

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 1, 2019

PORTSMOUTH, NH
TIME: 6:15PM

At 6:15 p.m. a Public Dialogue Session was held.

Public Dialogue Session – One Group

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

The members of the public were asked to introduce themselves and begin discussing their concerns and/or questions related to their individual topics.

Bernard Mulligan spoke regarding closing downtown during weekends for an event in July. He said that he is opposed to closing Church Street. He requested that the downtown area not be closed for more than two hours. He said he feels that the City Council is taking away property rights.

Councilor Raynolds said the request is for a report back on closing a few of the downtown streets for a limited time during a few weekends. He indicated that city staff met and are scaling back the request that was made. He said the request is to take place on a couple of Sunday's in September during the afternoon for 5 hours only.

Esther Kennedy spoke on the word transparency and the McIntyre process. She said there are three areas of concern by the public which are the creation of a park, the parking that is needed for the building and the post office remaining in its location. She indicated that the public wants a true discussion regarding the McIntyre project that is not run by city staff.

Councilor Roberts spoke to the Revisit McIntyre Group that has taken an assertive approach and stated some people feel intimidated and have not spoken to the McIntyre project. He reported there have been 8 sessions that were each 3 hours in length. He stated that the post office matter was difficult and we needed to get our Senators involved. Councilor Roberts said in terms of a park, do the citizens want to pay millions. He spoke to parking spaces that the residents want to see in place.

Councilor Becksted said the breakout groups were not televised so that is a concern regarding transparency.

Councilor Pearson said it is impractical and not fair to film every breakout session. She said it feels like people are trying to rewrite history.

Ms. Kennedy said the three issues of parking, creation of a park and the post office have been a concern since the beginning.

Councilor Pearson said the meetings were open to the general public.

Roy Helse spoke regarding building a park at the McIntyre site. He said at the beginning the citizens were not told what we could have regarding the post office.

Mayor Blalock spoke to the public process that has taken place. He said a public space is wanted by residents and Portsmouth is blessed with many beautiful parks. Mayor Blalock said people have indicated they want a place to gather.

Bernard Mulligan said Mr. Kane wants every cent from the development he can obtain. He said the post office would not pay market value for remaining in their current space.

Councilor Roberts said we have a letter stating that the post office will pay market value for the space.

Nancy Brown said people are questioning where we are going with the McIntyre. She said we need to agree what will be done by the post office and we can disagree but we need to listen to the people. She stated that residents need more transparency and exchange knowledge and come together on what we want to see downtown. Ms. Brown said if we need to start over we should or start in the middle because public input is critical and necessary. She said the City Council needs to be our advocate.

Councilor Pearson asked how many people participated in the public sessions. She asked what we say to the people that went through the process. Councilor Pearson said at the last meeting people were pleased and felt they received what they wanted.

Bernard Mulligan said he does not feel like all the session were made public.

Assistant Mayor Lazenby said he believes in communication and stated some parts of the process could have gone differently. He said there was transparency in the process. Assistant Mayor Lazenby stated that stalling or revisiting does not come without costs.

Mayor Blalock said we are only aware of what the building owner tells us.

Councilor Roberts said most of the tenants will be out of the McIntyre by June. He stated we have been successful with the post office.

Mark Brighton said there is a large group of people angry about the McIntyre process.

Councilor Raynolds asked what about the Weston and Sampson process was not valid. He said the response by then Assistant Mayor Splaine was that we just need to revisit the McIntyre.

At 6:55 p.m., Mayor Blalock closed the Public Dialogue Session.

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:05 p.m.

II. ROLL CALL

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

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Mayor Blalock led the Pledge of Allegiance.

PROCLAMATIONS

1. Poet Laureate

Mayor Blalock read the Proclamation declaring Tammi Truax as the Portsmouth Poet Laureate for a two year term. Mayor Blalock presented Ms. Truax with the Proclamation who accepted it with thanks and appreciation.

Laurent Burnette thanked the City Council for making this available to celebrate the Poet Laureate Program. She stated that April is Poetry Month and every two years a Poet Laureate is selected and explained the committee process in the selection of the Poet Laureate.

Erin Leigh read a poem and spoke to Ms. Truax's accomplishments.

Ms. Truax read a poem and accepted the quill from current Poet Laureate Mike Nelson.

2. Digital Fast

Councilor Pearson read the Proclamation declaring the third of May through the fifth of May 2019 as Digital Fast Weekend in Portsmouth. Councilor Pearson presented the Proclamation to Jeff Stern who accepted it with thanks and appreciation.

Mr. Stern spoke regarding the Digital Fast weekend and the various events that will be taking place. He said that this is the first year doing the event on a large scale. He stated that promoting Digital Fast weekend will start this week and encouraged everyone to participate in the events.

Councilor Pearson said that Police Chief Merner has agreed to develop a "fun ticket" for the officers to hand out if they see someone using their devices.

V. ACCEPTANCE OF MINUTES – MARCH 18, 2019

Councilor Pearson moved to approve and accept the minutes of the March 18, 2019 City Council meeting. Seconded by Councilor Perkins.

On a unanimous roll call vote 9-0, motion passed.

VI. PUBLIC DIALOGUE SUMMARY

Assistant Mayor Lazenby gave a brief summary of the topics discussed during Public Dialogue which included the Downtown Pedestrian Zone Experiment and the McIntyre Project.

VII. PUBLIC HEARING & VOTES ON ORDINANCES AND/OR RESOLUTIONS

There were no Public Hearings, Ordinances and/or Resolutions on the Agenda this evening.

VIII. APPROVAL OF GRANTS/DONATIONS

There were no Grants/Donation on the Agenda for approval this evening.

IX. CONSENT AGENDA

- A. Letter from Crystal Paradis, Portsmouth PRIDE Coordinator, and Hershey Hirschkop, Executive Director, Seacoast Outright, requesting permission to hold the 5th Annual Portsmouth PRIDE event on Saturday, June 22, 2019 (***Anticipated action – move to refer to the City Manager with power***)
- B. Request for License to Install Projecting Sign for David Pettigrew owner of Strawberry Banke Antique and Vintage Shop for property located at 60 State 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. Letter from Portsmouth Professional Fire Fighters requesting permission to hold two boot drives collecting funds for the Muscular Dystrophy Association on Sunday, June 30, 2019 and Sunday, August 18, 2019 (***Anticipated action – move to refer to the City Manager with power***)
- D. Letter from Richard Mason, Seacoast Veteran's Count requesting permission to hold the Pack & Boots 5K Road Race on Thursday, July 4, 2019 at 8:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)
- E. Letter from Jennifer Gilbert, St. Charles Children's Home requesting permission to hold the 23rd Annual St. Charles 5K on Monday, September 2, 2019 at 9:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)

Assistant Mayor Lazenby moved to adopt the Consent Agenda. Seconded by Councilor Perkins.

On a unanimous roll call vote 9-0, motion passed.

Hershey Hirschkop, Executive Director of Seacoast Outright, invited the City Council to attend Seacoast Outright Portsmouth PRIDE event on Saturday, June 22, 2019. She spoke to the success of the event and that this is the 5th Annual Walk. Ms. Hirschkop said over 4,000 people participated last year and they expect that number to increase again this year as it has over the last five years.

Assistant Mayor Lazenby moved to suspend the rules in order to take up Item XI. C.1. – Citizen’s Initiative for Radiological Monitoring. Seconded by Councilor Perkins.

On a unanimous roll call vote 9-0, motion passed.

XI. C.1. Citizen’s Initiative for Radiological Monitoring

State Representative Peter Somssich said he is forming a citizen initiative for radiological monitoring around the 10-mile Seabrook Emergency Planning Zone (EPZ). He said we do not have any real time monitoring on the New Hampshire side of the Seabrook Nuclear Plant. He reported on the history of radiological monitoring in Massachusetts which began in 1993. Representative Somssich said that residents in the 10-mile EPZ want advanced monitoring in the area and the estimated 2-year cost to launch such an effort is \$100,000.00 with a first-year requirement of \$60,000.00. He spoke to seeking pledges from the 17 towns in the area of the 10-mile EPZ. He asked that the City pledge \$1,000.00 towards the initiative.

Natalie Treat, C-10 Research and Education Foundation, Inc. which is a pro-safety group spoke to the monitoring in Massachusetts. She provided an overview sheet for the monitoring. Ms. Treat spoke to a high rate that was picked up in the 10-mile area and stated it is not part of the emergency monitoring system. She informed the Council that there are small releases on a weekly basis.

Councilor Dwyer asked if the idea to have private money would be raised for the first year or two and the State would take over the funding.

Representative Somssich said \$100,000.00 is absorbed in the budget. He said if the State decides to put money in, it would be their responsibility to have someone in charge of the funding.

Assistant Mayor Lazenby moved that the City of Portsmouth pledge \$1,000.00 towards the Citizen’s Initiative to expand Radiological Safety Monitoring in New Hampshire 10-mile Seabrook Emergency Planning Zone the initiative through Representative Somssich with funding to come from the Contingency Fund. Seconded by Councilor Roberts.

On a unanimous roll call vote 9-0, motion passed.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Email Correspondence

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

On a unanimous roll call vote 9-0, motion passed.

- B. Letter from Retired Command Sergeant Major Robert Radcliffe, New Hampshire Army National Guard requesting permission to conduct the Regional Best Warrior Competition Ruck March on Wednesday, May 2, 2019

Assistant Mayor Lazenby moved to refer to the City Manager with power. Seconded by Councilor Perkins.

On a unanimous roll call vote 9-0, motion passed.

- C. Letter from Edward Richards regarding Bethel Assembly of God property, 200 Chase Drive

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

City Manager Bohenko advised the City Council that this will be a very expensive property to purchase and that sales in that area range from \$5,000,000.00 to \$7,000,000.00.

On a unanimous roll call vote 8-0, motion passed. Councilor Denton was away from the Dais during the vote.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Acceptance of Woodbury Avenue Signal Coordination Project

City Manager Bohenko recommended that the project be formally accepted. He reported of the \$1,413,582.90 required to complete the project, \$533,741.60 was paid for under Congestion Mitigation and Air Quality Federal funds administered through NHDOT.

Assistant Mayor Lazenby moved to formally accept the Woodbury Avenue Signal Coordination. Seconded by Councilor Pearson.

On a unanimous roll call vote 9-0, motion passed.

2. Easement Re: Chestnut Street Pedestrian Connector

City Manager Bohenko said the final detail to complete the project is the execution and recording of an Easement Agreement under which the City would accept an easement from TD Bank, N.A. He stated that this has been the subject of significant negotiation between TD Bank, N.A., David Moore and the City Legal Department. City Manager Bohenko said he would like to see a connection made from the Vaughan Mall.

Councilor Pearson moved to authorize the City Manager to accept and record the easement agreement for the Chestnut Street Pedestrian Connector from TD Bank, N.A. as presented. Seconded by Councilor Roberts.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock spoke on the African Burial Ground and the beautiful walking area through the downtown. He said he is pleased with the work to complete the pedestrian connector.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

On a unanimous roll call vote 9-0, motion passed.

3. License Extension for Bluestone Properties of Rye, LLC for property located at 135 Congress Street

City Manager Bohenko stated the application has indicated that due to construction delays associated with the construction of the three-story building, they now require a temporary construction license through April 30, 2019. He reported that the proposed license would replace the temporary encumbrance permit and the effective term of the license would start on March 27, 2019 and end on April 30, 2019.

Assistant Mayor Lazenby moved to authorize the City Manager to negotiate and enter into a temporary construction license with Bluestone Properties of Rye, LLC as submitted to facilitate construction activities at 135 Congress Street. Seconded by Councilor Pearson.

Councilor Becksted stated he would like this to be the last encumbrance request.

On a unanimous roll call vote 9-0, motion passed.

- 4.1. Applications for Sidewalk Café providing Alcohol Service
 - Raleigh Wine Bar & Market
 - Popovers on the Square
 - Ri Ra Irish Pub
 - The District
 - Fezziwig's Food & Fountain

City Manager Bohenko said the policy allows restaurants to apply for an Annual Service Agreement to occupy a defined portion of City sidewalk space for the purpose of creating a sidewalk café with the ability to serve alcohol. He reported the term of the license is 6 months, typically running from mid-April through mid-October. City Manager Bohenko reviewed the fee of \$10.00 per square foot, with a minimum season's fee of \$2,000.00 with no proration of the fee. He spoke to the hours of operation are until 10:30 p.m. Monday through Saturday, and until 10:00 p.m. on Sunday, with no smoking allowed in the "Area" at any time.

Councilor Denton asked if there is a time limit to apply for a license. City Manager Bohenko said no.

Councilor Denton moved to authorize the City Manager to enter into Area Service Agreements with Raleigh Wine Bar and Market, Popovers on the Square, Ri Ra Irish Pub, The District, and Fezziwig's Food & Fountain for outdoor alcohol service on City land for the 2019 season subject to City Council Policy No. 2012-02. Seconded by Councilor Pearson.

Councilor Becksted asked if the fees have increased. City Manager Bohenko said no, if the City Council wants to increase the fees it would be a policy decision. He explained the process of charging not more than what it costs to administer the licenses. Councilor Becksted said he would like to increase the fee and suggested the rate increase by the rate of inflation. City Manager Bohenko said that this is an automated system and we are charging a reasonable amount for what we are doing to administer the licenses. He further stated the Fee Committee could take a look at these fees and make a recommendation.

Councilor Reynolds said staff does a great job with the Fee Committee.

Councilor Becksted asked if Tuscan Kitchen is looking to get an alcohol café license. City Manager Bohenko said Tuscan Kitchen has submitted an application for tables and chairs on the sidewalk. He said the area is congested and we must be careful about allowing any alcohol use out there. He stated that all citizens can sit at the tables and chairs whether something is purchased at Tuscan Kitchen or not.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said you must make certain conditions to have these type of licenses. He said he does not want to see the area change.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

On a unanimous roll call vote 9-0, motion passed.

- 4.2. Applications for Sidewalk Cafes providing Alcohol Service-private sidewalk
 - British Beer Company
 - Row 34
 - BRGR Bar

City Manager Bohenko said the same requirements are in place for these licenses which are located on private sidewalks. He stated the operation occurs on private property and there is no associated fee with these licenses.

Councilor Pearson moved authorize the City Manager to enter into Area Service Agreements with British Beer Company, Row 34, and The BRGR Bar for outdoor alcohol service on private land for the 2019 season subject to City Council Policy No. 2012-02. Seconded by Councilor Perkins.

On a unanimous roll call vote 9-0, motion passed.

5. Request for First Reading – 15 Middle Street Re-Zoning Request

City Manager Bohenko requested the City Council authorize first reading for the April 15th City Council meeting. He further stated that the Planning Board has voted to recommend this re-zoning request.

Councilor Reynolds moved to schedule first reading for the April 15, 2019 City Council meeting. Seconded by Assistant Mayor Lazenby.

City Manager Bohenko said on April 15, 2019 there will be a presentation outlining the re-zoning request.

There was a discussion regarding the zoning of the property.

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

6. 861 Middle Road Acceptance of Easement

City Manager Bohenko said that the Planning and Legal Departments are recommending the Council accept an access easement for the property.

Assistant Mayor Lazenby moved to accept an access easement to 861 Middle Road as presented. Seconded by Councilor Roberts.

On a unanimous roll call vote 9-0, motion passed.

City Manager's Informational Items

1. Water Bottles

City Manager Bohenko advised the City Council that re-usable, dishwasher safe drinking bottles have been provided to the Council this evening as requested. He further stated that City employees who would like to use them will be receiving one.

Mayor Blalock thanked City Manager Bohenko for the water bottles and said Portsmouth should be proud.

2. Public Education Forum

City Manager Bohenko announced that Mayor Blalock and the School Department have established a date and time of April 16, 2019 from 6:00 p.m. to 8:00 p.m. to hold the Ed Funding 101 Forum presentation in the Nichinan Room at Portsmouth High School.

Councilor Dwyer asked if it is feasible to give a presentation on education funding and the Coalition Communities. City Manager Bohenko said we can have a presentation and explain the education funding and be prepared to answer any questions. He stated he would have Assistant City Attorney Ferrini present at the meeting.

B. MAYOR BLALOCK

1. Appointment to be Considered:
 - Appointment of Carrie Mayo to the Blue Ribbon Committee on Sustainable Practices

The City Council considered the appointment of Carrie Mayo to the Blue Ribbon Committee on Sustainable Practices to be voted on at the April 15, 2019 City Council meeting.

Mayor Blalock advised the Council that Chairman Cohen has indicated that Ms. Mayo has been attending the meetings and would be effective on the Blue Ribbon Committee.

Councilor Becksted asked how many non-residents served on Blue Ribbon Committees from out of state.

2. Appointments to be Voted:
 - Reappointment of Amy Schwartz to the Portsmouth Housing Authority
 - Reappointment of Todd Henley to the Recreation Board

Assistant Mayor Lazenby moved to reappoint Amy Schwartz to the Portsmouth Housing Authority until April 1, 2024 and reappoint Todd Henley to the Recreation Board until April 1, 2022. Seconded by Councilor Becksted.

On a unanimous roll call vote 9-0, motion passed.

3. City Manager's Retirement

Mayor Blalock said that City Manager Bohenko has submitted his retirement letter. He spoke to his many accomplishments as City Manager of Portsmouth. He said he will provide a copy of City Manager Bohenko's accomplishments for the Council to review. He requested the City Council endorse a subcommittee of the City Council with the guidance of Deputy City Manager Colbert Puff. Mayor Blalock said a recruiter will be selected and the process to be followed. He said serving on the Subcommittee will be Mayor Blalock, Chair, Assistant Mayor Lazenby, Councilor Pearson and Councilor Dwyer.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock moved to endorse a Subcommittee to assist the City Council with the process that we will follow to find the candidates for the next City Manager. Serving on the Subcommittee will be Mayor Blalock, Chair, Assistant Mayor Lazenby, Councilor Pearson and Councilor Dwyer. Seconded by Councilor Reynolds.

Councilor Becksted said he would not support the motion. He asked if the subcommittee will follow the right-to-know law.

Mayor Blalock said that the subcommittee will be following the right-to-know laws.

Councilor Pearson stated the subcommittee will form the process that the entire City Council undertakes.

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

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

City Manager Bohenko said the next 9 months will be exciting and at the May 6, 2019 City Council meeting there will be a presentation on the Doble Center. He spoke to the creation of ballfields and the reconstruction of the bath house at Peirce Island that are forthcoming.

D. COUNCILORS ROBERTS, DWYER & PERKINS

1. Update Re: McIntyre

Councilor Dwyer reported that Redgate Kane has come to an agreement with the person that will conduct the financial analysis.

Councilor Roberts said the contract to assess Redgate Kane has been signed and Redgate Kane will be paying for half.

Deputy City Manager Colbert Puff the City will be funding for half of the financial analysis and it would take 4 to 6 weeks for completion.

Councilor Reynolds asked if the firm will provide the City with an assessment of Redgate Kane construction and operating costs for the proposed development and rental space with the financial return they're expecting.

Councilor Perkins said we don't expect any City Council action until the analysis is completed.

Mayor Blalock said the recommendation will come back to the City Council.

Councilor Becksted said that there is no discussion until the analysis is completed.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock spoke to the extensive public process that has taken place and said it does not seem fair to start the entire process over. He said the time frame has enlarged and we are not ignoring new or fresh ideas. He also spoke to the assurances that the post office has provided in stating they will return to the McIntyre or the downtown when the project is completed.

Assistant Mayor Lazenby return the gavel to Mayor Blalock.

Councilor Becksted said we have reached the end and there is a plan and design in place. He said he would like to open the process up.

Councilor Roberts asked how this would work and what is the end result. He spoke to attending the Revisit McIntyre meeting and there was no alternate plan, the plan was to start over and that is not fair.

Councilor Perkins said she has heard not to delay the plan or process and for the Council to remain strong and move forward with the process.

Councilor Dwyer said the financial plan and analysis is important to the process. She said we need to understand how it works and the feasibility.

Councilor Roberts said where the money is coming from, where it is going, is the project feasible and the financial analysis will answer those questions. He said the City Council wants this to be revenue neutral.

E. COUNCILOR DENTON

1. Floodplain Management Standards

Councilor Denton moved to produce amendments to the Zoning Ordinance to enhance the City's floodplain management standards for projected increases in coastal flooding and extend the Flood Hazard Overlay District and to refer to the Planning Department for report back. Seconded by Councilor Roberts.

Councilor Denton said that this has come up and would like something produced that is actionable this year.

City Manager Bohenko said something will be brought to the Planning Board and it will be done by the end of the year.

On a unanimous roll call vote 9-0, motion passed.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Pearson reported on the Strong Town contest and said voting is open until 1:00 p.m. Friday.

Councilor Roberts reported that the founder of Strong Towns, Chuck Marohn will be speaking at the Library on Wednesday, April 3, 2019 at 6:30 p.m. on building Municipal budgets.

XIII. ADJOURNMENT

At 9:05 p.m., on a unanimous roll call 9-0, voted to adjourn.



KELLI L. BARNABY, MMC, CMC, CNHMC
CITY CLERK