CITY COUNCIL MEETING

MUNICIPAL COMPLEX PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 4, 2017 TIME: 5:45 PM

Public Dialogue Session Re: McIntyre Project– Table A

Assistant Mayor Splaine, Councilors Perkins and Lown were seated at the table. Councilor Perkins explained that this Public Dialogue will be regarding the McIntyre Project.

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

Gerald Duffy spoke regarding local residents and architects and said the process feels like it is premature to select a developer unless they're willing to work with extended processes. He suggested holding a session similar to Portsmouth Listens to receive more input from residents on how they feel this project should proceed. Mr. Duffy recommended holding a design charrette to be used to come forward with scenarios and then hand them off to a developer.

Councilor Perkins said she is looking forward to hearing from everyone this evening. She said if a developer was picked now there would be a great deal of public input and listening by the City Council.

Bill Downey thanked the City Council for this dialogue session. He said the input process has not been adequate. He suggested hiring a consultant to create a vision for the project. He stated some members of the public do not want to feel like this project is a runaway train.

Zelita Morgan said we need to start with a vision and the City should reclaim a space for the public in the downtown.

Diane Stradling said if the federal government does not want the building how much negotiation has to take place. She stated people don't care for the façade of the building. She asked if we could go back and say we no longer want the building and what would happen.

Deputy City Manager Colbert Puff said we could have the building if we want to acquire the building, or someone else would take the building as it currently appears. She stated the federal government needs to make sure it does not have a deferential impact on the building. She informed the group that the building is on the National Registry because it is over 50 years old. Deputy City Manager Colbert Puff advised the group the only way for the building to be removed from the Registry would be if something devastating happens such as a natural disaster, fire, etc.

Rick Becksted asked about the difference between the McIntyre building and the Doble Center process.

City Manager Bohenko explained the Doble Center went under a base realignment closure act (BRCA) and the 106 process. He informed the group that the Doble Center went under a recordation similar to what we did with the former Library and Doble is currently before the Army Corps of Engineers.

Cliff Lazenby asked how the design of the building works in conjunction with the GSA.

Deputy City Manager Colbert Puff reported the GSA wants the building to be vacated by December 2018 or January 2019. She also explained the historic application process and how that process would proceed.

Mr. Lazenby asked if we were at risk of losing the building if we don't file the application.

Deputy City Manager Colbert Puff said if we were not ready GSA would dispose of the property to someone else.

Councilor Perkins spoke to the application process and the time for the public process.

Gerald Duffy said there is a way to look at buildings with a process developed by Reagan Ruedig.

Aubrey Gewehr asked if there are restrictions on the property with the transfer to the GSA.

Deputy City Manager Colbert Puff spoke to the conveyance and the public benefit of the building. She addressed the building renovations and said there are few restrictions on the use. She indicated if the new use is income producing all benefits would come back to the City and be deposited for park renovations. She also spoke to the character defining points of the project.

Tom Fierily said people are discounting office space and they should not. He stated people would love to be in downtown. He said you need to build a place that people can live, work and play. He said that there is more economic stability with office building and multiple tenants.

Joanna Kelley said she is concerned that the majority of the building would become a hotel and people do not want to see another hotel. She stated it is disheartened to see 2 out of the 3 proposals were just for the development of a hotel.

Zelita Morgan said you could have open community space at the site and develop an outdoor farmer's market or create an area where start-up businesses can go. She said we need to reclaim who we are as a City.

Sarah LaChance spoke regarding selecting a partner and the process being used.

Deputy City Manager Colbert Puff said the City must remain in conveyance in order to keep the building.

Councilor Perkins said that the proposals we are receiving are telling us to bring the site up to its use. She said the proposals that we have seen does not mean that they're the proposals we will use. She stated we want the partners to be flexible.

Rick Becksted said less is more in this case. He stated the more there is the more overhead expenditures there will be. He expressed concern that the developers have stated that they do not want to be responsible for the parking at the site.

Erik Anderson expressed concern regarding the process does not look at a vision for the project. He stated you could create affordable housing but not subsidized housing. He said whatever direction you go cannot be at the expense of the residents and the community.

Councilor Lown said the City Council does not have to choose from the 3 proposals. He said we want the developer to be flexible. He said the City Council has made no decision.

Tony Lane asked what the City is committed to with the process. He said the City needs to choose a vision for the project.

Councilor Lown said we are committed to a relationship with developers. He said we are not committing to anything and the City Council will make a decision based on listening to the public.

Assistant Mayor Splaine said when we develop a relationship with someone you develop a partnership of what the design would be from the developers.

Mark Brighton asked if the City was satisfied with the process.

Assistant Mayor Splaine said public dialogue should continue and he still feels rushed to make a decision. He does not understand those that are not for public participation and does not want this to be jammed through.

Bill Downey said people are confused by the process and it has been inadequate. He said there needs to be a public charrette. He said there is much that could be done to this building to make it one of the jewels in the City.

Zelita Morgan said the developers have not had a vision and how do we know what they can do with a vision. She said the process needs to be opened up to the community.

Rick Becksted said we should wait until February to allow more public input and during that time develop a vision. He feels that the current process is backwards.

Cliff Lazenby asked if there is another view point. He said there is room for the process to continue.

Councilor Perkins said we have been working on this for a year and have followed a smooth process. She said she doesn't feel that we have enough information tonight to make a decision but questions can be answered in the next few weeks. She understands there are challenges going either way.

Bill Downey said you should do an industrial charrette followed by a public dialogue session.

Mayor Blalock said that this is the beginning of the process.

Diane Stradling said Portsmouth Listens would be willing to have a public dialogue and report back their findings to the City Council in a 4 week time period.

Assistant Mayor Splaine said we did not have the developers come in with a vision.

Jason Buchense said we need to move forward on this and not lose out on the building.

Public Dialogue Session Re: McIntyre Project – Table B

Councilors Pearson, Spear and Cyr were seated at the table B. Councilor Pearson explained that this Public Dialogue will be regarding the McIntyre Project.

Mike Casino stated he is a neighborhood resident and that parking is the most important issue and should be available on-site or via a shuttle. He stated that the majority of the building should be benefiting to the public and include open space and public access.

Councilor Spear stated he agrees with much of that and that there will be time to work on the fundamentals in the upcoming year with community discussions in the next 6-8 months. He stated that currently we are looking for who will make a good partner.

Mr. Casino stated that is separating the public input from the developer and feels that a consultant should be hired to do a charrette as has been done with other projects. He stated this process is based on preconceived notions.

Mary Lou McElwain stated she agrees with the open space idea and asked about an e-mail from Councilor Dwyer which stated that a developer needs to be in place before the GSA will release the building.

Councilor Spear clarified that we need to have a plan and in order to have a plan, we need a partner.

Ms. McElwain stated it is important to clarify that and that it seems like this has been done in a rush.

Councilor Pearson explained that there were originally 7 firms who answered the RFQ and now it is down to 3 that chose to stay through the end of the process.

Jan McCracken stated she attended the meeting with the 3 presentations and found them interesting but feels that the newspaper article was based on the writer's preference. She continued that it isn't clear if the post office is being maintained on the site.

Councilor Pearson stated that it may not be in the exact location but we are looking to keep it on-site.

Councilor Spear stated that in the RFQ it is meant to stay there. Regarding parking, he feels there were a lot of good ideas with a wide range breadth from 65-150 spaces.

Blair McCracken stated that only Ocean Properties presented parking as being self-sufficient on-site and feels that parking is already a problem and does not feel that valet parking is the answer either. Secondly, he stated that while the 2nd parking garage is being built, we should start thinking about the next site and this is an opportunity to look at other options such as underground, mechanized parking, and add green space as well. He stated we do not need another hotel and feels that when the next recession hits, there will be a lot of vacancies in the hotels we have now.

Councilor Pearson asked his opinion of the other firms.

Mr. McCracken stated that none of these 3 firms are proposing green space so he isn't in favor of any of these 3.

Councilor Pearson asked what should happen if none of these 3 are chosen.

Mr. McCracken stated that the process should be opened up again submitting proposals on what the City wants to see on the site.

Councilor Cyr asked about taxpayer funding and development of green space stating that some things pay for others.

Mr. McCracken stated that we are spending 23 million on a garage, but a similar one elsewhere is being done for 13 million.

Jon Wyckoff stated he agrees that these 3 developers may not be the ones chosen and feels that the city has reached a point of "the Peter principle" rising to its own level of incompetence. He continued that this isn't meant as in insult but there are so many projects that are going on, Doble Center, refacing city hall, the WWTF, etc. and feels that we do not need to own this property. He stated we should reject this offer and let another entity take it on who will then go through the land use boards.

Councilor Spear stated that the Council had thought about that and we are not under any obligation to take it, and then the GSA would auction it off and then the developer would have to go through the land use boards and it would still be taxed. He stated the down side would be that without the city involvement, the public input process would stop. He stated that with the city involvement we have control of the process.

Bob Vaccaro, stated he loves the opportunity for the public discussion and likes the city to be involved in this because developers would go for high-end uses such as condos and restaurants and have no diversity. He stated he likes the idea of a hostel or micro units as well as public space by the tug boat corner of the property.

Councilor Pearson asked if he saw any of the presentations, which he replied he did not.

Scott Forte stated out of the 3 presentations he liked Kane's activated space on the first floor and also like the views. He stated that regarding the Ocean Properties proposal, there was too much brick in the middle which blocked the views.

Pat Bagley asked for clarification of Ms. McElwains' question and why we need a partner now but don't get the property for another year.

Councilor Pearson explained that the current tenants will be there until the end of 2018 and we need to have a plan in place so the GSA knows what we are proposing for the transfer of the property.

Ms. Bagley continued that public input is key to the process and would like to see the 3 developers present to the public and have the public be able to ask questions of the developers and receive answers.

Councilor Spear explained that the Council is proxy for the public and have been asking the questions received from the public.

Ms. Bagley asked why have any public input at all.

Councilor Spear stated that this is a very expensive process for the developers and out of 7 companies 3 remain and more may still dropout, but we don't want to choose by last man standing. He stated by choosing a partner, it will be someone that is willing to be in it for the long haul.

Ms. Bagley continued that of the 3 proposals Ocean Property was the most realistic in terms of parking but feels that they all have their own agendas and monetary issues they have to deal with. She stated she left the presentation meeting thinking that this may be an albatross.

Councilor Cyr stated he understands that this is a very complicated project without any specific details yet, but we are looking for vision, perspective and interests aligning. He stated that this will out-last all of us and the details will change but we have to pick someone who is willing to work with us and who the city is comfortable working with.

Councilor Pearson stated that the Prescott Park Master Plan process which had Weston and Sampson set a high bar for public engagement and she will not settle for less than that during this process.

Ms. Bagley asked who of the 3 did Councilor Pearson like.

Councilor Pearson stated that they all had different levels of experience, etc. but feels that the public inclusion is most important.

Councilor Spear stated that this is different than the Prescott Park process because the developer will be making a profit, although it will be capped and the remainder will come back to the city. He stated if we decide that this isn't working for us, then we can drop out but he doesn't think that will happen, but it is better than auctioning it off to the highest bidder.

Paige Trace stated that the city would like the post office to be included but it's not required so how do the residents of the south end know that it will still be there because people like to walk there. Secondly, she stated she doesn't want to see another Portwalk Place with plastic covering the building and not knowing what is going on there. Next, she asked if it is possible to have the GSA give a public presentation on how the monuments program works because it is confusing. She stated her understanding is that the profits are supposed to go to monuments or other historic areas. Finally, she stated that one of the 3 groups thought that they would be able to purchase the property but Deputy City Manager Colbert Puff said that is not the case and it is the whole property that we either take it all or none of it.

Councilor Spear stated that the City Council will do everything they can to have the post office on the property.

Councilor Pearson stated that regarding another Portwalk Place, we didn't have the Code Compliance Officer in place then that we have now.

Councilor Cyr stated that the most important thing is that the legal document defines the relationship and protects us and specifies the terms.

Ms. Trace stated she still wants someone from the federal government who can answer questions for the public.

Dan Rawling stated that in looking at the proposals he likes the Redgate/Kane proposal due to the diversity of uses because we need more diversity than more restaurants, t-shirt shops etc. He stated the other proposals had open spaces that were really private spaces for the people who would be living there. He stated that the city needs to look at zoning on this site as well. He stated that most of the proposals had large development on Bow Street side and small on Daniel Street but he feels it should be reversed, but that is what current zoning allows and they are reluctant to add height because of the zoning and citizen response.

Kerry Vautrot - Portsmouth Historic Society Advocate, stated that there needs to be a reality check through this process and we should not be setting the Historic District Commission up to fail. Secondly, she stated that the RFQ's were too vague and they aren't able to answer questions that were asked about specifics. She continued that there was a missed opportunity to have a Portsmouth Listens type input on the project and she feels that the majority of the developers didn't understand the cultural resources aspect.

Resident – stated that none of the groups had a clue about Portsmouth and feels there was a lack of direction. She stated they all spent a lot of money on plans that are useless to Portsmouth. She continued that this is a unique space and should not be a hotel, restaurant or condos and we need to figure out what we need that we do not already have. She concluded that a particular group of developers, Redgate/Kane, were scoffing at people and were arrogant.

Jennifer Lombardo asked what the deadline is to present a plan to GSA. Councilor Pearson stated we have not been given a deadline yet but the tenants will be leaving at the end of 2018.

Ms. Lombardo asked why the urgency to vote on a partner on 12/18 then. She stated she feels it is manipulative of the current City Council to force this vote. Finally, she stated that giving the public only 45 minutes to comment on this when the developers each were given an hour to present is not reasonable.

Esther Kennedy – stated that there were charrettes for both the Prescott Park Master Plan and Zoning and agrees that 45 minutes is not enough time to hear the voices of the public. She stated there should be a charrette for this project as well.

Mayor Blalock stated there will still be a lot of time and opportunity for public input and this is just the beginning. He stated he is also not in favor of choosing a partner on December 18th.

Mayor Blalock closed the Public Dialogue at 6:35 p.m.

NON PUBLIC SESSION IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING STRATEGY OR NEGOTIATIONS WITH RESPECT TO COLLECTIVE BARGAINING – SCHOOL DISTRICT'S NON-SUPERVISORY CAFETERIA PERSONNEL – AFSCME LOCAL 1386

At 6:45 p.m., Mayor Blalock called the Council to the Dais.

In attendance at the dais were Mayor Blalock, Assistant Mayor Splaine, Councilors Lown, Pearson, Spear, Cyr and Denton.

The following motion was taken in public session in the Eileen Dondero Foley Council Chambers.

Assistant Mayor Splaine moved to enter into Non Public Session in accordance with RSA 91-A:2, I (a) regarding Strategy or Negotiations with Respect to Collective Bargaining – School District's Non-Supervisory Cafeteria Personnel – AFSCME Local 1386 Seconded by Councilor Pearson and voted.

Conference Room A

COUNCIL PRESENT:	Mayor Blalock, Assistant Mayor Splaine, Councilors Lown, Pearson, Spear, Cyr and Denton
STAFF PRESENT:	John P. Bohenko, City Manager, Dianna Fogarty, Human Resources Director, Tom Closson, Negotiator; Steve Bartlett, School Department Business Administrator, Valerie French, Deputy City Clerk

Negotiator Closson reviewed the Tentative Agreement with School District's Non-Supervisory Cafeteria Personnel – AFSCME Local 1386.

At 6:55 p.m., Mayor Blalock closed the Non-Meeting.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 4, 2017 TIME: 7:00 PM

I. CALL TO ORDER

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

II. ROLL CALL

Members Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer (arrived at 8:40 p.m.), Lown, Pearson, Spear, Cyr and Denton

III. INVOCATION
IV. PLEDGE OF ALLEGIANCE

Mayor Blalock asked for a moment of silence in memory of Rabbi David Senter. He then led the Pledge of Allegiance.

PRESENTATION

1. Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization – David Moore, Assistant City Manager

Assistant City Manager Moore introduced Bob Uhlig of Halvorson Design Partnership and Ted Touloukian of Touloukian Touloukian Architecture and Urban Design who gave a brief presentation on the final report and recommendations of the Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization.

Mayor Blalock thanked Mr. Uhlig and Mr. Touloukian for their presentation. He also thanked the members of the Blue Ribbon Committee as well as Assistant City Manager David Moore.

Councilor Denton referred to the proposed buildings on the Bridge Street and Worth Lot Sites asking who would own them. Assistant City Manager Moore explained that this is a vision plan and not detailed. He explained that the inclusion of the buildings are to show potential for revenue potential and adding to the urban experience, but would be up to the city to decide how to exercise the potential uses.

Councilor Dention asked if this would be a part of the 6-year CIP process. Assistant City Manager Moore stated yes.

Assistant Mayor Splaine stated this was an excellent presentation and discussed the history of the area. He stated that he feels this would be a better use of the area than putting the parking garage on the Worth Lot and feels vindicated in that decision.

Councilor Cyr stated that having a 3-D model of this would help people to visualize and put it in context. He stated that part of the expression is the finished parking garage and a model would help. Assistant City Manager Moore stated that this would be an additional investment if this vision goes forward.

Councilor Perkins moved to suspend the rules to move Item XI.D.1., Adoption of Final Report and Vision of the Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization, on the agenda for action. Seconded by Assistant Mayor Splaine and voted.

Councilor Perkins moved to adopt the final report and vision of the Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization, seconded by Assistant Mayor Splaine.

Councilor Perkins stated it was a pleasure to serve as the Chair of the committee and work with the members. She stated that the investment in the new parking garage serves as a starting point and creates predictability for private businesses in the area. She stated that this is a unique public space and we need to empower the City Manager to include funds in the CIP to move forward with private/public uses.

Assistant Mayor Splaine stated he is encouraged by this and feels that in 10-15 years people will look back at this as something significant and if not for this vision, we would have more development without preserving open space which is important to the City.

Councilor Lown stated he will support this, and feels that this is similar to the McIntyre Lot, in that the vision is being approved.

Motion passed unanimously.

V. ACCEPTANCE OF MINUTES – October 16, 2017 and November 9, 2017

Councilor Lown moved to accept and place on file the minutes of the October 16, 2017 and November 9, 2017 City Council meetings, seconded by Councilor Cyr.

Councilor Pearson commended the City Clerk and Deputy City Clerk on their transcriptions of the public dialogue minutes.

Motion passed.

VI. PUBLIC DIALOGUE SUMMARY – McIntyre Project

Assistant Mayor Splaine stated that there were approximately 20 people in his group and heard that there is a lot of confusion about the process and the proposals. He continued that the consensus is that there should be more dialogue before choosing a partner. He suggested using the Portsmouth Listens process to get more public input and participation and answer questions instead of trying to defend a point of view. He stated that the current and future City Council should “bite their tongues” until more public input is received.

Councilor Lown stated that he heard very helpful comments and feels that the Councilors listened 98% of the time and spoke 2%.

Councilor Pearson stated that questions were asked and were answered and that people did give their ideas but also asked the Councilors for their opinions of the developers. She agrees that there is confusion regarding what will be allowed by the GSA and how much influence the city has including whether the Post Office will remain there.

Mayor Blalock passed the gavel to Assistant Mayor Splaine who recognized the Mayor to speak.

Mayor Blalock stated he goes back and forth stating he likes the concept and it is a work in progress, but also agrees that the Council needs to do more listening. He stated that there should not be point – counter-point back and forth, but answering questions and clarifying misunderstandings. He would like to see the process continue to evolve.

Councilor Perkins stated that there is a huge role for dialogue and feels it is the purpose of this format and is a productive piece of the process.

Assistant Mayor Splaine stated it isn't our job to show how smart we are.

VII. ORDINANCES AND/OR RESOLUTIONS

A. Second reading Re: Zoning Ordinance Amendments – Off Street Parking – Chapter 10, Article 11 – Site Development Standards; Article 15 – Terms of General Applicability and Article 8 – Supplemental Use Standards *(Postponed from November 20, 2017 City Council meeting)*

Councilor Perkins moved to adopt the proposed amendments to first reading as prescribed in the memorandum from Planning Director Juliet Walker, dated November 29, 2017.

Councilor Perkins requested clarification on the size of maneuvering isles which Planning Director Walker explained was meant to be a compromise between requiring less space and ensuring enough room for emergency vehicles.

Motion passed. *(Assistant Mayor Splaine was away at time of vote.)*

Councilor Perkins moved to pass second reading of the proposed amendments to Articles I, 11 and 15 regarding off-street parking regulations as amended. Seconded by Councilor Pearson. Motion passed unanimously. *(Assistant Mayor Splaine was away at time of vote.)*

Councilor Lown moved to suspend the rules to conduct third and final reading of the ordinance as amended. Motion passed on a 7-0 roll call vote. *(Assistant Mayor Splaine was away at time of vote.)*

Councilor Lown moved to pass third and final reading on the proposed amendments to Articles 8, 11 and 15 regarding off-street parking regulations. Seconded by Councilor Perkins and voted.

B. Second reading Re: Gateway Mixed Use District Zoning Amendments – Chapter 10, Article 5B – Gateway Mixed Use Districts; Article 5A – Character-Based Zoning; and Article 4 – Zoning Districts and Use Regulations *(Postponed from November 20, 2017 City Council meeting)*

Councilor Lown moved to adopt the proposed amendments to first reading as prescribed in the memorandum from Planning Director Juliet Walker, dated November 29, 2017, seconded by Councilor Perkins.

Councilor Perkins asked for clarification of several sections, which were provided by Planning Director Walker.

Councilor Perkins stated that she and Councilor Dwyer would like to see the Title of Chapter 10, Article 5B, be amended to add "Neighborhood"

Councilor Perkins moved to amend Title of Chapter 10, Article 5B by adding "Neighborhood" to read as follows: <u>Gateway/Neighborhood Mixed Use Zoning Districts</u>. Seconded by Councilor Pearson and voted.

Councilor Perkins moved adopt the proposed amendments to first reading as prescribed in the memorandum from Planning Director Juliet Walker, dated November 29, 2017, as amended. Seconded by Councilor Lown and voted.

Councilor Perkins moved to pass second reading of the proposed amendments to Articles 4, 5A and 7 and to adopt new Article 5 B, Gateway/Neighborhood Mixed Use Zoning Districts as amended. Seconded by Councilor Pearson and voted.

Councilor Perkins moved to pass suspend the rules to conduct third and final reading of ordinance as amended. Seconded by Councilor Lown and voted on an 8-0 roll call vote.

Councilor Perkins moved to pass third and final reading on the proposed amendments to Articles 4, 5A and 7 and to adopt a new Article 5B, Gateway/Neighborhood Mixed Use Zoning Districts as amended. Seconded by Councilor Lown and passed unanimously.

C. Second reading to Amend Chapter 5, Fire Department and Prevention Regulation which includes Adoption of 2015 International Fire Code to Replace the Existing 2006 International Fire Code *(Postponed from November 20, 2017 City Council meeting)*

Fire Chief Achilles reviewed a power point presentation regarding Solar Photovoltaic Installation guidelines and explained that there are a couple of sections that the City of Portsmouth wants to include in our ordinance regarding access pathways and residential systems.

Councilor Denton asked about a potential amendment regarding the access pathways.

Fire Chief Achilles explained that firefighters need ability to egress quickly on the other side of the roof if the ladder is not accessible and doesn't want to impede their ability to get off the roof.

Discussion ensued regarding possible amendments and their potential impact.

Councilor Lown moved to amend the form of the ordinance amendment to Chapter 5 that went to first reading as set forth in the memorandum from Fire Chief Achilles to the City Manager dated November 28, 2017. Seconded by Councilor Perkins and voted.

Councilor Lown moved to suspend the rules to conduct third and final reading. Seconded by Council Cyr and passed on an 8-0 roll call vote.

Councilor Lown moved to pass third and final reading of Chapter 5 as amended. Seconded by Councilor Perkins and voted. *The ordinance change will take effect January 1, 2018.*

D. Third and final reading to Amend Chapter 12 by Adopting the 2009 International Building Code and 2009 International Residential Code to Replace the Existing 2006 Versions and to Amend Chapter 15 by Adopting the 2009 International Plumbing and Mechanical Codes to Replace the Existing 2006 Version. This also includes local amendments to the 2014 National Electrical Code

Councilor Lown moved to pass third and final reading for Chapter 12 as amended at the November 20, 2017 City Council meeting. Seconded by Councilor Cyr and voted.

Councilor Lown moved to pass third and final reading for Chapter 15 as amended at the November 20, 2017 City Council meeting. Seconded by Councilor Denton and voted.

The ordinances with take effect January 1, 2018.

E. Third and final reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by Striking Article I-V in its entirety and replace with new language

Councilor Spear moved to pass third and final reading of the proposed Ordinance as amended at the November 20, 2017 City Council meeting. Seconded by Councilor Pearson and voted.

VIII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Moose License Plate Conservation Grant - $9,966.00

Councilor Perkins moved to accept and approve the grant award, as presented. Seconded by Councilor Pearson and voted.

IX. CONSENT AGENDA

Councilor Lown moved to adopt the Consent Agenda as presented. Seconded by Councilor Pearson and voted.

A. Letter from Matthew McFarland, Saint Patrick Academy requesting permission to hold the 5th annual 5k Road Race on Saturday, March 17, 2018 at 10:30 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

B. Letter from Donald Allison, Eastern States 20 Mile requesting permission to hold the Eastern States 20 Mile Road Race on Sunday, March 25, 2018 ***(Anticipated action – move to refer to the City Manager with power)***

C. Acceptance of Fire Department Donation – Elizabeth Kler - $25.00 ***(Anticipated action – move to accept and approve the donation to the Portsmouth Fire Department, as presented)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. *(See E-mail Correspondence)*

Councilor Pearson moved to accept and place on file. Seconded by Councilor Cyr and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICALS

A. CITY MANAGER

1. Request to Establish a Public Hearing Re: Resolution Appropriating from Bond Premium the Sum of One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-Eight Dollars and Forty-Three Cents ($1,269,148.43) to be applied to Municipal Complex Improvements

Public Works Director Rice explained the façade project work began last summer and there were polychlorinated biphenyls (PCBs) detected in excess of what was anticipated in the caulking around the windows and concrete panels of the façade. He continued that although staff and the public are not at risk of exposure to the PCBs, removal and disposal of the additional material is required. The removal and disposal of the PCBs resulted in an additional $755,000 of unanticipated cost.

City Manager Bohenko stated that in addition to the façade project costs, the electrical system at the Municipal Complex suffered breakdowns in July and in October of this year which resulted in extended power outages at the Municipal Complex. These outages highlighted the need to upgrade this system in order to ensure reliable government operations. He stated that a public hearing is required.

Councilor Pearson voted to authorize the City Manager to bring back for public hearing and adoption at the December 18, 2017 City Council meeting the aforementioned resolution. Seconded by Councilor Cyr and voted.

2. Request to Establish a Public Hearing Re: Resolution Authorizing the Application of Unexpended Proceeds of the Borrowing for the Hobbs Hill Landing Water Tank Replacement Project, in the amount of Five Hundred Eighty Five Thousand, Eight Hundred Ninety-Six Dollars and Seventy-Five Cents ($585,896.75), to pay costs of Water Main Replacement Projects

Councilor Lown moved to authorize the City Manager to bring back for public hearing and adoption at the December 18, 2017 City Council meeting the aforementioned proposed resolution. Seconded by Councilor Perkins and voted.

3. Request to Establish a Public Hearing Re: Supplemental Appropriation for the School Department Collective Bargaining Agreements

Councilor Pearson moved to schedule a public hearing for the December 18, 2017 City Council meeting, seconded by Councilor Dwyer.

Councilor Dwyer asked if we have a sense of how many units are going to settle in 2018.
City Manager Bohenko stated this is the only one, the others will expire in June 2018 so will be part of the FY 2019 budget and were listed in the last Council packet.

Motion passed.

4. Report Back from Planning Board Re: Request for Restoration of Involuntarily Merged Lots at 737 Woodbury Avenue

Councilor Lown moved to accept the Planning Board's recommendation that 737 Woodbury Avenue be restored to its premerger status as two lots, and municipal zoning and tax maps be updated to identify the premerger status of the lots as described in deeds recorded at the Rockingham County Registry of Deeds and shown on the standard property survey prepared by Easterly Survey dated 10/04/2017). Seconded by Councilor Perkins and voted.

***<u>City Manager's Informational Items</u>*:**

1. Events Listing
2. Peirce Island Wastewater Treatment Facility Upgrade Construction Update
3. Arts Reinvestment Agreement Metrics
4. Guiding Principles for Code Adoption in Portsmouth

Mayor Blalock stated that City Manager Bohenko deserves credit for a well-run city and being able to pay for infrastructure projects with savings from other projects.

B. MAYOR BLALOCK

1. Appointments to be Considered:
   - Appointment of Mary Lou McElwain (current alternate) as a Regular member to the Parking & Traffic Safety Committee
   - Appointment of Ralph DiBernardo as an Alternate to the Parking & Traffic Safety Committee
   - Reappointment of Jody Record to the Planning Board

The aforementioned appointments were considered and will be voted at the December 18, 2017 City Council meeting.

2. Appointments to be Voted:
   - Appointment of Adrianne Harrison (current alternate) as Regular member to the Conservation Commission – term to expire 04/01/2018 (filling unexpired term)
   - Appointment of Nathalie Morison as an Alternate member to the Conservation Commission – term to expire 04/01/2020
   - Reappointment of Jim Lee to the Zoning Board of Adjustment – term to expire 12/01/2022
   - Appointment of Peter McDonell (current alternate) as a Regular Member to the Zoning Board of Adjustment – term to expire 12/01/2022

Councilor Perkins moved to approve the aforementioned appointments. Seconded by Councilor Lown and voted.

3. Budget Schedule FY19

Mayor Blalock explained that the budget schedule was reviewed at the Joint Budget Committee meeting and is was decided to eliminate the all-day Saturday session and add more night-time meetings giving the public more opportunity to speak on specific department budgets.

City Manager Bohenko stated that any questions that the public may have during these specific sessions can then be answered during the over-all budget discussions. He stated that also included, are listening sessions at each of these meetings for feedback which were suggested by Councilor Dwyer.

Councilor Dwyer stated that she would like to have the next Council look at changing the sequence of the scheduling and the rationale of why the public hearings are held before the Council discussions.

City Manager Bohenko asked that everyone review the schedule and let him know if there are any conflicts.

4. McIntyre Project Next Steps

Mayor Blalock stated that he feels this process is very important and needs to be decided sooner than later, but feels more public input is needed. He stated that the public is confused as to the process versus the plan and does not want to take action this month, but will abide by the Council's wishes. He stated he would like to set the first meeting in February 2018 to choose a partner or to not go forward with the project. He emphasized that this will not be the end of public input, but similarly to the Prescott Park Master Plan, we will have a partner helping with the process going forward.

Councilor Dwyer stated this is the first time she heard anyone say anything about not going forward.

Mayor Blalock clarified that he misspoke and retracts that comment, he is stating he is adamant that we need to pick a partner for this public space.

Assistant Mayor Splaine stated he generally agrees with the Mayor to let the next City Council choose, and feels we do have good examples of visioning programs including the Vaughan-Worth-Bridge Revitalization, West End charrettes, form-based zoning and Prescott Park Master Plan. He stated we should utilize Portsmouth Listens and 2020 visioning as a starting point. He stated we should be asking the developers for their 2050 visions and let the 4 new councilors participate in the process.

Councilor Perkins stated she understands the concerns raised, but she doesn't want to change the process that has already been followed. She agrees that there needs to be more public input but is concerned with even a short delay becoming longer.

Deputy City Manager Colbert Puff stated she has forwarded the questions from the City Council to Barry Abramson who is awaiting the responses from the developers to ascertain the feasibility of their partnering with the City. She stated one of the questions they are being asked is what they will do if not able to demolish the Post Office building. She stated she is awaiting Council direction as to when this information needs to be ready.

Councilor Dwyer stated it will be hard to know if we will be ready to decide without those answers so suggested the Council outline the public process for the public's information and wait for the answers before setting the next Council action date. She stated this is not to delay the process, but is giving people confidence that these questions are being answered and they will be able to give more input. City Manager Bohenko clarified that the consultant is not available for the 12/18/17 Council meeting so another meeting would have to be set and suggested 12/20/17.

Councilor Lown stated he agrees with the 12/20/17 date and also understands the Mayor's rationale for not deciding this month, but feels that the 4 new Councilors will need to come up to speed in a month and will certainly have more questions of their own. He stated we are trying to build a relationship with a developer and that needs to begin.

Councilor Pearson agrees with Councilor Lown that this Council has been working on this for a long time and wonders if there are risks to delaying and is the GSA waiting.

Deputy City Manager Colbert Puff stated that the direction from the GSA is that the tenants are vacating in December 2018 and they are watching the process as we go and understand certain steps need to be taken.

Councilor Pearson continued that out of 7 qualified partners at the beginning, there were only 3 proposals and wonders if we risk losing more if delayed.

Deputy City Manager Colbert Puff stated she did hear from one of the companies that dropped out that it was due to the long process and the 3 left have also conveyed concern with the length of time to make a selection, but are all still interested and want what is best for the city.

Mayor Blalock stated we need to submit an application to the National Parks Service and in order to submit that application, we need to have an idea of who we will be working with and a conceptual idea and RFP before the GSA vacates the building in December 2018.

Deputy City Manager Colbert Puff stated there are examples of applications on-line and explained that the Parks Service is looking for details on how we will treat the historic monuments and if the proforma is feasible and financial capability of preserving the site.

Councilor Cyr stated he is fairly concerned with the limited time left but doesn't care if he makes the decision or not. He just wants people to understand the time constraint and feels we need to pick a partner to be part of the ongoing public input process.

Councilor Spear moved to establish a Special Meeting on December 20, 2017 (time to be determined) to select a development partner for the McIntyre Project, seconded by Councilor Lown.

Councilor Spear stated that we can make promises to hold a meeting but this has been an issue for 10 years and now the end-game is in sight, but nothing should be assumed. He continued that we should try to decrease the uncertainty and once they are picked people can start getting involved with site design. He continued that people love the Prescott Park master plan process, but they didn't pick the company and if we wait too long, we risk people dropping out.

Councilor Denton agrees that picking a developer will help start the process going forward and would be open to making a decision on December 20th if we have the answers from the developer.

Assistant Mayor Splaine stated that the 4 new Councilors didn't just move to Portsmouth and are already up to date on the process and should be intimately involved in the process.   He stated that he feels people are trying to count the votes between the 2 Councils' and there is uncertainty, but he doesn't feel we are in desperate need of choosing a development partner, but do need someone who can lead a discussion on the vision of the project. He stated the next Council should make the decision because they will have to live with it and he is stunned that the majority of this Council is willing to take this vote.

Councilor Dwyer stated we shouldn't conflate the issue of who is making the decision with the issue at hand which is that the public is more concerned with having input on the design. She stated she doesn't want to lose this opportunity as it hasn't only been a year, but agrees that we need to get really clear on the public input process going forward and would like the intention of the motion clear that the Council will be prepared to select a development partner.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock stated he will oppose the motion and would rather wait until February 5th.

Motion passed on a 7-2 roll call vote. Assistant Mayor Splaine and Mayor Blalock voted opposed.

Councilor Dwyer moved to have a first draft creating the public process to follow, prepared by city staff, to be presented for Council review at the December 18, 2017 Council meeting, possibly during a work session prior to the regular meeting. Seconded by Councilor Pearson and voted.

C. ASSISTANT MAYOR SPLAINE

1. "Of Flags and Tools"

Assistant Mayor Splaine requested the City Manager to report back at some date in the future on the possible purchase of all-weather flags to be hung on light poles on a 24/7 year-round basis. He also requested that a Tool Lending Area be looked into being established, possibly at the recycling center.

D. COUNCILOR PERKINS

1. Adoption of Final Report and Vision of the Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization ***(Action taken previously)***

E. COUNCILOR DENTON

1. Volkswagen Settlement

Councilor Denton reviewed the draft letter to Governor Sununu regarding the Vollkswagen diesel emissions settlement requesting consideration to use the maximum allowance of up to 15% to build out electric vehicle charging infrastructure.

Councilor Denton moved to adopt the draft letter to Governor Sununu with the addition of 2 individuals to be copied on the letter, Robert Scott, Commissioner, Environmental Services Department and Jared Chicoine, Agency Director to the Office of Energy Planning. Seconded by Council Spear and voted.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Mayor Blalock asked the City Council to stay to retake the City Council photo as Councilor Dwyer was not present for the first take.

XIII. ADJOURNMENT

Councilor Perkins moved to adjourn at 9:55 p.m. Seconded by Councilor Cyr and passed unanimously.

Respectfully submitted,

Valerie A. French, Deputy City Clerk