

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JULY 11, 2016

PORTSMOUTH, NH  
TIME: 6:00 PM

**COUNCIL PRESENT:** Mayor Blalock, Assistant Mayor Splaine, Councilors Dwyer, Lown, Pearson, Spear, Cyr and Denton

**COUNCIL ABSENT:** Councilors Perkins

**STAFF PRESENT:** Robert Sullivan, City Attorney; and Valerie French, Deputy City Clerk

The following motions were taken in public session in the Eileen Dondero Foley Council Chambers.

A roll call for attendance of City Council members present for the meeting was taken.

**Assistant Mayor Splaine moved to enter into a “Non-Public session regarding Personnel Matters in accordance with RSA 91-A:3, II (a)” to discuss the City Manager’s Evaluation, seconded by Councilor Dwyer.**

Assistant Mayor Splaine stated he wanted to set the precedent of adding the subject of the non-public meeting to the agenda in the future and is pleased that this was a non-public meeting as opposed to a non-meeting. He read an excerpt from an annual memo put out by the Attorney General office regarding of the restrictions of the RSA’s regarding non-public and non-meetings. He stated we need to be more cautious and disciplined when listing meetings as confidential.

**On a roll call 8-0, voted to enter into a “Non-Public session regarding Personnel Matters in accordance with RSA 91-A:3, II (a)” to discuss the City Manager’s Evaluation.**

In Conference Room A, the City Council discussed City Manager Bohenko’s Evaluation.

Adjourned at 6:45 p.m.

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Following the Non-Public Session, an Anticipated “Non-Meeting” with Counsel was held regarding Collective Bargaining Negotiations, in Accordance with RSA 91-A:2, I (b).

### **I. CALL TO ORDER (7:00PM)**

Mayor Blalock opened the meeting at 7:05 p.m.

### **II. ROLL CALL**

Members Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins (arrived at 8:45 p.m.), Dwyer, Lown, Pearson, Spear, Cyr and Denton

### **III. INVOCATION**

### **IV. PLEDGE OF ALLEGIANCE**

Mayor Blalock led the Pledge of Allegiance.

## **PRESENTATION**

### 1. Senior Services Update – Brinn Chute, Senior Services Coordinator

Senior Services Coordinator Brinn Chute thanked members of the Senior Services Sub-Committee and others for their support of the Department and Senior Center. She then gave a brief power point presentation on current senior services activities and the need for more space. She concluded by inviting everyone to attend the free cookout on July 28, 2016 to celebrate their second anniversary.

Mayor Blalock commended Ms. Chute on her enthusiasm and stated the senior citizens of Portsmouth are lucky to have her.

Councilor Spear asked if there has been any pushback resulting from their using other parts of Community Campus other than what they are designated.

Ms. Chute stated no, they have all been very cooperative and very welcoming, but the current space was meant to be temporary and they have been there for 2 years already and there are other groups looking to use the space. She stated there have been beneficial multi-generational interactions with the children and the gardens.

Councilor Spear stated that he understands that the space is too small, but feels that the current multi-generational aspect is important and now that a school and ball fields are being built in that area, there may still be an opportunity for them to stay there.

Ms. Chute stated that Assistant City Manager Moore has had discussions regarding that possibility but nothing has come of it at this point.

Councilor Cyr stated he has served on the senior sub-committee and commends them for their work. He continued that the space is located on a long and winding road and is not an ideal location and not enough space.

Councilor Denton referred to Ms. Chute's statement regarding naming rights of the new center and cautioned against a contest citing a recent unfortunate naming of a boat.

Councilor Dwyer asked if there is anything new with the Doble Center.

City Manager Bohenko stated he has been in touch with the Dept. of Defense and it is being transferred by the Army Corp of Engineers so we hope to have it by early 2017. He reviewed the previous issues that had occurred and that a 2 year extension had been granted to make sure we have enough time to do it right. He stated there will probably be a building committee appointed when it comes back before the Council.

Councilor Dwyer asked if there are resident/non-resident fees and rules.

Ms. Chute stated that there is a specific plan for future use, but currently there is no charge because they want people to come and utilize the facility and services without any barriers. She stated that they will establish a fee schedule including resident and non-resident in the future.

## **V. ACCEPTANCE OF MINUTES – JUNE 6, 2016 AND JUNE 20, 2016**

**Councilor Lown moved to accept the minutes of June 6, 2016 and June 20, 2016, seconded by Assistant Mayor Splaine.**

Councilor Spear stated for informational purposes that 2 court cases which had both come back in favor of the City of Portsmouth, quoted excerpts from meeting minutes.

Councilor Denton asked that page 5 on the June 20<sup>th</sup> meeting minutes be amended.  
Councilor Dwyer asked that Page 4 on the June 6<sup>th</sup> meeting minutes be amended.

**Main motion passed as amended.**

## **VI. PUBLIC COMMENT SESSION**

Mayor Blalock opened the public comment session stating that due to the number of speakers, comments should be kept to 2 minutes each in order to keep within the 45 minutes time limit per City Council Rules and Orders.

Rick Horowitz – spoke in favor of using barges for at least part of the Peirce Island WWTF project due to the weight of the trucks, the noise and visual impacts, as well as the gridlock that will be caused especially when the Memorial Bridge is open.

Beth Margeson – spoke in favor of using barges for at least part of the Peirce Island WWTF project. She stated the trucks will have to travel by many businesses and the construction will have an economic impact.

Paige Trace – spoke in favor of using barges for at least part of the Peirce Island WWTF project. She stated that the City has represented the barges to be too costly and only to appease south end residents, but feels without the barges the businesses will not survive and that it is a potential safety hazard for the fire department to get through the construction.

Cathy Baker – spoke in favor of using barges for at least part of the Peirce Island WWTF project. She stated that all reasonable safety precautions should be taken by the city to avoid the city being held responsible for accidents that will happen.

Roy Helse – spoke against adding commercial space and artwork to the new parking garage.

Bob Shouse – asked the Council to consider the barging option only if it does not add to the sewer rate. He also stated that in light of the title issues with the Deer Street lot, we should reconsider the Worth Lot.

Richard Grenier – representing the Town of Gilford regarding the recent reconsideration of the Fire Boat transfer – stated that he feels that the vote to reconsider should have been tabled until they were notified, which to date, they still have not received any letter from the City of Portsmouth. Finally, he stated that the boat would have been used to its highest purpose guarding 13 islands and not just as a spare pumper.

Lida Clough – stated she has attended events in Prescott Park for many years but recently has had conflict with Mr. Anderson, Mr. French and Mr. Kelly who she feels have misrepresented her comments in a Letter to the Editor.

Arthur Clough – stated that he and his wife have a mutual friend, Mark Brighton, and when his wife went down to Prescott Park handing out the “famous” passes it caused a backlash from the Arts community.

Mark Brighton – stated we need to do away with “NIMBY” thinking and deal with the current issues realistically.

Pat Bagley – spoke in favor of using barges for at least part of the Peirce Island WWTF project stating that this isn’t just a south end problem but a quality of life issue.

Valerie Rochon – President of the Greater Portsmouth Chamber of Commerce – thanked the Council for due diligence in going forward with the second parking garage and urged them to continue the process so that it happens within months and not years.

Dick Bagley – spoke in favor of using barges for at least part of the Peirce Island WWTF project stating we look to our leaders to do the right thing.

Jane Nelson – spoke in favor of using barges for at least part of the Peirce Island WWTF project stating the impact on the infrastructure and businesses in downtown will be great and feels that barging should have been part of the decision making process from the beginning.

Judy Capobianco – spoke in favor of using barges for at least part of the Peirce Island WWTF project stating she is worried about the safety of children and the trucks blocking downtown traffic.

David Rheume – asked the Council not to go forward with the vote on the GSA services relocation until the neighbors have had a chance to speak as this is a different plan that what was presented at the Charrette.

Jane Zill – spoke in favor of using barges for at least part of the Peirce Island WWTF project. She also feels that Peirce Island would make a wonderful site for an amphitheater for the Arts Festival and asked if it is really too late. She concluded asking why the PDA said no to the Pease location and that the questions about the water use of the Golf course need to be answered.

Jane Kilcoyne – spoke in favor of using barges for at least part of the Peirce Island WWTF project stating she has served on Councils and Boards and understands the process of decision making but feels that the decision to use barges should be reconsidered or the repercussions of not doing so will be felt for years.

Esther Kennedy – stated she is concerned with transparency and that no neighborhood meetings have been held regarding the truck route during the Peirce Island reconstruction. She presented an article to the Council regarding Methuen Construction work in another town.

Paul Mannle – spoke in support of the bonding resolutions and asked that some of the resulting savings be spent on solar powered speed signs, barging and the implementation of the Prescott Park Master Plan. He concluded stating that he attended a meet and greet concerning the Subaru Garage near Farm Lane stating that he learned that plans have been in the works for 2 months but the neighbors had not been notified and it wasn’t mentioned at the Ward 3 meeting recently held.

## VII. PUBLIC HEARINGS

- A. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO SIX MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$6,850,000.00) FOR COSTS RELATED TO FISCAL YEAR 2017 CITYWIDE STREET, SIDEWALK AND FACILITY IMPROVEMENTS

Mayor Blalock read the public hearing notice and opened the public hearing:

Charles Siefried – spoke on behalf of PACE which is a group that supports the multi-recreational field at the “stump dump” stating this will benefit all citizens. He concluded by asking the group of supporters in attendance in the audience to stand and be recognized.

Tony Coviello – spoke as a member of PACE stating they recently had a meeting with staff that was very informative and continued that this field will double the field capacity. He stated that the current fields are in constant use and another turf field will be an incredible asset for future generations. He concluded stating that the PACE group would like some guidance as to how to raise money to bridge the gap of approximately ¼ million dollars for the lighting, restrooms, concessions, etc. and have thought about selling naming rights and are wondering if there is a policy already in place.

Seeing no one else wishing to speak, Mayor Blalock closed the public hearing.

- B. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$2,250,000.00) RELATED TO WATER LINE REPLACEMENTS, WATER SYSTEM PRESSURE AND STORAGE IMPROVEMENTS

Mayor Blalock read the public hearing notice and opened the public hearing. Seeing no one, Mayor Blalock closed the public hearing.

- C. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO THREE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$3,400,000.00) FOR COSTS RELATED TO SEWER LINE REPLACEMENTS, PUMPING STATION UPGRADES AND GOOSE BAY DRIVE SEWER LINE

Mayor Blalock read the public hearing notice and opened the public hearing. Seeing no one, Mayor Blalock closed the public hearing.

**Assistant Mayor Splaine moved to suspend the rules to bring forward City Manager Item XII.A.3. for consideration. Seconded by Councilor Spear and voted.**

3. Peirce Island Wastewater Treatment Facility Re: Barging Bid Alternate

City Manager Bohenko introduced Public Works Director Peter Rice, City Engineer Terry Desmarais, Deputy City Attorney Suzanne Woodland and Deputy Public Works Director Brian Goetz to give a brief presentation of the barge alternatives bid options. He stated that Don Shelton of AECOM will also be addressing the Council. He further explained that if the Council

chooses to go with one of the alternatives, then a public hearing would need to be held on a resolution for the additional bonding that would be required.

City Engineer Desmarais gave a brief power point presentation (*available upon request*). He stated there have been 48 meetings held to date regarding the Wastewater Treatment Facility construction project. He continued that a joint work session was held in April 2016 and a safety consultant review conducted which focused on pedestrian safety and segregation from construction traffic with recommended actions. He stated that the Council voted on March 14, 2016 to direct the City Manager to develop one or more bid alts for the Peirce Island Wastewater Treatment Facility Upgrades for the delivery and removal of equipment and materials by water and 4 alternative bids are outlined.

Don Shelton reviewed the various bid alternative options to include barging of the companies that submitted bids. He explained that permits will be required by regulatory agencies and there is no way of knowing how long those will take and therefore, there will still have to be truck traffic, intersection modifications etc. until the permits are received. He continued that the costs included in the bids are also just the associated costs for the contractors and doesn't include the permitting costs and any miscellaneous expenses that may occur. He concluded by stating that his company usually does not offer an opinion but because of the tension this is causing, they would advise not to include the barging because it will add a significant costs.

City Engineer Desmarais continued the presentation reviewing the barging considerations stating there would be an overlap in construction and permitting; engineering and coordination issues; potential natural resource mitigation; increased risk profile and increased costs. He stated that they would need an additional \$2 million as a contingency for the unknowns. He further reviewed the Construction Access routes and estimated traffic volume without barging. He concluded stating that the staff recommendation is to approve award of contract to low bidder without barging and to continue mitigation of construction impacts.

Councilor Pearson asked if a different truck route has been considered such as Route 33 to South Street/Junkins Avenue to downtown. City Engineer Desmarais stated no.

Assistant Mayor Splaine asked if we are confident that all 3 companies will meet expectations and able to meet deadlines and which companies use union employees. Engineer Desmarais stated that there was a lengthy pre-qualification process and all 3 companies pre-qualified. He stated that we did not make union employees a part of the bid process.

Councilor Dwyer asked what the effect on the sewer rate would be if we added the barge alternative. City Manager Bohenko referred to the amortization schedule and asked Finance Director Belanger to address the Council.

Finance Director Belanger explained that Alternative 1 (50% barging) and the addition \$2 million contingency would be approximate 41 cents on the average user and more for restaurants and larger companies.

**Councilor Spear moved to authorize the City Manager to proceed with the bid award to Methuen Construction for the Wastewater Treatment Facility upgrade on Peirce Island without any barging alternative, seconded by Councilor Perkins.**

Councilor Spear stated that this is a complex issue and adding to the complexity is the challenges of the river itself where there have been incidents in the past. Secondly, he stated that as City Councilors they are asked to keep the tax rate down and also the sewer rate. He

stated we are already increasing the sewer rate with this project and we do have a program in place for those who cannot afford it, but we need to keep it affordable for everyone. Finally, he stated that the numbers are so big it is hard to appreciate what they mean, but we have a community group looking to fundraise to finish the ball field and we could use some of the money for barging to finish that or towards the senior center, etc. He stated that 5 years down the road we won't be able to point to where this additional money went.

**Assistant Mayor Splaine moved to amend by adding "including Barge Bid Alternative I" to the end of the motion, seconded by Councilor Denton.**

Assistant Mayor Splaine stated that this amendment will delay action for 21 days and gives another opportunity for public comment. He stated this motion was passed in March and there hasn't been an opportunity for a lot of dialogue including barges and we need to slow down and let the public be heard. He stated we are not likely to revisit the location but he does like the idea of the amphitheatre on Peirce Island as mentioned during public comment.

Councilor Denton stated he doesn't like the idea of increasing the sewer rate even more, but is in favor of another public hearing.

Councilor Dwyer stated she is interested in the 50% alternative but doesn't want to delay because there is nothing more costly than delays.

Assistant Mayor Splaine asked for clarification from City Manager Bohenko regarding the required public hearing. City Manager Bohenko stated that if the amendment passes, then it should be tabled until after the public hearing on the bonding resolution for the additional funding.

Councilor Lown stated he agrees there are perils with any delay. He stated he appreciates the passion of what people feel will be ruinous of the neighborhood but if he felt this was the case, he would be in favor to barge, but he doesn't feel it will come to pass. He continued that we have to weigh the cost of this to all ratepayers and although he was in favor of looking into the option of barging, he feels he can now make an informed decision and is not in favor.

Councilor Perkins stated she is also against the amendment and feels we should trust the staff expertise and the benefit is not substantial enough.

Councilor Pearson stated she also wanted to get the information on barging alternatives and had an open mind to the option, but is concerned because we don't even know that we can use the port. She stated she would like to revisit the truck routes.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock stated he wanted to use barges but is surprised by the cost of even the 50% option and agrees with Council Pearson that not knowing the availability of the port due to the bridge construction is a concern. He stated we could use the money for other projects and agrees that people look to the Council to make the hard decisions and keep rates down. He stated he cannot justify 4-7 million dollars to reduce some of the traffic, which will be controlled, and he apologizes to the South end residents.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Cyr stated he is in favor of the amendment as we have heard from some residents but not the community as a whole and would like to give them the opportunity.

Councilor Dwyer agrees that it will be good to have a public hearing.

**Motion to adopt as amended passed on a 5-4 roll call vote. Assistant Mayor Splaine, Councilors Dwyer, Pearson, Cyr and Denton voted in favor. Mayor Blalock, Councilors Perkins, Lown and Spear voted opposed.**

**Councilor Lown moved to table until August 1, 2016 City Council meeting. Seconded by Assistant Mayor Splaine and voted.**

**Assistant Mayor Splaine moved to authorize the City Manager to establish a public hearing on August 1, 2016 for a resolution authorizing a bond issue or participation in the State Revolving Loan Fund to borrow up to 7 million dollars for Wastewater Treatment Facility Improvement. Seconded by Councilor Cyr and voted.**

*Recess/Reconvened 9:45 – 9:55 p.m.*

## **VIII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Emergency Management Performance Grant Agreement

**Councilor Cyr moved to accept the Emergency Management Performance Grant Agreement Terms, as presented, and further, authorize the City Manager to execute the Agreement. Seconded by Councilor Lown and voted.**

## **IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Annual Omnibus Ordinance Change, Parking and Traffic

**Assistant Mayor Splaine moved to pass first reading and schedule second reading and a public hearing on the proposed Ordinance at the August 1, 2016 City Council meeting, as presented, seconded by Councilor Dwyer.**

Councilor Denton asked if residents of affected areas are notified of the proposed changes.

Councilor Spear clarified that the changes are already in place as pilot programs from Parking and Traffic Safety Commission and the ordinance is finalizing the changes.

**Motion voted.**

- B. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Six Million Eight Hundred Fifty Thousand Dollars (\$6,850,000.00) for Costs related to Fiscal Year 2017 Citywide Street, Sidewalk and Facility Improvements

**Assistant Mayor Splaine moved to adopt a Bond Resolution for FY17 Citywide Street, Sidewalk and Facility Improvements in the amount of up to \$6,850,000, seconded by Councilor Lown.**



Councilor Spear referred to the public hearing speakers from PACE and asked if we know how much the amenities are going to be that they are looking to raise funds and also if we could explain the policy on naming rights.

City Manager Bohenko stated that these items were to be addressed next year as a part of the larger complex and that would be the appropriate time to discuss the name of the park and not individual ball fields.

Councilor Dwyer stated we are talking about to different things; the naming rights is a bigger issue and the smaller aspects would be sponsorship opportunities. She stated there needs to be direction for both instances.

City Manager Bohenko stated when the project goes out to bid he will add the different alternatives including lighting, concession stands, restrooms etc. and then see what we can accomplish with the funding on hand, and if not, then the community can fund raise. He clarified that when the library was built we didn't name the whole building after one person, but instead did room by room.

Councilor Denton asked about the Elwyn Park sidewalk project being moved up.

Deputy Finance Director Purgiel stated the \$98,000 was originally in FY 20 and has been moved up to FY18.

**Motion passed on a 9-0 roll call vote.**

- C. Adoption of Resolution Authorizing a Bond Issues and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000.00) related to Water Line Replacements, Water System Pressure and Storage Improvements

**Assistant Mayor Splaine moved to adopt a Bond Resolution for FY17 Water Line Replacements, Water System Pressure and Storage Improvements in the amount of up to \$2,250,000, seconded by Councilor Cyr. Motion passed on a 9-0 roll call vote.**

- D. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Three Million Four Hundred Thousand Dollars (\$3,400,000.00) for Costs related to Sewer Line Replacements, Pumping Station Upgrades and Goose Bay Drive Sewer Line

**Councilor Lown moved to adopt a Bond Resolution for FY17 Sewer Line Replacements, Pumping Station Upgrades and Goose Bay Drive Sewer Line in the amount of up to \$3,400,000, seconded by Assistant Mayor Splaine. Motion passed on a 9-0 roll call vote.**

- E. Third and final reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance - West End Zoning

**Councilor Perkins moved to pass third and final reading of the proposed Ordinance, as presented at the City Council meeting of July 11, 2016. Seconded by Councilor Dwyer and passed on an 8-1 vote. Assistant Mayor Splaine voted opposed.**

**X. CONSENT AGENDA**

**Councilor Cyr moved to adopt the Consent Agenda as presented. Seconded by Councilor Spear and voted.**

- A. Letter from Emily Christian, National Multiple Sclerosis Society, requesting permission to hold the 2016 Bike MS NH Seacoast Escape on Saturday, August 27, 2016 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Jenelle Dolan, March of Dimes, requesting permission to hold the 2017 Seacoast March for Babies in Portsmouth on May 6, 2017 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Abigail Wiggin, Portsmouth Halloween Parade, requesting permission to hold the 22<sup>nd</sup> Annual parade on Monday, October 31, 2016 (***Anticipated action – move to refer to the City Manager with power***)
- D. Bayring - Petition and License for Underground Cable and Conduit Location on Ladd Street (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)

#### **XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Lafayette Place, Tenants in Common, requesting to initiate the process of transferring ownership of the service road adjacent to facility at 1900 Lafayette Road to the City of Portsmouth

**Assistant Mayor Splaine moved to refer to the Public Works Department for report back. Seconded by Councilor Perkins and voted.**

#### **XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

##### **A. CITY MANAGER**

- 1. McIntyre Property

Deputy City Manager Puff gave a brief update on the progress to date stating that there are still questions but a first step is needed.

City Manager Bohenko stated that the recent work session held on this subject covered everything to this point and asked the Council to move forward with the motion to endorse City's continued pursuit of a public private partnership for redevelopment of the McIntyre site and construction of a new Federal facility on the proposed Bridge Street lot.

Councilor Spear stated that he feels this requires a lot of conversation and that a lot of people do not know what is going on with this and would like to postpone it to the August 1<sup>st</sup> Council meeting and schedule a public input session.

Assistant Mayor Splaine stated he agrees with that but feels that it should be either August 15<sup>th</sup> or September 6<sup>th</sup> meeting.

**Councilor Spear moved to postpone action to August 15, 2016 City Council meeting and further, to schedule and advertise a public input session on the proposed move of GSA to Bridge Street lot or other location for redevelopment of the McIntyre property, seconded by Assistant Mayor Splaine.**

Councilor Dwyer stated she doesn't want the location limited to Bridge Street lot and the mover and seconder agreed.

**Motion passed.**

2. Proposed Use of Tax Increment Financing Redevelopment of the McIntyre Area

City Manager Bohenko stated that Councilor Dwyer had suggested the TIF and feels that it makes sense for the entire area and not just the McIntyre property. He stated it will not happen over night and it will come back to the Council for various phases.

**Councilor Lown moved to incorporate Tax Increment Financing as part of the redevelopment of the McIntyre area and to authorize the City Manager to take the necessary steps to implement this process. Seconded by Councilor Spear and voted.**

3. Peirce Island Wastewater Treatment Facility Re: Barging Bid Alternate (Action taken previously)
4. 165 Deer Street Re: Ratification of Purchase & Sales Agreement

City Attorney Sullivan explained that the negotiations have been ongoing and we are close to resolving the outstanding issues. He continued that the one that has not been totally resolved is the title issues with the railroad, but feels that we are close enough that it should continue.

**Councilor Lown moved that the City Council ratify its action of April 18, 2016 and reiterate the authority of the City Manager to negotiate and execute the Purchase & Sale Agreement, Post Closing Obligation Agreement and all related agreements and documents with Deer Street Associates necessary to bring about the acquisition of the municipal parking garage site on Deer Street within 30 days, subject to the City receiving marketable title in the City's judgment to that property free and clear of all restrictions, easements and covenants of any kind, in particular those held by the railroad, seconded by Councilor Spear.**

Councilor Lown explained that he has placed a 30 day time limit in the motion but he is not trying to kill the deal. He stated he is a member of the working group and they recently had a lengthy meeting with Counsel. He continued that the real estate conveyance is not satisfactory to us, the buyer, the title is not clear and therefore, it is not insurable. He stated that there are 10 rights and covenants held by the railroad and some are potential problems so we have to protect the taxpayers and minimize possible claims brought in the future with the construction of the garage. He stated that the sellers feel that these are issues that can be settled after closing and are willing to indemnify the city up to \$75,000.00, which may be enough, but we don't know that and feels that we should be able to settle this within 30 days.

City Manager Bohenko stated that there have been 3 issues that he has wanted addressed right from the beginning; environmental; leases of property and release of covenants by the railroad which we are very close but not completed. He stated he is uncomfortable moving forward without these being done.

**Assistant Mayor Splaine moved to suspend the rules to allow Kim Rogers of Deer Street Associates to address the Council, seconded by Councilor Dwyer and voted.**

Kim Rogers stated that all property transfers have issues and feels that there should be some flexibility in resolving the outstanding issues. He stated that 30 days may not be enough depending on whether State approval will be required and then it will be at least 60 days.

Councilor Lown stated this is a fair comment and he would be willing to extend it to **35 days** which would be the August 15, 2016 City Council meeting date, seconder agreed.

Councilor Dwyer stated it is important not to undermine the credibility of the process because of what was printed in the local newspaper recently.

**Main motion passed as amended.**

**Informational items**

1. Events Listing
2. Seacoast Public Health Network
3. Report Back Re: Bicycles in City Parks
4. Report Back Re: Veterans of Foreign Wars Location

City Manager Bohenko stated that regarding the VFW relocation on city property, there are no city-owned properties that are available for that purpose but we are willing to work them to find potential private property locations. Councilor Denton stated they will take him up on that offer.

**B. MAYOR BLALOCK**

1. Appointments to be Voted:
  - Reappointment of Joseph Almeida to the Historic District Commission
  - Appointment of Jim Lee to the Zoning Board of Adjustment as a regular member
  - Appointment of John Formella to the Zoning Board of Adjustment as an alternate member

**Councilor Cyr moved to reappoint Joseph Almeida to the Historic District Commission, term to expire June 1, 2019; Appoint Jim Lee (current alternate) as a regular member of the Zoning Board of Adjustment, filling unexpired term of David Witham to December 1, 2017; and appoint John Formella as an alternate to the Zoning Board of Adjustment, filling unexpired term of Jim Lee to December 1, 2018. Seconded by Councilor Lown and voted.**

2. Resignation of Bob Cook from the Sustainable Practice Blue Ribbon Committee

**Councilor Denton moved to accept the resignation of Bob Cook from the Sustainable Practices Blue Ribbon Committee with regret and appreciation of his service. Seconded by Councilor Lown and voted.**

### **C. COUNCILOR PERKINS**

1. Housing Committee: Mid-Point Update

Councilor Perkins gave a brief update of the Housing Committee activities to date stating they received a lot of quality feedback from the recent public input session.

Mayor Blalock stated he has been very impressed with this committee and feels there will be a lot of fruit borne as a result of their work.

### **D. COUNCILOR SPEAR**

1. City Manager's Evaluation

Councilor Spear gave a brief statement of the City Manager's evaluation praising his work and dedication to the City of Portsmouth.

Assistant Mayor Splaine stated that he has been involved in the hiring of several City Manager's over the course of his various terms as City Councilor and feels that Mr. Bohenko is on par and in the tradition of City Manager Cal Canney.

City Manager Bohenko thanked everyone for their praise and kind words.

**Councilor Spear moved to authorize the Evaluation Committee to consider City Manager Bohenko's contract and report back to the City Council. Seconded by Councilor Lown and voted.**

**Councilor Lown moved to suspend the rules to allow the meeting to go past 10:30 p.m. Seconded by Councilor Perkins and voted.**

### **E. COUNCILOR CYR**

1. Transportation Services Ordinance

Councilor Cyr stated that the Transportation Services Commission is looking for guidance as to how to proceed now that the "Uber" legislation has passed and will be administered by the State. He stated it did not address Taxis and there is still a disparity between requirements of background checks, insurance requirements, enforcement etc.

Councilor Dwyer stated that a Work Session should be held.

Mayor Blalock stated he agrees and he and City Manager Bohenko will come back with a date.

Assistant Mayor Splaine suggested that Councilor Cyr review the past meetings that the "Uber" issue was discussed. He stated that the possibility of sunseting the Commission should be considered as well and let the police department enforce the law.

Councilor Cyr asked that the Transportation Services Commission be invited to attend the Work Session as well.

**F. COUNCILOR DENTON**

1. Great Bog Dog Off-Leash Area

**Councilor Denton moved to have the City Manager report back on what would be required to make improvements to the Great Bog Dog Off-Leash Area or open a different Dog Off-Leash Area prior to the Peirce Island Dog Off-Leash Area temporarily closing for the Peirce Island Wastewater Treatment Plant upgrades, seconded by Assistant Mayor Splaine.**

Councilor Spear asked what improvements need to be made as it is already an existing off-leash area.

Councilor Denton suggested new paths, better trash receptacles, etc. to bring it to the same levels as the Peirce Island Park.

Councilor Dwyer stated that the Conservation Commission has a program of stewardship over 90 different parcels of undeveloped land and suggested getting input from them for suggested areas.

**Motion passed.**

**VII. MISCELLANEOUS/UNFINISHED BUSINESS**

**VIII. ADJOURNMENT**

**Councilor Spear moved to adjourn at 10:55 p.m. Seconded and passed unanimously.**



Valerie A. French  
Deputy City Clerk