of the BRC on Health, requesting the continuation of the indoor mask mandate when physical distancing cannot be maintained from persons outside one's household/cohort –

Voted to accept and place on file.

34. Miscellaneous/Unfinished Business Including Business Remaining Unfinished at Previous Meeting – Councilor Kennedy asked for a status update on her request for a report back from City Manager Conard on the Sound Barriers and Site Walk at Pannaway Manor and New Franklin School area.
35. Adjournment – **At 11:30 p.m., voted** to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk