

## **SPECIAL CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: WEDNESDAY, OCTOBER 27, 2021

PORTSMOUTH, NH  
TIME: 6:30PM [or thereafter]

### **I. CALL TO ORDER**

Mayor Becksted called the special meeting to order at 6:30 p.m. and announced the purpose of the meeting and cited the RSA's for entering into a Non-Public Session for matters in Litigation and Legal Advice relating to SOBOW Square, LLC v. City of Portsmouth.

### **II. ROLL CALL**

**PRESENT:** Mayor Becksted, Assistant Mayor Splaine, Councilors Whelan, Lazenby (6:33 p.m.), Kennedy, Huda, Tabor and Trace

### **III. MATTERS RELATING TO SOBOW SQUARE, LLC. v. CITY OF PORTSMOUTH, DOCKET NO. 218-2020-CV-00352– City Attorney Robert Sullivan and Attorney Michael Connolly of Hinckley Allen. ANTICIPATED NON-PUBLIC SESSION – MATTERS IN LITIGATION AND LEGAL ADVICE – RSA 91-A:3 II (i) & RSA 91-A:3 II (e)**

**Councilor Kennedy moved to enter into Non-Public Session as stated by Mayor Becksted. Seconded by Councilor Huda.**

Assistant Mayor Splaine said he would like to hear more on whether the partner wants to meet with the City Council. City Attorney Sullivan said he received a request from a person who is not a member of government or the City Council asking to attend the special meeting this evening. He stated he spoke with Mayor Becksted and Councilor Whelan on the matter and Mayor Becksted said he has an agenda for the Non-Public Session and there is no place on the agenda for that person to speak directly to the Council. He further stated that if the Council wanted that person to attend, the Mayor would set another meeting and time for the person to attend. He said the purpose of the non-public session is to get advice from outside counsel on the matter of strategy and litigation and it would not be appropriate for anyone else to attend.

Councilor Tabor said the meeting is to get legal advice and asked if we expect to take a vote because he feels that should be in public.

Assistant Mayor Splaine stated he would vote opposed to going into Non-Public Session as he feels the person could have come before the City Council and spoke and we could of still had a Non-Public Session. He said he does not feel this was a wise decision to do.

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

**Councilor Kennedy moved to come out of Non-Public Session. Seconded by Councilor Huda and voted.**

**Councilor Kennedy moved to seal the minutes from the Non-Public Session. Seconded by Councilor Huda and voted unanimously.**

Mayor Becksted said Councilor Whelan, Chair of the Subcommittee will be making a statement.

Councilor Whelan read the following statement:

*We are extremely disappointed that Redgate-Kane instructed its counsel to oppose the City's motion in court to continue the stay of litigation for another 90 days, so that we could continue on the track we were on. That is, negotiation of the terms to build the project that has received the support of the public, [those who responded to the survey.]*

*In the interests of transparency, we are releasing the Project Restart Agreement proposed by Redgate-Kane.*

Assistant Mayor Splaine said it should be stated that we agreed to meet with Michael Kane in the near future.

Councilor Whelan said we will meet with Michael Kane in the near future. He also stated that the City signed the interim agreement to take over the management for the McIntyre and the building will be turned over to the City on November 1, 2021 at 10:00 a.m., which will include parking for the outside area. He said Parking Director Fletcher is aware of this and is prepared to start charging for those spaces.

#### **IV. ADJOURNMENT**

**At 8:30 p.m., Councilor McEachern moved to adjourn. Seconded by Councilor Kennedy and voted.**



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK