

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 12, 2019

PORTSMOUTH, NH
TIME: 7:00PM

At 6:15 p.m., An Anticipated Non-Public Session was held in accordance with RSA 91-A:3, II (a) regarding Collective Bargaining for the Police Patrolman's Union, Police Civilian Employees Association, Portsmouth Police Ranking Officers and Police Chief Salary Adjustment.

I. WORK SESSION

There was no Work Session this evening.

II. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:00 p.m.

III. ROLL CALL

PRESENT: Mayor Blalock, Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Becksted

IV. INVOCATION

Mayor Blalock asked everyone to join in a moment of silent prayer.

V. PLEDGE OF ALLEGIANCE

Mayor Blalock led in the Pledge of Allegiance.

PRESENTATION

1. Keno & Sports Betting, Kelley-Jaye Cleland, NH Lottery Director of Sales and Product Development

Ms. Cleland provided an overview of the approval to allow Keno in New Hampshire. She reported that Keno was launch in December of 2017 and runs from 11:00 a.m. – 1:00 a.m. in the 191 locations for which it has been voted upon by the municipality to allow the game. She explained that no issues have been reported in the municipalities that hold the game. She indicated that retailers are pleased with the game and its operations.

Councilor Denton asked if Portsmouth could only allow Keno by non-profits. Ms. Cleland said no. ‘

Ms. Cleland also stated there is little to report on Sports Betting in New Hampshire. Mayor Blalock stated we are not dealing with Sports Betting this evening.

Ms. Cleland advised the City Council that Rochester, Keene, Dover and Concord will have the Keno question on their ballot in November.

Assistant Mayor Lazenby said he would suspend the rules to bring the vote forward after the Public Comment Session is held.

VI. ACCEPTANCE OF MINUTES – JULY 15, 2019

Councilor Pearson moved to accept and approve the minutes of the July 15, 2019 City Council meeting. Seconded by Councilor Roberts and voted.

Assistant Mayor Lazenby moved to suspend the rules to take up Items XIII. A.1. – Request for Approval of Agreement between the Portsmouth School Board and Association of Portsmouth Teachers, XV. C. – Redevelopment Proposal for the McIntyre Project from Carlisle Capital, XI. B.1. – Resolution/Certificate of Authority to Apply to Acquire the Thomas J. McIntyre property for Historic Monument Purposes and XI. B.2. – Vote to Authorize the City Manager to Enter into a Development Agreement with SoBow Square, LLC following the Public Comment Session. Seconded by Councilor Becksted and voted.

VII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

There are no Recognitions and Volunteer Committee Reports this evening.

VIII. PUBLIC COMMENT SESSION

Jennifer Pearl stated she supports the Redgate/Kane Project.

George Remick said Portsmouth needs Keno and feels that the voters should make the decision.

Katie Mederios said the McIntyre Project has been a long and thoughtful process. She stated the project must move on. She spoke to the financial aspects of the project and recommended the City Council support Redgate/Kane.

Michael Griffin spoke in support of a question on the ballot to allow Keno in Portsmouth. He said revenues from Keno come back to the community and that the Redgate/Kane is a win, win proposal and in the best interest of the City.

Andrew Fleisher said he supports what is best for the City, which is the Redgate/Kane Project. He said the proposal will make downtown the continued jewel that it is.

Bob Marchewka said that the McIntyre Project is a difficult decision for the City Council. He said the Redgate/Kane Project is no money spent up front by the City and the City will be part of profit share.

Jill McFarland thanked the City Council for their due diligence on the McIntyre Project. She feels the City is open to the process.

Bernie Mulligan spoke in favor of the McIntyre building but is opposed to the Redgate/Kane project. He said the post office should remain at the McIntyre building. He spoke in support of the Binnie proposal and urged the Council to consider it.

Eli Sokorelis spoke in support of placing the Keno question on the ballot. He said he owns an establishment in Seabrook and Keno is very popular. He said Portsmouth should allow the game.

John Mikolocyk spoke in support of Keno in Portsmouth and placing the question on the November ballot.

Sean Sullivan spoke in favor of having Keno in the City. He said it is important to let the people in the City speak and to place the question on the ballot.

Bill Binnie asked the City not to do the Redgate/Kane project. He spoke to his proposal for the McIntyre building and said he is one of the biggest developers in New Hampshire. He said he could do his project at a fraction of the cost of Redgate/Kane.

Paul McEachern said he has read the items of Redgate/Kane project and it does not provide meaningful open public space in the City. He said this will get a clinical judgement in November in the ballot box.

Peter Weeks said the City Council has done yeomen's work on the project. He said Mr. Binnie can do the project he has submitted. He asked the Council not to forward the project application to the National Park Service with the Redgate/Kane Project. He stated there is no deadline to vote on the project this evening.

Paige Trace spoke in favor of Mr. Binnie's proposal. She requested that the City Council exercise the power that people gave them when they were elected to the Council. She recommended that the Council give Mr. Binnie time to present his proposal to the City Council. Ms. Trace said the Council needs to do what is right for future generations.

Deaglan McEachern asked the City Council not to submit the application to the National Park Service. He said the plan can be amended at any time and the Council should consider the plan with a preferred partner. He said the Redgate/Kane Agreement is not in the best interest of the City.

Michael Simchik said the Binnie Proposal demands your review. He said the post office should remain at the site and a clause should be inserted that no hotel would be put in the building.

Tim Montminy thanked the City Council for their work on the McIntyre project. He said Mr. Binnie's plan needs lots of permits and permissions. He said the intent of submitting this plan is to notify the City of a future lawsuit.

Martha Fuller Clark said it is disappointing that the City Council will not consider Mr. Binnie's proposal. She stated the plan is more accommodating to returning the post office to the downtown. She said there cannot be any more large buildings built in the heart of our downtown.

Johanna Soris spoke on handicapped parking availability at the McIntyre building. Mr. Binnie's proposal is for 100 parking spaces. She requested that the City Council vote to pause on this matter.

Christina Lusky said the vote should be postponed and that the Binnie Proposal needs more review. She requested that the City Council not push through the Redgate/Kane plan.

Jeffrey Cooper said the City should let the people decide on this matter. He said the Council is elected to represent the people and this is the time to listen to the people. He said he does not like the Redgate/Kane project and more input needs to be held for the public.

Esther Kennedy asked if there was going to be surety bond, what will happen to the historic building, is it true that Assistant Mayor Lazenby had the motion drafted after the last Council meeting. She said the question regarding the McIntyre should be placed on the ballot.

Aaron Jones spoke in favor of the operations of Keno and would like the question on the ballot in November.

Peter Somssich asked the City Council to give time and consideration to the Binnie plan. He said Mr. Binnie's plan provides more benefit and financial redeveloping businesses into the building. He said the McIntyre project has torn the City apart and we need to bring people together.

Paul Lessard spoke in support of Keno and having the question placed on the ballot.

Paul Mandle said the public benefit before the current City Council is not enough and there needs to be more provided in financial gain for a 75 year lease on 2 acres downtown.

Bill Downey said he was here on June 26, 2016 and spoke on the GSA and National Park Service and it is unfortunate that we are at this spot, and it is a real failure. He stated he holds the City and City Council responsible because there is a failure to understand. Mr. Downey urged the Council to do the right thing.

Fernando Amato, Seabrook resident, said he has followed the project for a long time and spoke in support of the Redgate/Kane Proposal. He said the process has been thoughtful and it is important to follow someone that is passionate.

Scott McQuade, Rye resident, spoke in support of the Redgate/Kane Proposal.

KENO Vote

Assistant Mayor Lazenby moved that the following referendum question be placed on the ballot for the regular municipal election to be held on November 5, 2019;

Shall we allow the operation of KENO games within the City of Portsmouth?

Further, that a public hearing be held by the City Council on the question at least 15 days but not more than 30 days before the question is to be voted on and that the public hearing be noticed as required by RSA 284:51. Seconded by Councilor Pearson.

Councilor Denton asked if the Council is voting to place the question on the ballot, then you would need to establish a public hearing.

Assistant Mayor Lazenby asked should we speak about a public hearing as part of the motion. City Attorney Sullivan said you should do it all at once.

Councilor Dwyer asked what the purpose of the public hearing is. City Attorney Sullivan said it is to bring the matter to the attention of the voters.

Councilor Pearson said the last time there was no interest in having the question on the ballot, however many came to a Public Dialogue Session to have the question placed on the ballot, therefore she supports the motion.

Councilor Denton said back in January and February he advised the establishment to please get the signatures to have the question on the ballot but at this point, they need the City Council's help to get the question on the ballot.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said he does not want to have the question on the ballot.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Dwyer said there was no interest in the last municipal election to have the question on the ballot. She said she does not feel that voters will vote to have keno but does not feel it is a viable strategy.

Motion passed.

XIII. CITY MANAGERS ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER

1. Request for Approval of Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers

City Manager Bohenko said the School Board has successfully negotiated a contract with the Association of Teachers. He said the contract has been reviewed by the City Council and there is a letter outlining the items of the contract that have changed. He indicated the information has been posted on the website and recommends adoption of the contract through June 30, 2022.

Assistant Mayor Lazenby moved to accept the proposed Three (3) Year Agreement between the City of Portsmouth and the Association of Portsmouth Teachers from July 1, 2019 to expire on June 30, 2022. Seconded by Councilor Becksted.

Councilor Dwyer said she will not support the contract because of a provision across all our contracts regarding the 10 year rolling COLA and it is not fair to continue that for dollar amounts which do not make much difference. She said that it is a bad practice to not have the rolling COLA in this contract.

Assistant Mayor Lazenby said he would support the motion. He said this is an interesting set of details to look into. He said this is good faith progress to move forward and that this is a win win contract.

Councilor Becksted said he would support the contract.

Mayor Blalock pass the gavel to Assistant Mayor Lazenby.

Mayor Blalock said he supports the contract.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Roberts said there is a higher COLA in this contract. He said he would support moving the contract forward and advocate for the 2% COLA.

Councilor Raynolds said he had the same concerns as Councilor Dwyer. He said he has had a conversation with the union president and there are other provisions of the contract that are positive and appreciates the efforts of the teachers, as they gave up longevity in the contract.

On a roll call vote 8-1, motion passed. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Denton, Perkins, Raynolds, Becksted and Mayor Blalock voted in favor. Councilor Dwyer voted opposed.

XV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

C. Redevelopment Proposal for the McIntyre Project from Carlisle Capital

Councilor Denton moved to postpone action on this matter at this time. No second received.

Councilor Becksted moved to have a presentation on the Binnie Proposal this evening. No second received.

Assistant Mayor Lazenby moved to refer the redevelopment proposal to the McIntyre Subcommittee. Seconded by Councilor Raynolds.

Councilor Denton said the Council has received various forms of communication from individuals living in and outside of the City regarding the McIntyre Project. He stated he wished Mr. Binnie had brought forward his project in 2017 for the City Council to review. Councilor Denton said we need to be brought together and make things happen at the site.

Councilor Raynolds said he is pleased that Assistant Mayor Lazenby made a motion to refer the Binnie proposal to the McIntyre Subcommittee. He said the City has been at this process for a long time and it is well down a path. He stated he would like to see some process with the Subcommittee and to have them come back to the City Council.

Councilor Dwyer asked what the expectations are for the Subcommittee. She said the Subcommittee could propose questions and align with the principles for the project.

Assistant Mayor Lazenby said he has met with and reviewed Mr. Binnie's proposal. He said the Council needs to respect a proper process. He said is there room to bring the proposal forward and indicated the right step is to refer this proposal to the Subcommittee.

Councilor Becksted said he hoped to find out if this is a viable economical process. He said the City Council needs to do what is in the best interest of the residents. He said he does not support moving forward with the current project as it is not viable for residents. He said the proposal from Mr. Binnie does lower density and there are no time restrictions. He asked the City Council to give the proposal the merit it deserves in the next 30 days for review.

Councilor Perkins said this has been a competitive transparent process.

Assistant Mayor Lazenby stated the City needs to complete the process they're going through right now.

Councilor Roberts said the only fair thing at this point would be to vote out the Redgate/Kane project, start all over and have the full discussion again. He said there are many questions that would need to be addressed with Mr. Binnie's plan and his plan is very late in the process. He further stated the City's reputation is to follow through with what it is doing.

Councilor Dwyer said the referral to the Subcommittee could do an analysis of the plan. She said the Subcommittee could look at what will and will not fit.

Councilor Raynolds moved to amend the motion to include specifications of proposal and meeting with Mr. Binnie. No second received.

On a roll call vote 8-1, motion passes. Assistant Mayor Lazenby, Councilor Roberts, Pearson, Dwyer, Denton, Perkins Raynolds and Mayor Blalock voted in favor. Councilor Becksted voted opposed.

XI. CITY COUNCIL MEMBERS

MCINTYRE SUBCOMMITTEE

B. COUNCILOR ROBERTS & COUNCILOR DWYER & COUNCILOR PERKINS

1. Resolution/Certificate of Authority to Apply to Acquire the Thomas J. McIntyre property for Historic Monument Purposes

Councilor Perkins moved to adopt the resolution, as presented, and authorize the City Manager to carry out the resolution. Seconded by Councilor Dwyer.

Deputy City Manager Colbert Puff spoke regarding the GSA process. She said we were excited to have a roof top space but the GSA would not approve that. She said we needed to do enough due diligence and review topographical issues and environmental items, She said we are ready to make application to the National Park Service.

Councilor Perkins said 40 public meetings have been held on this and at the last election we had public input, and we have for the last 6 months. She said hours and hours have been spent on this. She said everyone needs to understand that the City Council and City have very thoughtfully considered the project and she is ready to move forward.

Councilor Becksted moved to amend to postpone for the next 60 days for the experts to review Mr. Binnie's proposal. Seconded by Councilor Raynolds.

Councilor Becksted said the building and process can start for more than 60 days. He said give the residents time, it will not change anything, a simple pause to respect the residents. He said Mr. Binnie is a more respectful project.

Councilor Denton said there will be delays over actually being able to start on the property. He said we need to go through land use boards and site review and then start the process. He stated the National Park Service may ask for changes and we would have time to make those changes.

Councilor Raynolds said leadership is to recognize new information. He feels the process has been well followed. He said he feels resign about where we have ended up. He stated he would like to consider an alternative.

Assistant Mayor Lazenby said being respectful is important and there has been a process for the last couple of years and other entities were welcomed to take part. He said our partner has worked with us in good faith and it would be disrespectful to not move forward. He stated there are going to be a great deal of other projects that we need to respect the effort and time put in.

Councilor Dwyer said she agrees with comments made by Assistant Mayor Lazenby. She said we have been totally flooded by people asking the City Council to move forward and that there has been fairness with the process.

Councilor Becksted asked if denying the 60 day process are we bound by Redgate/Kane. City Attorney Sullivan said when the Development Agreement is signed.

On a roll call vote 2-7, motion to amend and postpone the vote for the next 60 days for the experts to review *failed* to pass. Councilors Raynolds and Becksted voted in favor. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins and Mayor Blalock voted opposed.

On a roll call 8-1, voted to pass main motion. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Mayor Blalock voted in favor. Councilor Becksted voted opposed.

2. Vote to Authorize the City Manager to Enter into a Development Agreement with SoBow Square, LLC

Councilor Perkins moved to authorize the City Manager to execute a Development Agreement with SoBow Square, LLC regarding redevelopment of the McIntyre building in substantial conformance with the Agreement presented to the Council this evening. Seconded by Councilor Pearson.

Councilor Becksted moved to deny the request. No second received.

Deputy City Manager Colbert Puff said the application becomes part of the transfer and part of the deed in order to change the uses you would need to amend the deed.

Attorney Sokul said the way the documents are set up, the application would carry over to the deed.

Councilor Perkins said to have that in encoded in the deed and the lease would be part of the deed.

Councilor Roberts asked if there would be a value to disallow the hotel. He said he would move to make a hotel prohibited in the ground lease.

Councilor Dwyer asked about the City losing the financing partner. Attorney Sokul said the City committed to finance and institutional equity debtor and there will be financial guarantee.

Mr. Eaton said the developer had concerns about what the ground lease would be. He stated if we could keep the ground lease and touch other sources of revenue beginning in year 11 the City gets 1% of revenues which is favorable for the City. Mr. Eaton further spoke to refinancing at 75 years and the rate of return profit would be 20%.

Assistant Mayor Lazenby asked about Mr. Binnie waiving the interest and our fee on how the Redgate/Kane project would be risky or not.

Mr. Eaton said the debt phase is less risky if the property does not perform by the proforma the City is not subordinate to the financing with the City rent is prioritized.

Assistant Mayor Lazenby asked Deputy City Manager Colbert Puff to speak to the post office and loading dock and how that is preserved in this project. Deputy City Manager Colbert Puff stated the plan secures the square footage and there will be a loading area. Assistant Mayor Lazenby asked about the commitment to welcome and offer the post office to return. Deputy City Manager Colbert Puff state that the post office is looking at different sites in the downtown.

Councilor Roberts said whether the boards would have authorization over the project the developer must go to the land use boards and is that written in the agreement.

Assistant Mayor Lazenby spoke regarding the ground lease and prohibiting a hotel, should that be part of the motion now.

Deputy City Manager Colbert Puff said if you have specific suggestions you should provide them to her and she will get them to Attorney Sokul for review.

Councilor Dwyer said we are not approving the ground lease.

Councilor Roberts said we disallow a hotel when we approve the development agreement.

Councilor Perkins said she agrees adding the language to disallow a hotel at this time. Councilor Pearson agreed as the second to the motion.

On a roll call 8-1, voted to authorize the City Manager to execute a Development Agreement with SoBow Square, LLC regarding redevelopment of the McIntyre building that disallows a hotel in substantial conformance with the Agreement presented to the Council this evening. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Mayor Blalock voted in favor. Councilor Becksted voted opposed.

At 9:42 p.m., Mayor Blalock declared a brief recess. At 9:55 p.m., Mayor Blalock called the meeting back to over.

IX. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTION

Public Hearing

A. Public Hearing on Chapter 7, Article III, Section 7.328 – Limited Parking – Three Hours

ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.328 – LIMITED PARKING – THREE HOURS – RAYNES AVENUE: ENTIRE STREET, BOTH SIDES AND VAUGHAN STREET: ENTIRE STREET, BOTH SIDES

Mayor Blalock read the legal notice.

- **PRESENTATION**

Parking & Transportation Engineer Eby explained that this is for three hour parking on Raynes and Vaughan Street.

- **CITY COUNCIL QUESTIONS**

There were no questions by the Council.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock declared the public hearing open. With no speakers Mayor Blalock declared the public hearing closed.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Roberts moved to pass second reading and hold third and final reading at the September 3, 2019 City Council meeting. Seconded by Councilor Pearson and voted.

**B. First Reading on Chapter 3, Article IX – Distribution of Single-Use
Disposables**

Ordinance amending Chapter 3, Article IX – Distribution of Single-Use Disposables

Mayor Blalock requested that instead of having an ordinance that a City Policy be created and see what the unintended consequences are.

Councilor Denton moved to pass first reading and schedule a public hearing and second reading at the September 3, 2019 City Council meeting.

City Manager Bohenko said he has reviewed the ordinance and if we adopted it, it would have some ambiguities and enforcement issues. He said a policy can be changed by the City Council at the following meeting versus waiting six to eight weeks for a change to an ordinance. He stated he would like to work through the differences and make amendments to the policy because it seems like it would be more beneficial.

Councilor Denton said that the ordinance is just for City property. He said we would have a citywide ban on Styrofoam and the ordinance can be changed by writing to him. He stated this started with plastic shopping bags. He said it would require businesses to have customers ask for straws and would become effective December 31, 2019. He said we need second reading and public hearing on this matter.

Councilor Becksted said some people are concerned with sporting events on school grounds.
Councilor Denton said he has noted to make changes relative to sporting events on school grounds.

Councilor Dwyer asked where the citywide ban on Styrofoam is in the ordinance.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock moved to postpone first reading until September 3, 2019. Seconded by Councilor Dwyer and voted. Councilor Becksted voted opposed.

C. First Reading on Chapter 7 – Limited Parking – Fifteen Minutes

Ordinance amending Chapter 7, Article III, Section 7.326 – Limited Parking – Fifteen Minutes – by deletion of Maplewood Avenue: easterly side, the first two spaces commencing 140 feet northerly from Vaughan Street

Councilor Raynolds moved to pass first reading and schedule a public hearing and second reading at the September 3, 2019 City Council meeting. Seconded by Councilor Roberts and voted.

D. First Reading on Chapter 7 – Limited Parking - Three Hours

Ordinance amending Chapter 7, Article III, Section 7.328 – Limited Parking – Three Hours
Maplewood Avenue: both sides, between Raynes Avenue and Vaughan Street

Assistant Mayor Lazenby moved to pass first reading and schedule a public hearing and second reading at the September 3, 2019 City Council meeting. Seconded by Councilor Roberts and voted.

E. Third and Final Reading on Proposed Parking & Traffic Safety Omnibus

Ordinance amending Chapter 7, Article III, Traffic Ordinance, Section 7.330: No Parking

Ordinance amending Chapter 7, Article III, Traffic Ordinance, Section 7.336: One-Way Streets

Ordinance amending Chapter 7, Article V – Bicycle Regulations, Section 7.510: Unattended Bicycles

Ordinance amending Chapter 7, Article VI – Truck Loading/Unloading Zones Established, Section 7.601: Limited Hours

Ordinance amending Chapter 7, Article VI – Truck Loading/Unloading Zones Established, Section 7.602: 24-Hour

Ordinance amending Chapter 7, Article VI – Truck Loading/Unloading Zones Established, Section 7.603: Loading/Unloading of Live Parked Vehicles

Ordinance amending Chapter 7, Article VI – Truck Loading/Unloading Zones Established, Section 7.604: Loading Zone Permits

Ordinance amending Chapter 7, Article XI – Speed Limits, Section 7.1100: Speed Limits - 25 MPH – Dodge Avenue

Ordinance amending Chapter 7, Article XVII – Moped Regulations, Section 7.1702: Parking

Assistant Mayor Lazenby moved to pass third and final reading, as presented. Seconded by Councilor Dwyer.

Councilor Roberts said Parking & Traffic Safety Committee looked at Hill Street and only five spaces are on City property.

Councilor Roberts moved to suspend the rules to allow the ordinance to be amended at third reading. Seconded by Councilor Dwyer and voted.

Councilor Roberts moved to reverse the previous City Council vote to remove the provision on Hill Street from the Parking Omnibus. Seconded by Assistant Mayor Lazenby and voted. Councilor Becksted voted opposed.

Main motion passed as amended.

X. MAYOR BLALOCK

1. Appointment to be Considered:
 - Pat Bagley to be appointed to the Trees and Greenery Committee

The City Council considered the appointment of Pat Bagley to the Trees and Greenery Committee to be voted on at the September 3, 2019 City Council meeting.

XI. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR LAZENBY

1. PFAS and Drinking Water Standards

Assistant Mayor Lazenby moved to request a report back regarding new NHDES Standards for PFAS and Drinking Water Standards. Seconded by Councilor Becksted.

Assistant Mayor Lazenby said on the website you can find in the Water Division of Public Works information regarding PFAS. He would like to hear from the staff and ask questions regarding this matter.

Councilor Dwyer said there is a move in the communities to pressure the State to release MBTA Funds.

Motion passed.

C. COUNCILOR ROBERTS

1. Discount Program for Foundry Garage

Councilor Roberts said that downtown parking exceeds 85% but the monthly passes demand is low. He said he would like to see the rates reduced. He would also like to come up with a way to increase the use of the Foundry Garage by selling block passes to businesses.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock moved to refer to the Fee Committee with consultation input from Ben Fletcher Parking Director. Seconded by Councilor Perkins.

Discussion followed regarding whether to proceed forward with the motion.

Mayor Blalock withdrew his motion and Councilor Perkins her second to the motion.

Councilor Roberts advised the City Council he would be bringing this matter back at the September 3, 2019 meeting for action.

D. COUNCILOR PEARSON

1. Contact Information

Councilor Pearson said she would like to discuss removing Councilors addresses from the website and other correspondence. She said there is a safety concern and if someone wants to reach a City Councilor they could email them or send correspondence to City Hall.

Councilor Pearson moved to remove home addressed of City officials from the web page. Seconded by Councilor Raynolds.

Councilor Dwyer said the only thing she would raise is there was a concern what ward a councilor represents.

Councilor Becksted said he has no problem having his contact information listed.

Assistant Mayor Lazenby said he supports the idea and it could be accomplished by listing what ward or neighborhood a councilor lives in.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said there are other ways to find out where a City Councilor lives.

Councilor Pearson withdrew her motion and Councilor Reynolds his second to the motion.

The City Council agreed to refer this matter to City Manager Bohenko and City Clerk Barnaby to bring back with a recommendation at the September 3, 2019 City Council meeting.

XII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Coalition Fund
- Town of Carroll - \$2,000.00

Assistant Mayor Lazenby moved to approve and accept the donation, as listed, to be placed in the Coalition Fund. Seconded by Councilor Perkins and voted.

- B. Approval of Grant and Donations
- ICAC Forensic Shield Grant Agreement
 - Acceptance of Donation from Police Chaplain Jeff Pelkey to the Portsmouth Police K-9 Program in the amount of \$1,000.00

Councilor Reynolds moved to accept and approve the ICAC Forensic Shield Grant Agreement and the donation from Police Chaplain Jeff Pelkey to the Portsmouth Police K-9 Program in the amount of \$1,000.00. Seconded by Councilor Perkins and voted.

XIII. CITY MANAGER ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER

Assistant Mayor Lazenby moved to adopt the City Manager's Consent Items. Seconded by Councilor Perkins and voted.

- Request for Approval of Agreement between the Portsmouth School Board and the Association of Portsmouth School Administrators (***Sample motion – move to accept the proposed Three (3) Year Agreement between the City of Portsmouth and the Association of Portsmouth School Administrators from July 1, 2019 to expires on June 30, 2022***)
- Request for Approval of Agreement with Portsmouth Management Association (***Sample motion – move to accept the proposed contract with the Professional Management Association for a three (3) year Agreement from July 1, 2019 to expire on June 30, 2022***)
- Easement Re: 46-64 Maplewood Avenue (***Sample motion – move that the City Manager be authorized to negotiate, execute, accept and record any necessary documents similar to those contained in the City Council Packet that are required to complete the development at 46-64 Maplewood Avenue in accordance with the HDC's Conditional Use Permit and the***

Site Plan Approved by the Planning Board or as amended and approved administratively by the Planning Director)

4. Request to Waive Fees Re: Portsmouth Housing Authority Court Street Workforce Housing Project

Craig Welch, PHA Director said that this is for workforce housing and there is a plan to construct the project on Court Street. He said this is an important investment and their request is to waive the building permit fees that could be \$100,000.00 to \$150,000.00.

City Manager Bohenko spoke in support of the request to waive the fees.

Councilor Perkins moved to grant a waiver to PHA Housing Development Ltd. or its assigns for the purpose of developing an affordable housing project at 160 Court Street. Seconded by Councilor Pearson.

Councilor Becksted said we have many non-profits and finds it out of the ordinary for this type of favor being given.

Councilor Perkins said she supports the motion and this would be consistent with our Housing Policy.

Motion passed. Councilor Becksted voted opposed.

5. Proposed Cate Street Land Swap and Cate Street Connector Road Development

Planning Director Walker provided a detailed presentation outlining existing conditions of Bartlett, Cate and Islington Streets. She reported that truck traffic accounts for 2-3% of traffic on Bartlett Street. She spoke to the layout of the road and stated that there would be a bike lane with a use path as well as a redesign of the intersection. Planning Director Walker spoke to the summary of traffic analyses and the impact of Cate Street Extension with proposed mixed use development.

Summary of Pros and Cons for Creation of New Road

Pros

- Modest reduction in cut-through traffic (and elimination of truck traffic) through Bartlett residential neighborhood and on Woodbury between Dennett and Bartlett
- More direct access to Borthwick and Hospital from West End
- Improved bicycle and pedestrian connections
- Relocation of vehicle queue from residential portion of Bartlett to new Cate from traffic approaching Islington signal
- Less blockage of Cate at Cate / Bartlett intersection by reassigning STOP control

Summary of Pros and Cons for Creation of New Road

Cons

- Longer delay for Bartlett traffic approaching from north of Cate to access Islington, due to STOP on Bartlett and queues on Cate
- Intersection improvements will be required at Route 1 Bypass and may be required at Coakley/Cottage in the future
- Peak demand queuing from Islington Street / Bartlett Street intersection will likely increase – won't fix existing deficiencies created by railroad bridge

Development Agreement

Costs proposed to be the sole responsibility of the developer:

- Planning, design, permitting and construction documents prepared related to the public road to date
- Relocation of public sewer and water lines with the exception of a portion of a public sewer line that currently extends from the Route 1 Bypass to the rear of the existing U-Haul property for which the City has no documented easement
- Public realm improvements within land to be transferred to the City
- Design, permitting, engineering, and construction of all utilities and upgrades required to service the new mixed used development
- City's legal fees and costs associated with the land swap

Costs proposed to be shared equally by the City and the developer (50%/50%)

- Engineering, permitting, and construction of the proposed public road
- Engineering, permitting, and construction of the improvements to the intersection with Route 1 Bypass

Transfer of land for new road:

- The transfer of land for the public road shall be transferred to the City regardless of whether the City Council approves construction of the new road at this time. This will enable the City to move forward with construction of the road, at its sole cost, at a future date if desired.
- If the Council does not approve construction of the road at this time, the Developer will have the right to construct (at their sole cost) a driveway across the City's property for the purposes of accessing the new development.

Assistant Mayor Lazenby moved to approve the requested land swap, and, that the City Manager be authorized to negotiate and execute the development agreement in substantial conformance as presented. Seconded by Councilor Reynolds.

Councilor Denton said he would like to see daylighting at Hodgdon Brook.

Councilor Roberts asked about developers addressing the railroad bridge. Planning Director Walker said staff will do an analysis and during development review the process of where and what would be allocated to developers.

Councilor Dwyer asked if the Planning Board approved this. Planning Director Walker said they approved the landscape and connector road as a concept.

Motion passed.

XIV. CONSENT AGENDA

Councilor Denton moved to adopt the Consent Agenda. Seconded by Councilor Roberts and voted.

- A. Letter from Ron Snow, Arthritis Foundation, requesting permission to hold the 2019 Jingle Bell Run for Arthritis on Sunday, December 1, 2019 at 9:30 a.m. (***Anticipated action – move to refer to City Manager with power***)
- B. Request for License to Install Projecting Sign for owner Mark McNabb of Martingale, LLC, Martingale Wharf Restaurant for property located at 99 Bow Street (***Anticipated action - move to approve the aforementioned Projecting Sign License 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 Projecting Sign for owner Ken & Lauren Wolf of Portsmouth Soap Company for property located at 175 Market Street (***Anticipated action - move to approve the aforementioned Projecting Sign License 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 Barbara Massar, Pro Portsmouth, Inc, requesting permission to hold the following events:
- First Night Portsmouth 2020 – Tuesday, December 31, 2019; 4pm – Midnight
 - Children’s Day – Sunday, May 3, 2020; Noon – 4pm
 - 43rd Annual Market Square Day & 10K Road Race – Saturday, June 13, 2020; 9am – 4pm
 - 18th Annual Summer in the Street, Saturday evenings – July 4th, July 11th, July 18th, July 25th and August 1st – 5:00pm – 9:30pm
- (Anticipated action – move to refer to the City Manager with power)**

- E. Letter from Debbie Roy, Big Brothers Big Sisters, requesting permission to hold the annual Stiletto Sprint on Saturday, June 20, 2020 from 1pm – 4pm **(Anticipated action – move to refer to the City Manager with power)**

- F. Letter from Melissa Walden, American Lung Association, requesting permission to hold the 11th annual American Lung Association Cycle the Seacoast ride on Sunday, May 3, 2020 from 7:00 a.m. – 3:30 p.m. **(Anticipated action – move to refer to the City Manager with power)**

XV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

Assistant Mayor Lazenby moved to accept and place on file. Seconded by Councilor Pearson and voted.

- B. Letter from Jeffrey Cooper regarding the McIntyre Project

Assistant Mayor Lazenby moved to accept and place on file. Seconded by Councilor Roberts and voted.

- D. Letter from Jim Splaine regarding the McIntyre Project

Assistant Mayor Lazenby moved to accept and place on file. Seconded by Councilor Roberts and voted.

XVI. CITY MANAGER’S INFORMATIONAL ITEMS

1. *Presentation* – Update Re: Statistical Revaluation – Rosann Lentz, Assessor & Michael Tarello, Vision Government Solutions

City Manager Bohenko advised the City Council that this Presentation will take place at the next City Council meeting.

2. Memorandum regarding Sewer Connections

There was no discussion regarding this matter.

3. Memorandum Re: Coakley Landfill Group / New PFAS Standards

Assistant Mayor Lazenby has a report coming back at the next City Council meeting regarding the New PFAS Standards.

XVII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

At 10:50 p.m., Assistant Mayor Lazenby moved to adjourn. Seconded by Councilor Roberts and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK