

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JUNE 17, 2019

PORTSMOUTH, NH  
TIME: 7:00PM

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At 5:30 p.m., An Anticipated Non-Public Session was held regarding the City Manager Search in accordance with RSA 91-A:3 II (b).

At 6:00 p.m., An Anticipated Non-Public Session was held regarding Collective Bargaining Agreements in accordance with RSA 91-A:II (a).

At 6:30 p.m., An Anticipated Non-Public Session was held regarding Department of Home Land Security (PDA) Law Enforcement Security Agreement in accordance with RSA 91-A:II (i).

### **I. WORK SESSION**

*There was no Work Session this evening.*

### **II. CALL TO ORDER [7:00 p.m. or thereafter]**

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, Reynolds and Becksted

### **IV. INVOCATION**

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

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

Mayor Blalock led the Pledge of Allegiance.

**Councilor Denton moved to seal the minutes of the Non-Public Sessions regarding two Collective Bargaining Agreements and the Department of Home Land Security (PDA) Law Enforcement Security Agreement. Seconded by Councilor Roberts.**

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

### **VI. ACCEPTANCE OF MINUTES – MAY 20, 2019 AND JUNE 3, 2019**

**Councilor Pearson moved to accept and approve the minutes of the May 20, 2019 and June 3, 2019 City Council meetings. Seconded by Assistant Mayor Lazenby.**

**Councilor Pearson moved to amend the June 3, 2019 minutes on page 14 under Miscellaneous/Unfinished Business where Councilor Pearson spoke regarding a piece of propaganda that was made by changing the “GSA” to “Revisit McIntyre”. Seconded by Assistant Mayor Lazenby and voted.**

**Main motion passed as amended.**

**Assistant Mayor Lazenby moved to suspend the rules in order to take up Item XI. A. – Portsmouth Community Coordinated Response to Substance Misuse – Request for City Council to endorse establishment of Steering Committee – Request to appropriate \$4,000.00 towards facilitation costs of initial process and – Letter Re: Matching Funds from Portsmouth Rotary. Seconded by Councilor Pearson and voted.**

**XI. A. – Portsmouth Community Coordinated Response to Substance Misuse:**

- **Request for City Council to endorse establishment of Steering Committee**

Assistant Mayor Lazenby spoke on the history of the opioid crisis and the need to better meet the challenges and coordinate who would do that. He introduced Dr. McCullough and Mr. Gold who are also working on this matter.

Dr. McCullough of Pinetree Institute spoke about serving the Seacoast region and their approaches to the challenge we are facing. He said there is a need for a coordinated response and that no single institution in the community, can by itself, effectively address the causes and effects of childhood adversity. He stated together the many different institutions in the community – the schools, law enforcement, health and mental health, businesses, the courts, and others would need to develop and implement comprehensive community-wide trauma-informed initiatives. Dr. McCullough said the planning process would look at the requirements for coordination across the various agencies and sectors that provide services and are impacted by the substance misuse crisis. He went on to discuss the objectives of the planning process. He requested that the City Council appropriate \$4,000.00 towards facilitation costs of the initial process.

Maureen Sullivan, Portsmouth Rotary, said that the Rotary has been involved in the opioid recovery for a number of years. She said they would like to match the \$4,000.00 as a donation.

Senator Martha Fuller Clark said she is pleased that the issue is moving forward. She stated there are still issues in the opioid crisis that need attention. She indicated there needs to be a place for people to go during transition and we need to do more to help with the recovery issues.

**Assistant Mayor Lazenby moved that the City Council endorses the establishment of the creation of a Steering Committee towards a Portsmouth Community coordinated response to substance misuse. Seconded by Councilor Roberts.**

Councilor Dwyer said that the Health Department should be part of the Steering Committee.

Councilor Reynolds commended Assistant Mayor Lazenby and those that are working on this issue. He said he feels that Seacoast Mental Health should also be a part of the Steering Committee.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said it looks like this will be a Steering Committee and that help will be provided.

**Motion passed.**

**Assistant Mayor Lazenby moved to appropriate \$4,000.00 towards facilitation costs for the Steering Committee process with funds to come from the FY19 Contingency Fund. Seconded by Councilor Roberts and voted.**

**Assistant Mayor Lazenby moved to accept with gratitude the letter from Portsmouth Rotary and place it on file. Seconded by Councilor Roberts and voted.**

## **VII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

*There were no Recognitions or Volunteer Committee Reports this evening.*

## **VIII. PUBLIC COMMENT SESSION**

Paul McEachern requested his complete remarks provided be included in this section of the minutes. "The potential reuse of the McIntyre parcel represent the most significant policy decision to be made by a City Council since the decision of the Council in the early 1960s to locate the sewage treatment plant on Peirce Island. The purpose of my speaking tonight is to point out, number one, that the City Council has been derelict in its duty of not fully considering its options. Significantly, you have not been given the opportunity to weigh in on a negotiated transfer of the property directly to the City of Portsmouth. I submit a PowerPoint from your meeting of August 15, 2016 where you were given, by the administration, three potential choices, none of which was a negotiated transfer. It's unbelievable to me that there hasn't been a thorough examination of this option and the potential benefits to the citizens of the City. Secondly, consistent with a negotiated transfer, Revisit McIntyre has submitted a request to rezone the McIntyre parcel to Municipal Use which is on the agenda for this evening. This becomes very important should the City evaluate a negotiated transfer since, by zoning it Municipal, the City becomes the only potential purchaser of this parcel. You have been told by the Planning Board that this cannot happen because the parcel is not presently owned by the City. In this respect I have submitted the zoning map from 2005 which includes the Army Reserve Center on Cottage Street. This parcel since at least 2005, when it was owned by the federal government, has been zoned Municipal. I'm sure that played a role in the city's acquisition of this parcel. If it didn't, it should have. The McIntyre parcel has never been appraised by the federal government and before that happens, the rezoning of the parcel to Municipal Use would have a dramatic downward effect on its market value. Zoning is a legislative process not tied to ownership. The City is simply condescending when it says it can't be zoned Municipal since it is not presently owned by the City. I ask that instead of voting the zoning change down as you are being told, refer this to the City Attorney for drafting an appropriate ordinance and consider your option of acquiring the property through a negotiated transfer. If you are being told that this is almost a done deal you should get another opinion. This parcel rests within the historic downtown district and its compatibility with the district will be the subject of scrutiny."

Danielle Leigh respectfully asked to rezone the McIntyre Building to Municipal.

Sampo Kasila spoke to the Islington Parking Plan (IPP) which is to allow all residents to park near their homes. He said today they can park anywhere but when the program goes into effect he can't park near his building and this does not make sense. He asked to amend the program to include other households.

Ari Nathans respectfully asked to rezone the McIntyre as Municipal to lower the taxes on the property. She said we need to make sure that this stays a recognizable place.

Michael Simchik, Rye, NH spoke regarding the McIntyre Building and supports the request to rezone the property to Municipal. He said that City staff should conduct a full economic and value review of the property.

Ken Goldman indicated he is not part of the Neighborhood Parking Program but lives on Islington Street. He said it is his neighborhood that lives in the condominiums which were excluded from the Neighborhood Parking Program.

Arthur Bruinooge asked that the City Manager amend the Neighborhood Parking Program to include properties which were excluded. He said that living in a condominium excluded him from the program. He feels that the process was flawed and a new vote should be done.

Charlie Armenti said the Islington Street Green Condominium Association was excluded from the Neighborhood Parking Program. He said the condominiums should be included in the program and counted.

Bill Hamilton spoke to the McIntyre building. He said it should not be zoned CD-4 it should be Municipal. He said the valuation will be reduced if the zoning is changed. He addressed changing the standards to prevent a developer from coming in and putting in a large hotel.

Joanna Soris respectfully asked that the McIntyre be rezoned Municipal which will lower the valuation of the parcel.

Sara Keller respectfully asked the City Council to rezone the McIntyre parcel to Municipal zone so the City can retain the building for years to come and it would lower the valuation of the parcel.

Deb Watson said that she lives at the Islington Green Condominium units and her home should have been part of the parking program.

Martha Fuller Clark said she would like the historic nature of the City protected. She would like the McIntyre rezoned to Municipal and that the City needs to consider how best to use the building. She recommended the City lease out the building until a decision is made on how the building should be used.

Wes Tator invited the City Council to pass a Resolution regarding the Energy Innovation Carbon Act. He said pricing carbon is important and there is a brief window of time to make changes to the climate issues. He advised the City Council that he has a draft Resolution for their review and asked that it be acted upon at the July 15, 2019 City Council meeting.

Duncan McCallum said he supports the rezoning of the McIntyre parcel.

Blair McCracken said he supports the rezoning of the McIntyre and the City Council needs to listen to the citizens.

Gretchen Porter respectfully asked that the McIntyre be rezoned to Municipal so the citizens can control the building for years to come.

Bill Downey said the Demolition Committee did a great job and effort regarding Carey Cottage. He said the McIntyre rezoning to Municipal will lower the valuation of the parcel and land. He recommended the City Attorney to draft an Ordinance to acquire the property through a transfer process.

Councilor Perkins spoke to the number of people the Council has heard from regarding the Neighborhood Parking Plan. She said residents that signed to be part of the program have been excluded. She asked for an additional meeting with the public and said it should be a truly resident process. She stated a meeting should be held and an amendment should be made to the program.

Mayor Blalock said he originally cautioned the Council on proceeding with this program and he does not feel it will work.

**Assistant Mayor Lazenby moved to suspend the rules in order to take up Item XV. A. – Presentation – Preliminary Results of 2019 Statistical Revaluation. Seconded by Councilor Pearson and voted.**

City Assessor Lentz spoke to the definitions of a full statistical revaluation and partial update.

Full Statistical Revaluation:

means the process of a revaluation of all taxable and nontaxable properties in a municipality, using existing property data, to arrive at full and true value as of April 1.

Partial Update:

means the process of analyzing market sales throughout the entire municipality to identify and implement needed value changes to the affected areas, or classes of property, to bring those properties to the municipality's **general level of assessment** utilizing the existing base tax year and providing an addendum to the existing USPAP compliant report.

Michael Tarello, Vision Government Solutions, said they are doing an evaluation of values and looking at all neighborhoods and condominiums to make sure they are valued correctly. He stated the date of the valuation is April 1, 2019 and that they are reviewing 2 years of sales for commercial properties. He stated 2018 State equalization study overall assessment median ratio was at 91.3% of the sale prices. He advised the Council that 2019 overall assessment to sales ratio after adjustments is approximately – 95% median ratio as of April 1, 2019. He indicated that all types of properties are being reviewed and they are reviewing land values and sales. Mr. Tarello reported that the average increase for land values is an 8% increase and downtown is higher than the rest of the City. He stated that compared building costs adjustments range from 0-7% upward depending on type of property. He said based on local and regional data increases vary from 4-10%. Discussion followed on specialty properties – hotels, nursing homes, assisted living which were analyzed for specific income stream, in regards to expenses a review of distributed, undistributed, fixed and reserves and regarding Non-RE expenses a review of business component and personal property.

Median Commercial Sales Price & Assessment Ratios:

- Comparison of 2018 sales to initial review of 2019 sales
- Qualified Commercial, Industrial, Mixed Use, Apartments
  - 4/1/2017 – 3/31/2019 40 Sales Ratio @ 91%
  - 4/1/2018 – 3/31/2019 23 Sales Ratio @ 89%
- Adjusting Sales Ratio to 95%
- Single Family
  - 2018 – 155 Sales – Median Ratio 94%
  - 2019 Prior to Analysis – 146 Sales, Median Sale \$475,000.00 Median Ratio 85%
  - 2019 – 146 Sales – Values adjusted to Median Ratio 95%
  - Stratifications needs to be within 5% of Overall Median
- Condominiums
  - 2018 – 142 Sales – Median Ratio 93%
  - 2019 Prior to Analysis – 174 Sales – Median Sales \$465,750.00 Median Ratio 91%
  - 2019 – 174 Sales – Values adjusted to 95%
  - Stratifications needs to be within 5% of Overall Median

Residential Results from Full Update NBHD/Market Area Analysis

- Portsmouth has 31 Residential Neighborhoods
- The base land curve increased 10%
- Further adjustments were applied to the neighborhoods beyond the 10% increase
- Starting Median Ratio for Single Families at 85%
- 20 neighborhoods – stable (no change to factor)
- 4 neighborhoods went down 4-10%
- 1 neighborhood went down 15%
- 5 neighborhoods went up 3-8%
- 1 neighborhood went up 16%
- Median increase in value to all neighborhoods 10%

Condominiums:

- 336 Condo Complexes including 101 mix use/commercial complexes
- Condominiums – Individual complexes reviewed and analyzed
- Complexes that have no sales are reviewed for comparability to complexes with sales
- Waterfront, water view, downtown locations reviewed
- Preliminary sales indicates a 4% increase in Condo class
- Individual complexes may go up or down depending on the findings of the analysis

Assessor Lentz reported detailed sales reports for residential, commercial and condominiums by various stratifications will be available, at the hearings as well as on the City's website once finalized and approved. She advised that all new proposed values will be available on the City's web site which links to Vision's website.

Tentative Timeline:

- Start Up Meeting – March 2019
- Sales Review and Analysis – April 2019 through June 2019
- Assessor Review of Values – June 2019 through August 2019
- Presentation to the City Council on Preliminary Analysis – June 17, 2019
- Taxpayer Notice of Preliminary Assessments – Week of July 8, 2019
- Taxpayer Forum – Tentatively July 18, 2019 – Library Levenson Room 6PM
- Taxpayer Hearings – Beginning July 22, 2019 thru August 2, 2019
- Presentation to City Council of Final Analysis and Results – August 12, 2019
- Final Notices if Changes to Preliminary Values – Week of August 19, 2019
- MS-1 – City Valuation – September – October 2019
- Tax Rate Set – October 2019

Councilor Pearson asked about the commercial side for market rates and is there a sense that businesses still afford the rents. Mr. Tarello said that the demand is still strong.

Councilor Dwyer said that commercial has begun to catch up but is not rising as fast as residential what can you say about the relations between residential and commercial. Mr. Tarello said there are differences between residential and commercial properties. He said that the downtown is still thriving and prices may go up 4% or 12%.

Councilor Roberts said is it possible to see whether commercial development is supporting residential taxes. Assessor Lentz said commercial is increasing and you will see that some years with the tax rate. She reported on the substantial income data that has been received on commercial properties which make the updates stronger.

Councilor Becksted asked if the July 18<sup>th</sup> meeting will be videotaped for the public to review. He also asked if the State mandated a complete revaluation. Assessor Lentz said she must look at values annually. Councilor Becksted asked how many abatements were filed after the revaluation last year. Assessor Lentz said about 35.

City Manager Bohenko said if values go below 95% and people challenge their assessment and they would have a better chance of getting an abatement. Assessor Lentz said if she does not adjust residential there would be an influx of abatements and we also refund interest as well when an abatement is achieved by a property owner.

**Councilor Reynolds moved to suspend the rules in order to take up Item XV. B. – Presentation Re: 2019 Street.life! Annual Dinner. Seconded by Councilor Perkins and voted.**

Councilor Denton spoke to the need to follow the agenda format at the July 15, 2019 City Council meeting.

B. Presentation Re: 2019 Street.life! Annual Dinner

Valerie Rochon, President of the Chamber of Commerce, thanked the City Council for considering the Street.life! Annual Dinner. She informed the Council that the dinner will take place on Chestnut Street in conjunction with The Music Hall.

**Councilor Reynolds moved to refer to the City Manager with power. Seconded by Councilor Denton.**

Councilor Denton asked if a full alcohol bar would be permitted. Ms. Rochon said there is not a need but a desire to have a full bar. City Manager Bohenko said he would not have a problem as long as everyone has a bracelet because there is a full bar inside of The Music Hall and we don't want to compromise their liquor license.

Councilor Pearson said she supports the event. She asked if the area will be covered. Ms. Rochon said it would not be covered but they would move inside The Music Hall if it is raining.

Councilor Becksted said he has concerns having alcohol outside on our streets. He said he would not support the request.

City Manager Bohenko said there will be an area they need to stay in and that everyone would have to wear a bracelet.

Councilor Becksted asked if there is a limit on the number of drinks served. City Manager Bohenko said bartender's address that issue and The Music Hall would not want to over serve anyone.

**Motion passed. Councilor Becksted voted opposed.**

## **IX. PUBLIC HEARINGS ON VOTES ON ORDINANCES AND/OR RESOLUTIONS**

### **Public Hearings on 2019 Proposed Charter Amendments #1 and #2**

#### **A. Public Hearing on 2019 Proposed Charter Amendment #1**

The Municipal Charter of the City of Portsmouth, Section 4.6 – Compensation of City Councilors is hereby amended as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

#### **SECTION 4.6 – COMPENSATION OF CITY COUNCILORS**

Each City Councilor shall be compensated at a rate of Seventy-Five (\$75.00) Dollars for each **regular** Council meeting in which that person is in actual attendance. However, no City Councilor except the Mayor shall receive more than ~~Fifteen Hundred (\$1,500.00)~~ **One Thousand Six Hundred Fifty (\$1,650.00)** Dollars during any calendar year.

If authorized by referendum vote at the municipal election scheduled for November 5, 2019, this amendment to become effective on January 1, 2020.

- **PRESENTATION**

Mayor Blalock read the legal notice and there was no Presentation.



- **CITY COUNCIL QUESTIONS**

No City Council questions were asked.

- **PUBLIC HEARING SPEAKERS**

Esther Kennedy said she supports the Charter amendment.

With no further speakers, Mayor Blalock closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Assistant Mayor Lazenby said he is concerned although the concept is good it appears more like a 10% raise for the Council.

**Assistant Mayor Lazenby moved to amend the proposed Charter Amendment #1 in accordance with the written amendment that is dated June 17, 2019 which has been distributed this evening. Seconded by Councilor Dwyer.**

*New proposed Language: Each City Councilor shall be compensated at a rate of Seventy-Five (\$75.00) Dollars for each regular Council meeting in which that person is in actual attendance. However, no City Councilor including the Mayor shall be compensated for more than Twenty-two (22) meetings during any calendar year.*

Councilor Dwyer said that this is clearer language and she supports the amendment.

**Motion passed.**

**Assistant Mayor Lazenby moved to place the proposed Charter Amendment #1 Compensation of City Councilors on the November 5, 2019 ballot. Seconded by Councilor Roberts and voted.**

**B. Public Hearing on 2019 Proposed Charter Amendment #2**

The Municipal Charter of the City of Portsmouth, AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION) is hereby amended as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

**AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION)**

**APPOINTMENT/ELECTION TERMS**

Should an elected Police Commission be approved on November 5, 1991, the Mayor of the City of Portsmouth shall appoint the first board of three Commissioners who shall assume office commencing on January 1, 1992 through January 1, 1994. In order to establish legal and proper cycle of election in accordance with New Hampshire law, hereinafter, the first elected Board of Police Commissioners shall be elected in November 1, 1993 as follows:

Two candidates receiving the highest and second highest number of votes shall assume terms of four years. The candidate receiving the third highest number of votes shall assume a term of two years.

Thereinafter, each Commissioner shall be elected for a term of four years. All Police Commissioners elected from 1993 and onwards shall be elected at large and without party affiliation and may be elected for more than one term of office. In the event a vacancy should occur on the Board, ~~then the next runner up candidate established out of the last, most recent Board election, shall assume the balance of the vacated term. In the event that the list of candidates from the last election available to fill vacancies becomes depleted, then the Mayor shall appoint any necessary Commissioners~~ **the vacancy shall be filled by appointment of the City Council until the next regular municipal election.**

If authorized by referendum vote at the municipal election scheduled for November 5, 2019, this amendment to become effective on January 1, 2020.

- **PRESENTATION**

Mayor Blalock read the legal notice and indicated there is no presentation on this Charter Amendment.

- **CITY COUNCIL QUESTIONS**

There were no questions by the City Council.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock declared the public hearing open and called for speakers.

Esther Kennedy said she is appalled we have had people that are runners up that were not put in place. She said we have let the residents down and you are taking this decision out of the citizen's hands and giving it to the City Council to appoint. She stated if someone leaves the Commission the next person should be put on the Commission.

Mayor Blalock said our Charter is in violation of State law as indicated by the Secretary of State and Attorney General. He stated we are lining up our Charter to be in line with the State Statute.

Blair McCracken said you should put the person the City Council is appointing to be the runner up of the election.

With no further speakers, Mayor Blalock declared the public hearing closed.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Becksted said he experienced the filling of a vacancy and the names of people were brought forward for the City Council to appoint. He said each replacement has been different and it is confusing. He said the City Council's concern was that a three member body not being able to function with just two members.

Councilor Dwyer said Mr. McCracken makes a good point put in place a new City Council rule that the City Council would appoint the person that is the runner up. She said we would pick the person with the next number of votes.

Assistant Mayor Lazenby said he feels that what Councilor Dwyer is saying is similar to Councilor Becksted's point.

Councilor Roberts said he disagrees, the City Council should use the best person for the job and be qualified to do the job.

Councilor Pearson said should we add under the brief explanation that the amendment is due to State Statute.

City Attorney Sullivan said it is clear for the record and there is a footnote.

**Councilor Dwyer moved to place the proposed Charter Amendment #2 Police Commission Vacancies on the November 5, 2019 ballot. Seconded by Assistant Mayor Lazenby.**

City Attorney Sullivan stated that the law requires a brief explanation and that will appear on the ballot.

**Motion passed.**

At 9:15 p.m., Mayor Blalock declared a brief recess. At 9:25 p.m., Mayor Blalock called the meeting back to order.

### C. First Reading – Annual Omnibus Ordinance

#### First Reading of Ordinance Amending Chapter 7 – Parking Omnibus

**Councilor Perkins moved to pass first reading of the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee, and schedule second reading and public hearing for the July 15, 2019 City Council meeting. Seconded by Councilor Roberts.**

Councilor Denton said later in the agenda there is a request for parking would it make sense to have it part of this ordinance. City Manager Bohenko said it is for a meter so you can't add it to the omnibus.

Councilor Becksted said some of the parking spaces that are being eliminated by the Neighborhood Parking Plan have been created into loading/unloading zones. City Manager Bohenko said we will go through all parking spaces during the public hearing.

**Motion passed.**

## **X. MAYOR BLALOCK**

1. Appointment to be Considered:
  - Appointment of Stephen Pesci as a regular member to the Parking & Traffic Safety Committee
  - Appointment of Jonathan Sandberg as an Alternate to the Parking & Traffic Safety Committee

The City Council considered the appointments of Stephen Pesci and Jonathan Sandberg to the Parking & Traffic Safety Committee to be voted on at the July 15, 2019 City Council meeting.

### 2. City Manager Search Subcommittee Update

Mayor Blalock said the Subcommittee had a meeting last week and discussed the timeline and having the search firm put together a profile for a new City Manager.

Deputy City Manager Colbert Puff reported on the conference call last week and that the search firm will be sending Joellen Cademartori here next week. She reported that invitations were sent out to a number of business leaders, board and commission members and that a community forum will be conducted in Conference Room A. If you are unable to participate emails will be accepted to Joellen directly in order to provide input or you may call her and speak with her to discuss your thoughts for a new manager.

Councilor Pearson asked if there will be an on-line version for people to complete. Deputy City Manager Colbert Puff said yes. Deputy City Manager Colbert Puff announced that there is a City Manager Search Web Site and it has the questionnaire for people to complete.

Assistant Mayor Lazenby said the time line does not reflect some of the changes. Mayor Blalock said the time line is in our packet. Assistant Mayor Lazenby said we had a discussion and did not have a target date for the new person to start after the City Manager leaves. Mayor Blalock said the new City Manager would start in the beginning of January.

Deputy City Manager Colbert Puff said a sample survey that will be passed out to the City employees and the City Council can make any changes requested.

## **XI. CITY COUNCIL MEMBERS**

### **B. COUNCILOR DENTON**

1. Distribution of Single-Use Disposables Ordinance

**Councilor Denton moved to have the City Attorney review and provide a report back on the amended Distribution of Single-Use Disposables Ordinance. Seconded by Councilor Roberts.**

Councilor Denton said he provided two copies of the same ordinance with the second copy being the clean version. He has taken some feedback and is aware that the State Legislature will not be acting this year. He said he made some changes to the Ordinance with the majority only applying to City events, City sponsored events and City property. He stated he would like to keep the ordinance going forward until second reading. Councilor Denton said this is asking for City Attorney Sullivan's opinion. He indicated moving forward he would like to reduce Styrofoam in the City.

Councilor Becksted asked how we could control the schools use of plastics and Styrofoam. Councilor Denton said it is about the distribution of products.

Councilor Dwyer said the group effected by this would be the Farmer's Market. Councilor Denton said it would apply to the Farmer's Market. Assistant Mayor Lazenby asked if Prescott Park Arts Festival would apply. Councilor Roberts asked about the recent concert held in the Worth Lot. Councilor Denton said yes.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said we need to get everyone educated and people will be much more conscientious.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Dwyer said she would support the ordinance.

Councilor Denton said he does not usually negotiate with himself but either way he wants to pass something and in the next year let's see if it is challenged. He stated the next City Council could amend five words to keep it just to City property.

Councilor Pearson supports the ordinance and challenges private businesses to join the City.

**Motion passed.**

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

- A. Acceptance of Donation by West End Studio to the Police Explorers Post - \$55.00

**Assistant Mayor Lazenby moved to accept and approve the donation to the Police Explorers Post in the amount of \$55.00 from West End Studio. Seconded by Councilor Perkins and voted.**

## **XIII. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER**

- 1. Request for Public Hearing Re: Various Bonding Resolutions for projects identified in the FY 20-25 Capital Improvement Plan

City Manager Bohenko said he is requesting a public hearing on various Resolutions for the July 15, 2019 City Council meeting. The first Resolution deals with the General Fund, the second is the Sewer Fund and the third is the Water Fund. He stated a full presentation will be held at the July 15, 2019 City Council meeting.

**Assistant Mayor Lazenby moved to authorize the City Manager to bring back for public hearing and adoption the various proposed CIP projects to be bonded, as presented, for the July 15, 2019 City Council meeting. Seconded by Councilor Raynolds and voted.**

2. 162 Daniel Street (McIntyre Federal Building) Re-Zoning Request

Planning Director Walker said the request was referred to the Planning Board for a recommendation. She indicated that the Planning Board reviewed the request and the report back states the McIntyre is not in Municipal use and does not feel the rezoning request is appropriate for the building. She reported that the Planning Board held a public hearing on the request and the Planning Board voted unanimously to not support the request to rezone and recommended to accept and place the request on file.

Councilor Becksted said in 2005 the Doble Center was changed to Municipal zone and we did not have ownership and asked how's that different. Planning Director Walker said the current ordinance is amended in 2010, and it is very clear in the definition.

Councilor Raynolds asked if the current zoning designation for property owned by governmental entities could the Municipal zone be applied to the Federal Government. Planning Director Walker said State and Federal Government are exempt from zoning. She said it is important to be aware that zoning the parcel Municipal removes all dimensional controls.

Assistant Mayor Lazenby asked if the zoning was changed what would the impact be to the current process. Planning Director Walker said zoning it Municipal you are giving a different message to the developer. She said no off-street parking, no height control, etc.

Councilor Pearson said if the City purchased the building, the City develops the building do we have architects on staff. She said there are a whole group of people we would need to hire that we do not currently have performing such tasks.

Councilor Dwyer said if it was Municipal the value would be lowered. If you take away the dimensional controls it would increase the value.

Councilor Roberts asked why this would be requested and the City would maintain control. He said uses would be controlled by the City in perpetuity.

Councilor Pearson asked who pays for the abatement, design work and the construction.

City Manager Bohenko said if we did a negotiated sale, the owners of the building, we would clean up the building and make it an empty shell to market the building. We would need to get rid of the asbestos and we would need to bond the project and a team would need to be hired. He stated you would need to appropriate the money for the use of the building. He said in 2017 we did look at a negotiated sale and we did not want to expend the money and people felt that the GSA handled the process wrong with us.

Councilor Becksted said the intent is if we buy it and change it to Municipal it would drop the value and we could purchase the building. We could earn \$350,000.00 in rent for the Post office.

**Councilor Becksted moved to rezone the property to Municipal. Seconded by Councilor Denton.**

Councilor Becksted said we have not looked at everything. He said there is no time limit on this project and let's see if there is one more option.

Councilor Perkins said we have explored every option and it is very complex. She feels the City has done a fabulous job to explore the project and there is no way to move forward without a revenue stream. She said the use will be brought for a vote by the City Council soon.

Councilor Pearson said that there is an assumption on the value of the property and what the value would be if zoned Municipal.

Councilor Dwyer said the next item on agenda will talk about the sessions coming forward on the financing of the building. She said we cannot take down the building on any deed transfer.

Councilor Roberts said the price may come down, the question is what you get for \$4,000,000.00. He said there is no room to pay that for the building and you can't take the building down that is part of the restriction.

Assistant Mayor Lazenby said he would not support the motion. He said it seems dangerous and perhaps it would not be able to proceed and it feels like the cart before the horse.

Councilor Denton said in 2017 he remembers discussing this and he favored the City owning the building. He spoke to the selection of a developer Redgate/Kane and said he wanted to take a chance and try to get what we can and this would go to the private developer who would build what they want. He said it is irresponsible for an elected official to say the Post Office might stay, it will not. He said the GSA said it would move out of the building.

Councilor Reynolds said all tenants would need to move, and the Post Office would be temporarily relocated. He did indicated that Redgate/Kane has a spot marked for the Post Office to return to.

Councilor Becksted said we have no partnership, there is no obligation to any of it.

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

**Councilor Perkins moved to accept and place on file the request from Revisit McIntyre to rezone the property located at 162 Daniel Street (McIntyre Federal Building) to Natural Resource Protection District or Municipal or a combination of both. Seconded by Councilor Reynolds and voted.**

3. Proposed Work Session on June 24, 2019 at 6:30 p.m. Re: McIntyre Project and Special Meeting on July 1, 2019 Re: Action on this Matter

City Manager Bohenko said on June 24<sup>th</sup> at 6:30 p.m. we will be meeting regarding negotiations with Attorney John Sokul present, July 1<sup>st</sup> will be a Work Session on the Financial Picture with David Eaton, July 8<sup>th</sup> will be a Question and Answer session with David Eaton and July 15<sup>th</sup> a vote would take place regarding the McIntyre at our regular meeting.

**Councilor Dwyer moved to establish a Non-Public Session on Monday, June 24<sup>th</sup> in Conference Room A at 6:30 p.m.; a Work Session on Monday July 1<sup>st</sup>, in the Eileen Dondero Foley Council Chambers at 6:30 p.m. and a Dialogue Session on Monday, July 8<sup>th</sup> in the Eileen Dondero Foley Council Chambers at 6:30 p.m. regarding the McIntyre Project. Seconded by Councilor Perkins.**

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said everyone thinks that we don't do anything in the summer but we do and we need to meet on these items. He said he understands the concerns of Councilor Becksted to not have a vote in the summer when people are on vacation. He said the Federal Government in 2016 gave the Post Office an eviction notice and the Post Office was to be out of the building in 2017. He stated never did they withdraw their notice of having to move out of the building. He said he is excited about the public input that will take place on July 8<sup>th</sup>.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Perkins said she apologizes on scheduling this for the summer.

**Motion passed.**

4. Sale of Surplus Water Meters

City Manager Bohenko said the City currently has old water meters with a total weight of 9,200 lbs. to dispose of. He stated the meters are outdated, and it is the option of the water department that its greatest value is as scrap meter. He further stated the bundled value is believed to far exceed \$500.00.

**Councilor Perkins moved to authorize the City Manager to dispose of the surplus water meters through GovDeals. Seconded by Assistant Mayor Lazenby and voted.**

5. Request for First Reading Re: Ordinance Amendment to Chapter 7, Article III, Section 7.328 – Limited Parking – Three Hours – Raynes Avenue and Vaughan Street

City Manager said this will add meters to Raynes Avenue and Vaughan Street. He said we need this in place before the AC Hotel comes on line.

**Councilor Perkins moved to schedule first reading for the July 15, 2019 City Council meeting to amend Chapter 7, Article III, Section 7.328 Limited Parking – Three Hours – Raynes Avenue and Vaughan Street. Seconded by Councilor Roberts and voted.**



**XV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

C. Email Correspondence

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

**XVII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

Councilor Pearson reported that the City Council was the highest fundraiser and best dressed at the Stiletto Race held on Saturday downtown.

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

**At 10:35 p.m., Councilor Becksted moved to adjourn. Seconded by Councilor Perkins and voted.**

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK