



CITY COUNCIL MCINTYRE SUBCOMMITTEE MINUTES OF DECEMBER 15, 2020 MEETING

The McIntyre Subcommittee held the December 15, 2020 meeting via Zoom.

Chair Peter Whelan opened the meeting at 3:32 with a roll call.

Subcommittee Members Present via Zoom: Chair Peter Whelan and Councilors Deaglan McEachern, John Tabor and Paige Trace.

City representatives present via Zoom: City Manager Karen Conard, City Attorney Robert Sullivan, Principal Planner Nick Cracknell, Moderator Synthia Ravell and Legal Secretary Marian Steimke

Also present via Zoom: Ariane Rutt, Russell Preston, Andrew Bagley, Thaddeus Jankowski, Michael Simchik, Councilor Petra Huda, Ron Ulrich, Sen. Martha Fuller Clark, Stephanie Seacord, Gerald Duffy and Bill Downey.

Chair Whelan planned to discuss the 12/16 Portsmouth Listens (PL) program, and asked if there was an agenda. He then opened public comment.

Public comment:

Gerry Duffy of 428 Pleasant Street said he was excited to sign up for the study circles. He mentioned dissonances regarding messaging from the Subcommittee versus the City and PL. He summarized his thoughts on the project scope and history. He believed the Subcommittee was creating some confusion and urged all to be really clear about the scope.

Andrew Bagley of 40 Chauncey Street, suggested that rather than choosing participants, the study groups could accommodate 10 if necessary. If people got left out it would be a headache, he said.

Bill Downey of 67 Bow Street asked about registration confirmation via email with a time stamp. He requested consideration to ensure verbiage of the scope explain what the citizens could expect. He suggested ensuring message accuracy and extending the deadline. The McIntyre page on the website is outdated, and the PL signup is buried, he said. He recommended accommodating as many people as possible. He said there has been confusing information in the newspaper. Mr. Downey then referenced a portion of Redgate / Kane's 2017 Request for Proposal; Appendix A, page ii, item C, which he quoted

as follows: *that if one of the options was just to limit the development to the existing building with no other build-outs, they [Redgate/Kane] were willing to do it, and the revenues for the lease would go from 360 to 125.* He thanked the Subcommittee for their hard work.

Ted Jankowski of 27 Franklin Street said the website is out of date and inaccurate. He wanted to know what has taken so long to obtain the property. He asked what work the Subcommittee had done in analyzing Senator Gregg's bill that passed. Mr. Jankowski said there is money there which was confirmed by Senator Shaheen's office. He discussed costs and recommended hiring an outside expert regarding Senator Gregg's bill. He said there were millions of dollars in federal appropriations sitting there for the McIntyre building. He again asked the Subcommittee what they had done to explore that and said he has provided options to the Mayor and Councilor Whelan.

Sen. Martha Fuller Clark discussed the McIntyre's National Register of Historic Places background and the related mitigation she said the City is bound by. She said the proposed designs did not consider NPS requirements regarding the context around which the development should occur. She discussed the historic district, public benefit, and the attraction of Portsmouth. She said we never get something for nothing – there is always a cost. The Senator said PL is only dealing with one parcel instead of the entire 2.5 acres, as per the survey. She suggests having the McIntyre building renovated and then leased to bring revenue. In addition, she suggested leaving the rest of the site and stepping back for now to allow time for community input. She stressed the need for a wider scope for the listening sessions. She reiterated the process should look at the scope of redesign for the entire 2.5 acres, or simply limit work to include only the McIntyre building for now. She stated concern that moving forward with Redgate/Kane would fly in the face of what Portsmouth is known for. She emphasized again the listening sessions have been limited to only the one corner. That is a mistake, she stated.

Ron Ulrich of 46 Baycliff Road, discussed the history of the process, interactions between the Subcommittee and the public, and survey results. He recapped what happened in the past and the rejecting of the current design. He referenced Michael Kane's letter to Chair Whelan and discussed his own understanding of the plans. The City Charter, he said, is to protect and listen to the residents and taxpayers – not to protect the developer's investments. He said the public wants to participate in a broader discussion regarding this property. He questioned where it came from that the public is only allowed to talk about the public space of this property.

Chair Whelan closed the public comments at 4:02 p.m.

Chair Whelan discussed the scope and conversations in PL. He said Redgate/Kane said they will build what the City instructs them to build. The Chair affirmed that the residents will make those decisions, and that PL will be an open process which should include all parcels on the property. He expressed the need for a vision and working with Principle Group (PG) to define the project. The Subcommittee has made no commitments to remove any buildings, he said. We must enter PL with an open mind to obtain a good vision and come back with a plan on what the residents want to see there, he added.

Councilor McEachern thanked the Chair and public for their comments. He said Mr. Duffy used the term “working proposition”, but the Subcommittee has no stake in how we collect feedback. We don’t want to put our thumbs on the scale; that is clear, he said. We have been tasked with getting the public input. We have a commitment to work with Redgate/Kane and we have honored that commitment. Redgate/Kane has asked us repeatedly “What do you want there”. We have said all along that we don’t speak for the public. We are on the precipice of collecting that feedback. We will put that input into sketches and provide to the developer.

Councilor McEachern shared a screen shot of the flyer inviting residents to participate in study circles entitled “You Can Help Portsmouth Create a New Downtown Public Space!” He read the opening paragraph which referenced the “...portion of the site bounded by Penhallow and Bow Streets.” He speculated the phrase caused consternation regarding the project’s scope. The Councilor next displayed a map of the lot and corner and discussed the realistic boundaries of the scope, taking into account the McIntyre building constraints.

Councilor McEachern does not view it as artificially limiting to be discussing the large open space. He does not think there will be limits imposed in PL and does not understand how we can reasonably look at subsections and not recognize the entire project must change from multiple standpoints. He said we are at a good point to get non-structured feedback of what we want in the downtown and is really excited. He hears the concerns but does not share those concerns that the Subcommittee is artificially limiting the scope. That is not the intention of this Subcommittee, he said.

Councilor Tabor clarified that there are no agreements on the public space location. It is important to make clear that the public space can be anywhere people want it to be. The study circles will report their consensus. He agreed with Councilor McEachern that we never intended to rule out the back half of the site. He suggested clarifying that via a motion, public statement and email to resolve that issue.

Councilor Trace said the Subcommittee does their best to honor working in good faith with the development partner, but this property is going to the residents. Those residents have a right not to be told on a post card or op-ed what they are going to do in that circle. She is concerned and feels badly the Subcommittee appears to have gone in different directions and agrees with Councilor McEachern that we don’t want to put our thumbprint on this. She looks forward to upholding the responsibility entrusted to the Subcommittee, City Employees and the PG and allowing residents to come together in circle groups to make decisions. It is not for the Subcommittee to apply parameters. Whatever canvas is presented is free and clear, she stated. She said she would suggest what she further thinks if the Subcommittee goes into nonpublic session.

Councilor McEachern moved to affirm that the feedback the Subcommittee is looking to elicit from the public pertains to the entire McIntyre site and how it is to be redeveloped. This was seconded by Councilor Trace.

Discussion: Councilor Tabor asked if the maker of the motion would consider stating public space can be created anywhere

Councilor McEachern moved to formalize that the input on the future of the public space at the McIntyre will pertain to the whole of the McIntyre site.

Councilor Trace withdrew her second. She added that Councilor McEachern had made a perfectly legitimate motion.

Councilor McEachern said we cannot give the impression that we can knock down the McIntyre building. Senator Clark highlighted the limitations well, he said. The intent has always been to get feedback from residents so we can answer the question of “what do we want to build there.” He said he would be happy to withdraw his motion if Councilor Trace had a better one.

Councilor Trace said no, the motion was honestly and sincerely made and it didn't feel like there were parameters placed on it, so she seconded it, she said. Now we got into the what-ifs. The issue is not with the monument. The issue is with the parcel of land that the monument sits on. We have invited the public to do a public process with no parameters. So let them be creative. Sometimes saying less is more, she said.

Councilor Tabor summarized why public space was important. He said the old plan was rejected, and the new Council and Redgate/Kane agreed to put out a survey. Survey results indicated the first priority among residents was more public space. Second was return of the post office and third, less density. Councilor Tabor said the residents should define what that looks like. We can then give the resulting feedback to our urban design partner, get sketches, and those sketches can be used to revise the entire site plan. He said he thought that since public space was the number one priority, that is what we would tackle next.

Ms. Steimke read back Councilor McEachern's original motion:

Councilor McEachern moved to affirm that the feedback the Subcommittee is looking to elicit from the public pertains to the entire McIntyre site and how it is to be redeveloped. This was seconded by Councilor Trace.

Chair Whelan said Portsmouth Listens is going to work on what the vision is and placemaking and that's going to drive the public space, and then if there's other buildings there then that's what's next.

Councilor Trace said in past discussions with Redgate/Kane the scenarios of removing building A versus B were never voted on and no motions were made. The Subcommittee would not have the right to, nor to narrow the public space.

Councilor McEachern said no one in this group was doing that, and he was surprised at the amount of energy being directed at this. No one in this Subcommittee has tried to limit or muzzle the feedback of the residents. Talking about building A was a working suggestion to understand options and financials. It seemed like there was a sense that we were imposing limits, so I made the motion to clear that up, the Councilor said. He again expressed surprise the Subcommittee was focusing so much on the words here. He can only surmise it is due to a lack of trust amongst the process, which he saw as disappointing. With the

energy the Subcommittee has seen throughout from the residents, he feels a large responsibility to make sure voices will be heard. He does not think anyone on the Subcommittee is trying to pre-approve what will be built. He emphasized again that we are not trying to limit. He stands by the motion and he would like to vote and move on.

Chair Whelan agreed. **On a roll call vote 4—0, the motion passed.**

Councilor McEachern asked Attorney Sullivan if, regardless of the language of the motion, the intention of the Subcommittee is to elicit feedback from the public through PL on the entire McIntyre site. Attorney Sullivan answered, yes, that was his understanding. The Councilor then asked the City Attorney if it was his belief these discussions support the Subcommittee's belief that PL will be directed to have feedback on the entire site. Attorney Sullivan said it was clear to him that PL has very broad latitude in making its recommendations to the Subcommittee.

Ms. Steimke left the meeting at this time, 4:40 p.m.

Councilor Tabor shared his screen to discuss the number of people signed up for the study circles. At the time there were 208 signed up and the Councilor estimated a total of 220. He displayed demographics and data on the participants signed at that time, including gender, age, meeting night preference and zoom capability, with 11% of participants having no zoom capability. City Manager Conard said she would look into tablets, and Councilor Tabor said PL could email those individuals and assist with the download of the software.

Councilor Tabor continued sharing data regarding being a facilitator, point-of-view, ties to Redgate/Kane and ensuring balance of participants. Councilor Tabor said as a member of the Subcommittee first and foremost, he would be pulling back from PL, as he is wearing too many hats. The large amount of organizational work to get going has been done, he said.

Chair Whelan also indicated that anyone on a Land Use board should not participate, but they would be welcome to listen in.

Chair Whelan asked Mr. Preston if he would be able to provide facilitators if needed, and Mr. Preston answered yes, he estimated they could provide four – seven facilitators. Mr. Preston asked about numbers in study circle groups.

Councilor Tabor explained initially they thought 8 per study circle would be optimal but there could be 10 or 12. It becomes a quality question. He was not sure of best practice.

Councilor Trace referenced a memo from Planning Director Juliet Walker and a land use member asked if there would be a conflict if they observed the process without participating. Councilor Trace quoted Attorney Sullivan who she summarized as saying: "as long as a land use member is simply listening and observing and they have the ability to remain neutral in their position, it is not an issue".

Attorney Sullivan said correct. Councilor Trace then asked that the Planning Department send out a revised statement to all members of land use boards stating such.

Councilor Tabor said are you saying these people may join the study circles? We'll need to ask Jim Noucas, he said and added the study circles make their own rules and may decide they don't want that. Councilors Tabor and Trace discussed who may listen and observe.

Councilor Tabor affirmed that the ground rules are set by the group. Chair Whelan agreed with this approach.

Those present agreed that anyone can listen to and observe the final meeting with all the drawings but not during the two study circle group meetings.

Chair Whelan wanted to discuss the Wednesday 12/16 pm meeting and asked for a discussion of the process and message.

Mr. Preston shared his outline of the McIntyre 101 presentation. He said the meeting, facilitated by PG, would be from 7:00 – 8:30 pm which would include the 101 presentation and time for questions and answers. He displayed a detailed agenda.

There was a lengthy discussion of the PL process. Mr. Preston discussed the “open space technology” facilitation technique – where participants could type in questions for all to see on a virtual white board. Questions would be sorted in real time and the significant topics would be addressed as part of the Q&A.

Councilor McEachern indicated he would not favor breakout sessions due to the timeline, and because it is important for all to hear the same answers to the questions. It would be important, he said, to get through all the consolidated questions – always erring on the side of full transparency.

PG is compiling a list of frequently asked questions and answers they can update the City's website with. One question he had for the community was “what are the questions you want to have answered in this process?”

Councilor Tabor said that is why he did like the break-outs. He reiterated two questions “What do you expect to get out of this process” and “what would you like to see on the site”. He said Councilor McEachern was right. People need to ask their questions to trust the process versus the value of the break-outs and the energy they bring. Councilor Tabor asked if 10-minute break-outs were a possibility.

Councilor McEachern worried about effectiveness, consistency and transparency of accelerated break-outs. Those present discussed the pros and cons of utilizing break-outs in a tight timeline.

Mr. Preston discussed “meeting in a box” which could provide a platform for a large number of participants if necessary as a back-up in case there were not enough facilitators. Chair Whelan recommended going with Mr. Preston's recommendation.

Those present discussed Subcommittee opening statements including a welcome

statement, overview and expectations. Next, Mr. Cracknell could present his existing conditions slides, which he shared on his screen. Chair Whelan offered to present the final slide – the Redgate/Kane plan. This could segue to Jim Nocas to go over dialog, then to Mr. Preston for the discussion period.

At 5:10 p.m. Chair Whelan disappears from zoom due to a lost connection.

Councilor Trace asked for clarification on how the zoom groups are put together. Councilor Tabor said that task was to be handled by Mandy of PG, taking into consideration availability of participants and balance of affiliations, age and gender to ensure neutrality. Those present discussed sign-ups for 101 and study circles, confirmations and some related confusion.

At 5:20 p.m. Chair Whelan returned to the zoom meeting.

Those present continued to discuss meeting logistics for the 12/16/2020 101 meeting.

Chair Whelan asked about the City website. Mr. Preston noted lack of coordination between multiple platforms. He recommended focusing on updating the City website and encouraging other platforms to reference that since it ranked highest on Google.

Councilor Tabor suggested sending out a revised sequence for the 12/16/2020 101 meeting.

Those present discussed the logistics of addressing questions via zoom chat function.

Councilor Tabor suggested display of the joint statement as a slide affirming both the City and Redgate/Kane support this process. Councilor McEachern read the joint statement:

“Both the City and Redgate/Kane support the Portsmouth Listens McIntyre public space dialogue as a step forward in considering an approach to thoughtfully adding more public space. They both want to achieve this as cost efficiently as possible and look forward to everyone’s input.”

Councilor Trace moved to enter non-public session and Councilor Tabor seconded. On a roll call vote 4-0 the Subcommittee entered non-public session at 5:30 p.m.

Councilor McEachern moved to leave nonpublic session and adjourn the meeting. Councilor Trace seconded. On a roll call vote 4-0, the motion passed at 6:00 p.m.

Date Signed: _____

Peter Whelan, Chair,
McIntyre Subcommittee

Minutes taken by
Robert P. Sullivan, City Attorney and
Marian Steimke, Legal Secretary