

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, FEBRUARY 13, 2006

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

At 6:15 p.m., a Work Session was held regarding the Revaluation.

I. CALL TO ORDER

Mayor Marchand called the meeting to order at 7:10 p.m.

II. ROLL CALL

Present: Mayor Marchand, Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Raynolds, Pantelakos, Whitehouse, Smith and Hynes

III. INVOCATION

Mayor Marchand asked everyone to join in a moment of silent prayer in memory of Betty Sanford former Chair of the Taxi Commission.

IV. PLEDGE OF ALLEGIANCE

Councilor Grasso led in the Pledge of Allegiance to the Flag.

PROCLAMATIONS

1. READ ACROSS PORTSMOUTH DAY

Councilor Grasso read the Proclamation declaring March 7, 2006 as Read Across Portsmouth Day. Mayor Marchand presented the Proclamation to Linda Marconi who accepted it with thanks and appreciation.

2. AMERICAN RED CROSS MONTH

Assistant Mayor Ferrini read the Proclamation declaring March as American Red Cross Month. Mayor Marchand presented the Proclamation to Sarah Cherne who accepted it with thanks and appreciation.

V. ACCEPTANCE OF MINUTES – JANUARY 23, 2006

Councilor Whitehouse moved to accept and approve the minutes of the January 23, 2006 City Council meeting. Seconded by Councilor Pantelakos. Councilor Grasso requested that the discussion regarding the Joint Building Committee on the last page of the minutes under Miscellaneous/Unfinished business be amended to read that Assistant Mayor Ferrini, Councilors Grasso and Pantelakos previously served on this Committee. Main motion passed with amendment requested by Councilor Grasso.

VI. PUBLIC COMMENT SESSION

Stephanie Krenn provided the City Council with a letter regarding the proposed development at Atlantic Heights. She said the neighborhood would like the City Council to be aware of their concerns of the impact of the 70 residences proposed for the neighborhood. She said that there is a lack of infrastructure to support that many new dwellings. She advised the City Council that Raleigh Way, the street which will be the access way for 24 of the units is narrow and in very poor repair. She asked that the City Council seek ways to see that "big picture planning" in the spirit of the master plan be implemented now, to balance the need for new housing with responsible development in Atlantic Heights.

Maryellen Burke spoke in favor of a planning process for development. She said a piecemeal approach is not keeping pace with the changes to the neighborhood. She spoke to the importance of preserving the character of the Atlantic Heights neighborhood.

Ken Weston spoke to the various projects in the Atlantic Heights neighborhood and the much-needed improvements to the streets and the infrastructure in the area. He expressed concern with the proposed 70 residences and their potential impact to the neighborhood. He said future projects need to be considered with the master plan. He spoke in favor of incorporating changes from the master plan into the zoning ordinance.

Martin Cameron spoke to the rezoning of land off Banfield Road and Constitution Avenue. He said he feels that the proposed rezoning request is spot zoning.

Carl Diemer spoke regarding the feasibility study for a new middle school. He advised the City Council that he serves on the committee that was appointed to review this matter and urged the City Council to give this high priority and consideration. He spoke to the countless hours put into this feasibility study by the committee. He said of the 12 sites reviewed only one would be acceptable. He said the need for a new middle school should have been addressed in the 80's and is long overdue. He advised the City Council that there are numerous reports available regarding this matter and urged the City Council to review them.

Werner Maass spoke to the need for a breakaway gate at the end of Dunlin Way. He said there are traffic issues in this area that need to be addressed. He said there should be distinctions between a residential area and a commerce area. He said that a breakaway gate would increase safety for the neighborhood.

George Bell spoke on behalf of Deborah Phillips to the issue of no parking on Church Street. He said she asked for a no parking sign for her property and this issue has been addressed with the Traffic & Safety Committee.

Nathan Ritzo spoke in favor of a committee to study the future use of the South Meeting House. He advised Mayor Marchand that he and his wife would like the opportunity to serve on such a committee, if one is established.

VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) FOR IMPROVEMENTS TO CITY ROADWAYS AND NEW CASTLE AVENUE SEAWALL (ROADWAY IMPROVEMENTS NEW CASTLE AVENUE TO MARCY STREET) (LOCAL MATCH)

Mayor Marchand read the legal notice, declared the public hearing open and called for speakers.

City Manager Bohenko spoke to the Resolution and advised the City Council that \$1.9 million dollars will be funded through the State. City Manager Bohenko asked Debbie Finnegan, Traffic Engineer to provide a brief presentation regarding these improvements for the City Council. Traffic Engineer Finnegan provided an overview of the proposed improvements for the project. She discussed the history of the project, construction components, traffic management, design criteria, the approved State or Federal Permits and wetland restoration. City Manager Bohenko advised the City Council that the total cost of the project will be \$2.5 million dollars.

Charles Vaughn, Portsmouth resident, said that this project has been in the making for 30 years. He said he is very pleased that the project is moving forward and urged the City Council to adopt the Resolution. He asked if the funds were granted to place the utilities underground. He asked when the project is expected to be complete. He also asked if there would be traffic signals in place when it is necessary to make the roadway one way for traffic. City Manager Bohenko advised Mr. Vaughn that the attempts to secure funding to place the utilities underground was unsuccessful. Traffic Engineer Finnegan advised Mr. Vaughn that police would be on either end when there is one way traffic and the project will take 2 construction seasons for completion. She said the estimated date for completion is November of 2007.

City Manager Bohenko asked City Attorney Sullivan to address the docks and gates in the area of the project. City Attorney Sullivan advised the City Council that the gates and docks are connected to the property owned by the City. He said the gates and docks came about without permission from the City. The issue came to light during the overview of the project. He said the City Council has endorsed entering into agreements with those recognized as dock owners. He advised the City Council that the City would assign its rights to the 4 owners with docks. He said the 4 recognized owners with docks would be required to obtain a permit from the City for the docks as well as reconstruct the docks as required through the construction phase. He reported that none of these agreements are in place now. He advised the City Council that a gate could be constructed to allow access to the docks.

Steve Durgin, Portsmouth resident, asked if the City Council has asked our cable provider about wireless service. He suggested the City obtain an estimate to provide wireless service. Mayor Marchand advised Mr. Durgin that his comments were not related to the public hearing and should have been made during the public comment session.

Linda Marconi, Portsmouth resident, spoke to the need for this project to move forward and urged the City Council to adopt the Resolution.

Peter Bresciano, Portsmouth resident, spoke in support of the Resolution and that this is a small investment. He said we would receive \$2,500,000.00 of work for \$600,000.00 from the City. He said that this is a good project and urged the City Council to move forward and adopt the Resolution.

After three calls and no further speakers, Mayor Marchand declared the public hearing closed.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Authorizing a Bond Issue of up to Six Hundred Thousand Dollars (\$600,000.00) for Improvements to City Roadways and New Castle Avenue Seawall (Roadway Improvements New Castle Avenue to Marcy Street) (Local Match)

Councilor Grasso moved to adopt this Bonding Resolution Authorizing up to Six Hundred Thousand Dollars (\$600,000.00) for Improvements to City Roadways and New Castle Avenue Seawall (Roadway Improvements New Castle Avenue to Marcy Street). Seconded by Councilor Pantelakos.

Councilor Smith asked if telephone poles would be moved during the construction. City Manager Bohenko reported that poles would be temporarily relocated during the construction and replaced to their original location following the construction phase.

Councilor Reynolds asked how short we are for installing a bicycle lane on the roadway. Traffic Engineer Finnegan responded that we are short 8 to 10 feet.

Councilor Whitehouse asked if the dock would have signs to indicate private property. He said if this is done it will upset many people that currently use those docks. City Attorney Sullivan said currently the plan is for the docks to be private property and whether there would be a sign has yet to be determined. He advised the City Council that there would be liability issues if other individuals than the owners used the docks. Councilor Whitehouse said everyone should have access and use of the piers.

Councilor Dwyer asked if the piers would be assigned to the current owner or the property. City Attorney Sullivan responded that the assignments should be for periods of time, which would be renewable.

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

IX. CONSENT AGENDA

Mayor Marchand reviewed the various items on the Consent Agenda and advised the City Council that any item may be removed from the Consent Agenda and action on the item removed would take place following the adoption of the Consent Agenda.

City Councilor Whitehouse requested that Item F. Letter from Mike Ferguson and Erin Mack, requesting permission to hold their wedding ceremony on Peirce Island Saturday, May 27, 2006 be removed from the Consent Agenda.

Councilor Hynes moved to adopt the remainder of the Consent Agenda as presented. Seconded by Councilor Pantelakos and voted.

- A. Acceptance of donations to the New Library Building Fund
- Trenor & Judith Goodell - \$100.00
 - Henry & Iva Bartlett - \$200.00
 - Anonymous - \$1,000.00

(Anticipated action – move to approve and accept the donations to the New Library Building Fund)

- B. Acceptance of donation to the Portsmouth Police Honor Guard from P.L. Cashman in the amount of \$25.00 ***(Anticipated action – move to approve and accept the donation to the Portsmouth Police Honor Guard)***
- C. Acceptance of donation to the Portsmouth Police Explorers from Chadwick & Trefethen, Inc. in the amount of \$25.00 ***(Anticipated action – move to approve and accept the donation to the Portsmouth Police Explorers)***
- D. Letter from Christine Groleau, The Children’s Museum of Portsmouth, requesting permission to hold the Annual 5k Road Race and Kid’s Fun Run on Saturday, May 6, 2006 ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Jeanine Sylvester, Runner’s Alley, requesting permission to hold the 9th Annual Runner’s Alley/Redhook Brewery Memorial 5k Race on Sunday, May 28, 2006 ***(Anticipated action – move to refer to the City Manager with power)***
- G. Letter from Charles Lassen, The Friends of the South End, requesting permission to hold the Garden Tour on September 22, 2006 – September 24, 2006 ***(Anticipated action – move to refer to the City Manager with power)***
- H. Letter from Abigail Ross, Cystic Fibrosis Foundation, requesting permission to hold the Seacoast Safari for CF Bicycle Tour on Saturday, August 5, 2006 and Sunday, August 6, 2006 ***(Anticipated action – move to refer to the City Manager with power)***
- I. Letter from Dick Ingram, President of the Greater Portsmouth Chamber of Commerce, requesting permission to hold the 1st Annual Seacoast Half Marathon on Sunday, November 12, 2006 ***(Anticipated action – move to refer to the City Manager with power)***

- J. Letter from Donald Allison, Eastern States 20 Mile, requesting permission to hold the 20 Mile Road Race on Sunday, March 26, 2006 (***Anticipated action – move to refer to the City Manager with power***)
- K. Letter from Emily Yadait, American Diabetes Association, requesting permission to hold the America's Walk for Diabetes on Saturday, October 14, 2006 (***Anticipated action – move to refer to the City Manager with power***)
- L. Request for Sidewalk Obstruction License from Joe Kelley, Fat Belly's, to place 1 A-frame sign in front of establishment (***Anticipated action – move to refer to the City Manager with power***)
- M. Request for Sidewalk Obstruction License from Jim LaBranche, Betty LaBranche Agency, to place 1 A-frame sign in front of establishment (***Anticipated action – move to refer to the City Manager with power***)

The City Council is now required to take action on Item F - Letter from Mike Ferguson and Erin Mack, requesting permission to hold their wedding ceremony on Peirce Island Saturday, May 27, 2006 that was removed from the Consent Agenda.

Councilor Whitehouse moved to approve the request and refer to the City Manager with power. Seconded by Councilor Pantelakos.

Councilor Whitehouse requested that the City Manager advised the couple to respect the parking and grassy areas at Peirce Island and whatever is carried in is carried out.

Motion passed.

X. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Attorney Douglas Macdonald regarding Driveway Permit Application for property located at 62 Deer Street

City Manager Bohenko recommended that this request be referred to the Planning Board for a report back.

City Attorney Sullivan advised the City Council that this request has a history of several years. He said the owners want to come across the City sidewalk to the road. He reported that the Traffic & Safety Committee reviewed this matter, expressed concerns and denied the request. He advised the City Council that this matter came before them during the acceptance and approval of minutes and action sheet from that meeting of the Traffic & Safety Committee. He said he concurs with City Manager Bohenko that the matter should be referred to the Planning Board for a report back.

Councilor Whitehouse moved to refer this matter to the Planning Board for report back. Seconded by Councilor Smith.

Councilor Pantelakos asked how many times do we need to review this request that was previously denied. City Manager Bohenko advised the City Council that new information has been brought forward and we should have the matter referred to the Planning Board for review and report back.

Assistant Mayor Ferrini asked if the Planning Board would need to discuss this matter with the Traffic & Safety Committee. City Manager Bohenko said that the Planning Board would be asked to speak with the Traffic & Safety Committee on this matter.

Councilor Smith said because new information has been brought forward we should refer this matter to the Planning Board for a report back.

Motion passed.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Acceptance of Waterline Easement Re: Salema Realty Trust

City Manager Bohenko advised the City Council that Assistant City Attorney Woodland has provided a memorandum outlining the request. He said that this is a housekeeping item and recommends acceptance.

Councilor Pantelakos moved to authorize the City Manager to accept an easement from Salema Realty Trust for a waterline. Seconded by Councilor Smith and voted.

2. Seacoast Growers' Association (Farmers' Market) Proposed 2006 License Agreement

City Manager Bohenko addressed the draft agreement provided to the City Council. He reported that the primary modifications to this agreement are as follows:

- A. Under Section A, Site Conditions, a condition has been added to include a centrally located handwashing booth shall be available at all times.
- B. Under Section D, the license fee schedule was amended to reflect a seasonal fee is paid by prepared food vendors and baked goods must be baked in a licensed facility.

Councilor Pantelakos moved to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association as presented. Seconded by Councilor Hynes and voted.

3. Proposed Extension of Poco Diablo Lease Agreement

City Manager Bohenko spoke to the letter from John Golumb requesting an extension of the Poco Diablo Lease Agreement until December 31, 2006.

Councilor Hynes moved to extend the Poco Diablo Lease Agreement until December 31, 2006. Seconded by Councilor Raynolds.

Assistant Mayor Ferrini asked if the lease is assignable. City Attorney Sullivan said that it was not. Councilor Smith asked if the leasee was John Golumb or Poco Diablo. City Attorney Sullivan said it is the company not the individual.

Motion passed.

4. Report Back Re: Request to Rezone Land Located off Banfield Road and Constitution Avenue

City Manager Bohenko asked Planning Director Holden to come forward to address this matter. Planning Director Holden said this request comes from the master plan, which recommends the rezoning of the area. He advised the City Council that this is not spot zoning and the land surrounding the area is industrial.

City Manager Bohenko advised the City Council that this area of land is less than 1 acre. He said that we could draft the ordinance and have first reading at the March 6th City Council meeting.

Councilor Pantelakos moved to authorize the City Manager to bring back an ordinance for First Reading to rezone land located off Banfield Road and Constitution Avenue from Office Research to Industrial at the March 6th City Council meeting. Seconded by Councilor Grasso.

Councilor Grasso said the existing zoning is spot zoning and the request to amend will make it conforming.

Motion passed.

5. Proposed Joint Work Session with the School Board on February 23, 2006

City Manager Bohenko said this is a request of Mayor Marchand to hold a work session with the School Board and it would be televised.

Councilor Grasso moved to establish this joint work session for Thursday, February 23, 2006 at 6:30 p.m., in City Council Chambers. Seconded by Councilor Pantelakos and voted.

Councilor Whitehouse spoke to Informational Item 1 – Report Back Re: Master Plan Schedule for Amendments to Zoning Regulations and asked how it would be carried out.

City Manager Bohenko said we plan to hire a consultant as was done with the master plan and outlined the process for funding the project.

Councilor Whitehouse asked why we are not completing the project in house. He suggested an advisory committee from the Planning Department and Planning Board to prepare the proposal. He recommended providing staff with a stipend or overtime to work on the project.

City Manager Bohenko said \$200,000.00 is not an unusual amount of money to spend on this process. He said that this is a very detailed process of reviewing the master plan and converting that into zoning regulations. City Manager Bohenko advised Councilor Whitehouse that if the project was done in house it could take up to 3 years for completion. Councilor Whitehouse said he is opposed to the funding request for the project.

City Manager Bohenko advised the City Council that action on the funding for the project would take place during the adoption of the Capital Improvement Plan on April 3rd.

Assistant Mayor Ferrini thanked the Planning Department, Mayor Marchand and City Manager Bohenko for bringing this forward. He said he disagrees with Councilor Whitehouse, this is a major project that cannot be completed in house. He spoke to the Planning Department being taxed with existing projects.

Councilor Pantelakos spoke in support of City Manager Bohenko's recommendation for funding this proposal and hiring a consultant for completion. She said both the Planning Board and Planning Department have enough on their plates right now.

Councilor Hynes also spoke in support of City Manager Bohenko's recommendation for funding and hiring a consultant for completion of the project.

Councilor Smith spoke to the 18-month process of preparing the master plan. He said it is important that the regulations be implemented as soon as possible. He said that this is a good use of funds to bring in people that can dedicate the time to bring the regulations forward for implementation.

Councilor Raynolds expressed his support for City Manager Bohenko's recommendation. He said we need to implement the regulations in a timely manner and this will require experience and expertise, this is an investment.

Councilor Dwyer said the amount of work the Planning Department has is daunting. She said we need to move this process forward. She advised the City Council that a fresh and holistic view is critical. She said that the master plan calls for a different way to look at zoning and the Planning Department and Planning Board will be part of the process.

Mayor Marchand passed the gavel to Assistant Mayor Ferrini.

Mayor Marchand said there would be significant involvement by the Planning Department and Planning Board through the process. He said that this project has a high priority and every dollar is being spent as well as we can with fiscal conservatism.

Assistant Mayor Ferrini returned the gavel to Mayor Marchand.

Councilor Grasso spoke to Informational Item 3 – Report Back Re: Archeological and Historic Sites. She said that based on this letter from Shaun Rafferty the Planning Department and Planning Board determined that a pamphlet should be prepared and made available in the Planning and Inspection Departments regarding this matter. She said we are not taking our history for granted and we are being protective of our heritage.

Councilor Smith said he served on the Planning Board during the creation of the pamphlet. He said the pamphlet serves as a great source of information for the public.

B. MAYOR MARCHAND

1. Appointments

The City Council considered the reappointment of Jonathan Bailey to the Traffic & Safety Committee and Paige Roberts as an alternate to the Planning Board. The City Council will vote on these appointments at the March 6, 2006 City Council meeting.

Councilor Whitehouse moved to reappoint Frederick Gray, Jr. to the Traffic & Safety Committee until January 1, 2008. Seconded by Councilor Grasso and voted.

Councilor Smith moved to reappoint Herb Bunnell to the Traffic & Safety Committee until January 1, 2008. Seconded by Councilor Pantelakos and voted.

Councilor Smith moved to reappoint John Connors to the Traffic & Safety Committee until January 1, 2008. Seconded by Councilor Grasso and voted.

Councilor Whitehouse moved to appoint Jerry Hentmanek as a regular member to the Planning Board filling Ken Smith's unexpired term until December 31, 2006. Seconded by Councilor Grasso and voted.

Councilor Hynes moved to appoint Lisa Destefano to the Economic Development Commission until October 1, 2010, Lisa is filling Mark Simpson's expired term. Seconded by Assistant Mayor Ferrini and voted.

Councilor Hynes moved to appoint Betsy Shultis to the Library Board of Trustees until October 1, 2008, Betsy is filling Theresa Garabedian's expired term. Seconded by Councilor Smith and voted.

2. Sister City Relationship with Bay St. Louis, Mississippi

Mayor Marchand spoke to the letter submitted by John and Skye Maher describing their experience in Bay St. Louis, Mississippi that was hit by hurricane Katrina. He advised the City Council that this is an opportunity for the City to create a Sister City relationship within the United States.

Councilor Pantelakos moved to suspend the rules in order to allow John and Skye Maher to address the City Council. Seconded by Councilor Whitehouse and voted.

John and Skye Maher discussed their 10-day visit to Bay St. Louis and the destruction of the area and devastation. They spoke to the town centers and offices being destroyed and reported that municipal functions are being conducted out of temporary quarters or trailers.

Mayor Marchand thanked John and Skye Maher for offering their time and said this could serve to help our social capital.

Councilor Hynes spoke in support of the request to form a Sister City relationship with Bay St. Louis, Mississippi.

Councilor Pantelakos asked how we would move forward with the request if it was the desire of the City Council. City Manager Bohenko said a consensus from the City Council would be needed and we would work with the Maher's on how to proceed.

The City Council agreed to work with John and Skye Maher on developing a mechanism to proceed with a Sister City relationship with Bay St. Louis, Mississippi.

C. COUNCILOR RAYNOLDS

1. Potential Reuse of Worth Lot

Councilor Raynolds moved to refer the material provided regarding public markets to the Economic Development Commission for consideration. Seconded by Assistant Mayor Ferrini.

Councilor Raynolds addressed the information provided to the City Council on public markets. He provided the City Council with a copy of an article that appeared in the Portland Press Herald stating that the Portland Public Market may close and has not been profitable.

Councilor Pantelakos said she does not like the use of potential reuse of the Worth Lot because she does not want to give up the parking.

Councilor Whitehouse spoke in favor of referring this material to the Economic Development Commission for consideration. He advised the City Council that the former master plan referred to a public market place and he thinks this has merit.

Councilor Grasso spoke in support of referring this to the Economic Development Commission for consideration, but expressed the need to move slowly.

Motion passed.

D. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the January 12, 2006 meeting

Councilor Hynes advised the City Council that he was the City Council representative to the Traffic & Safety Committee during the January 12th meeting.

Councilor Hynes moved to approve and accept the Traffic & Safety Committee action sheet and minutes of the January 12, 2006 meeting. Seconded by Councilor Raynolds.

Councilor Smith said that this motion would take care of the no parking signs and the dumpsters will need to be licensed on Church Street. He also spoke to the Dunlin Way issue and reported that the Police and Fire Departments expressed the importance and need to access the area during emergencies.

Motion passed.

2. Parking Committee Action Sheet and Minutes of the December 22, 2005 and January 12, 2006 meeting

Councilor Smith moved to approve and accept the Parking Committee action sheet and minutes of the December 22, 2005 meeting. Seconded by Councilor Whitehouse and voted.

Councilor Smith moved to approve and accept the Parking Committee action sheet and minutes of the January 12, 2006 meeting. Seconded by Councilor Whitehouse and voted.

E. COUNCILOR HYNES

1. Cross Roads House

Councilor Hynes spoke to the memorandum from Welfare Director Bates, which indicated that Cross Roads saved the City approximately \$250,000.00 by providing emergency housing to individuals. He expressed the importance of this facility.

Councilor Smith thanked Councilor Hynes for his work and dedication in founding this organization.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Pantelakos requested City Attorney Sullivan and City Manager Bohenko advise the City Council if we have an ordinance allowing dealerships to attach balloons to vehicles. She said that this is an environmental issue that needs to be addressed.

Assistant Mayor Ferrini suggested a work session of the Planning Board to review the development of the Atlantic Heights area. He suggested reviewing the 3 projects in a specific manner.

Assistant Mayor Ferrini moved to request the Planning Board hold a work session with all applicants for development in the Atlantic Heights area with a report back. Seconded by Councilor Grasso.

Mayor Marchand said we are urging the Planning Board to hold a work session, but we cannot mandate that they do.

Councilor Reynolds thanked Assistant Mayor Ferrini for bringing this matter forward. He said he feels it is important that the Planning Board hold a work session with the developers on this matter.

Councilor Grasso moved to amend the motion that the direct abutters and Neighborhood Association be notified of the date of the work session. Seconded by Assistant Mayor Ferrini.

Councilor Whitehouse said that it would take a great deal of work to notify all the direct abutters.

City Manager Bohenko said if we advise Stephanie Krenn, Chair of the Atlantic Heights Neighborhood Association of the date for a work session she could notify the others. He said that it would take a substantial amount of work and cost to notify all abutters.

Councilor Grasso agreed to remove the notification of the direct abutters from the motion and notify the Neighborhood Association only.

Amendment of the motion passed.

City Attorney Sullivan said the City Council is suggesting a cooperative effort and no formal action could be taken.

Councilor Dwyer advised the City Council that not all of the projects have been brought forward to the Planning Board at this point.

Councilor Smith said the Planning Board could be putting themselves in a sensitive spot by holding a work session on the projects.

Assistant Mayor Ferrini moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Grasso and voted.

Councilor Smith suggested having City Manager Bohenko and City Attorney Sullivan meet to discuss this further and how to proceed on this matter.

Assistant Mayor Ferrini withdrew his motion and Councilor Grasso the second to the motion.

Mayor Marchand said the City Council has a common goal to address the issues raised by the neighborhood.

Councilor Smith moved to refer this matter and concerns of the neighborhood to the Site Review Technical Advisory Committee for report back. Seconded by Councilor Pantelakos.

City Attorney Sullivan expressed concern with the motion and cautioned the City Council. He said you could refer the letter to the Planning Board and Site Review Technical Advisory Committee for a report back and that does not compel them to do anything under the Charter.

Councilor Smith withdrew his motion and Councilor Pantelakos the second to the motion.

Councilor Smith moved to refer this letter to the Site Review Technical Advisory Committee for report back. Seconded by Assistant Mayor Ferrini.

Councilor Dwyer said the real issues raised in the letter dealt with traffic and parking. City Manager Bohenko agreed with Councilor Dwyer.

Councilor Reynolds suggested also forwarding the letter to the City Attorney and Planning Director for consideration.

City Manager Bohenko said the Council needs to remember that this is a public process that needs to be considered. He said until the project is before the board you are putting staff in a tough position and you do not want them making assumptions.

Motion passed.

XIII. ADJOURNMENT

At 10:15 p.m., Councilor Pantelakos moved to adjourn. Seconded 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, CMC
City Clerk