

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: THURSDAY, OCTOBER 5, 2006

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

At 6:30 p.m., an Anticipated "Non-Meeting" with counsel was held regarding negotiations - RSA: 91-A:2, I(b-c)

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.

IV. PLEDGE OF ALLEGIANCE

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

MAYOR'S AWARD

1. Gene Fisk, Cable Television and Communications Commission

John Gregg on behalf of the Cable Television and Communications Commission presented Gene Fisk with a Mayor's Award in recognition of his years of service to the City and serving on the Cable Television and Communications Commission. Gene accepted the award with thanks and appreciation.

PRESENTATION

1. Art-Speak Annual Update

Jane James provided an annual update on Art-Speak. She advised the City Council of the new slate of officers: Russ Grazier, Jr., President; Ellen Fineberg, Vice President; Deb Thompson, Secretary; and Leann Spees, Treasurer. She also reported to the City Council that Sue Cobler is the new coordinator for Art-Speak. Ms. James highlighted the accomplishments of the Art-Speak and discussed the events and collaborations over the last year. She discussed the creative business strategies that were a collaboration between Art-Speak, the Chamber of Commerce and NH Micro Credit. The recent adoption of the public art ordinance was addressed and the trust that was established.

Russ Grazier, Jr., President advised the City Council that he is pleased to serve as the president and is looking forward to working with the City.

V. ACCEPTANCE OF MINUTES - AUGUST 21, 2006 AND SEPTEMBER 18, 2006

Councilor Grasso moved to approve and accept the minutes of the August 21, 2006 and September 18, 2006 City Council meetings. Seconded by Councilor Hynes and voted.

VI. PUBLIC COMMENT SESSION

Barbara Newton spoke to the Players' Ring lease and requested the approval of the renewal of the lease by the City Council. She spoke to the history of the Players' Ring and the grants that the organization is seeking to continue to maintain the building. She also discussed the maintenance that has been completed over the years at the building.

Patricia Lynch spoke in support of the Traffic & Safety Committee's request to approve the creation of a pedestrian walkway on Chestnut from Congress to Porter Streets. She spoke in favor of the trial period, which would allow for the development of the project.

Elena Maltese spoke in support of the recommendation of the Traffic & Safety Committee for the closure of Chestnut from Congress to Porter Streets for the creation of a pedestrian walkway at the Music Hall. She spoke to the sidewalks that currently are not level and handicap friendly. She urged the City Council to support this request for a pilot program from August 2007 through January 1, 2008.

Jameson French thanked City Manager Bohenko and the City Council for the UDAG funds for the steeple restoration project at the North Church. He also spoke in support of the pilot program for the creation of a pedestrian walkway at the Music Hall. He urged the City Council to support this pilot program, which would be beneficially to all.

Councilor Reynolds moved to suspend the rules in order to take up Item XII. A.1. - Players' Ring Lease. Seconded by Councilor Grasso and voted.

XII. A.1. Players' Ring Lease

City Manager Bohenko said the City has owned the brick building located on Marcy Street since 1992 and the Players' Ring has used the building as a performance venue. He advised the City Council that the new term for the lease would end September 30, 2009. He said that the continuation of a three-year lease is needed in this case as the Players' Ring is actively seeking grant funds and donations for repairs to the building. City Manager Bohenko informed the City Council that grantors have indicated they will not support funding for capital projects where the lease would be less than three years. The only change of substance is to increase the liability insurance provision from \$1 million to \$2 million per the City's current insurance requirements to all leases.

Councilor Raynolds moved to approve the lease of the City-owned brick building located on Marcy Street to the Players' Ring for use as a performance venue as outlined in the lease. Seconded by Assistant Mayor Ferrini.

Councilor Whitehouse said he would support the motion and said that he was pleased to hear about the improvements made by the Players' Ring during the last several years.

Motion passed.

Councilor Raynolds moved to suspend the rules to take up Item XII. A.3. - Request to Extend the Agreement between Art-Speak and the City. Seconded by Councilor Grasso and voted.

XII. A.3. Request to Extend the Agreement between Art-Speak and the City

City Manager Bohenko advised the City Council that Art-Speak has raised over \$90,000.00 over the last year and it is a hard working group of volunteers. He recommended the support of the City Council for the extension of the agreement.

Councilor Raynolds moved to authorize the City Manager to extend the agreement retroactively from July 1, 2006 through June 30, 2007. Seconded by Councilor Grasso.

Councilor Dwyer advised City Attorney Sullivan that some of the agreement items have been reached and should be removed from the agreement. City Attorney Sullivan said he would make a note of the items.

Motion passed.

Assistant Mayor Ferrini moved to suspend the rules in order to take up Item XII. E.1. - Traffic & Safety Committee Action Sheet and Minutes of the September 14, 2006 meeting. Seconded by Councilor Smith and voted.

Assistant Mayor Ferrini moved to approve and accept the action sheet and minutes of the September 14, 2006 Traffic & Safety Committee meeting. Seconded by Councilor Smith.

Councilor Smith spoke to the pilot program for the creation of a pedestrian walkway on Chestnut from Congress to Porter Streets at the Music Hall.

Councilor Whitehouse said he spoke opposed at the Traffic & Safety Committee meeting relative to the request of the Music Hall.

Assistant Mayor Ferrini moved to sever Item 10 - Music Hall - Chestnut at Islington Streets from the Traffic & Safety Committee Action Sheet. Seconded by Councilor Grasso and voted.

Assistant Mayor Ferrini moved to approve and accept the action sheet and minutes of the September 14, 2006 Traffic & Safety Committee meeting excluding Item 10 - Music Hall - Chestnut at Islington Streets. Seconded by Councilor Grasso.

Councilor Dwyer spoke to Item 8 - Café Kilim - Request for Crosswalk at Islington/Summer Streets. Councilor Smith said that there are two crosswalks and one is 20 feet down and 25 feet away from the intersection of Summer and Islington Streets. He said if a crosswalk was installed we would lose a parking space. He advised the City Council that the Traffic & Safety Committee would review this matter again.

Councilor Pantelakos asked why three crosswalks would be needed. Councilor Smith said with Café Kilim moving in that area there has been an increase in pedestrian traffic and the new crosswalk would line up with Summer Street which is directly across from the establishment.

Motion passed.

Assistant Mayor Ferrini moved to approve and accept Item 10 - Music Hall - Chestnut at Islington Street from the September 14, 2006 Traffic & Safety Committee meeting. Seconded by Councilor Grasso. Item 10 reads as follows: Voted to recommend to the City Council to create a pedestrian walkway from Congress Street to Porter Street on Chestnut Street as a pilot program from August 2007 - January 1, 2008.

Councilor Whitehouse expressed concern approving Item 10 of the action sheet. He said that these side streets are important for the flow of traffic and he is opposed to the creation of this pilot program for a pedestrian walkway. He asked if the State Fire Marshall would be informed of this if it was approved.

Councilor Smith said many of the concerns expressed by Councilor Whitehouse were expressed during the Traffic & Safety Committee meeting, which is why they recommended a pilot program. He said the onerous is on the Music Hall to work out the bugs.

Councilor Raynolds said what makes downtown special is its human scale and being walkable. He said the downtown should not be a drive through and we should work more towards a walk through.

Councilor Grasso said that the City would be in charge of the removal of snow. City Manager Bohenko said that is correct. Councilor Grasso suggested opening the street during certain times of the day for deliveries. Councilor Smith said he would not be opposed to that. Councilor Grasso said she feels we are doing this too quickly. Councilor Smith said if there are any issues they would be addressed and changes needed would be made.

Mayor Marchand said that there is a fair amount of time between now and the creation of the pilot program to address some of the concerns expressed this evening.

Councilor Pantelakos asked if this was discussed with the businesses in the downtown. She said that the street belongs to the citizens of the City not the City Council.

Councilor Smith said that businesses have been notified and the owner of the parking garage on Porter Street and the businesses are in favor of the pilot program.

Councilor Hynes said that pedestrian traffic is high in the downtown area and spoke in favor of the creation of the pilot program.

Councilor Dwyer said that this area was for pedestrians' only years ago and that handicap access is important.

Assistant Mayor Ferrini said he agrees with the City Council to support the program. He said he is pleased that it is a pilot program and that not every street is the same. He said that Councilor Whitehouse would keep an eye on this and a great deal of data would be collected and examined during the pilot program. He advised the City Council if there is significant concerns the City Council can take immediate action.

City Manager Bohenko said that the staff feels that a pilot program is a good way to see if this project would be successful. He advised the City Council that we are looking at a downtown traffic study with a computer model to review the traffic. He said that the City Council may see the creation of this study in the capital improvement plan next year.

Councilor Pantelakos expressed concern for individuals that may not be able to walk up to the Music Hall. Councilor Smith said that there would be a drive up area to allow for those cases.

On a roll call vote 7-2, motion passed. Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Raynolds, Smith, Hynes and Mayor Marchand voted in favor. Councilors Pantelakos and Whitehouse voted opposed.

VII. PUBLIC HEARINGS

A. ORDINANCE AMENDING CHAPTER 10, ARTICLE II, SECTION 10-208 (35) USES IN BUSINESS DISTRICTS

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

City Attorney Sullivan said that this change is for clarification purposes. He said that this ordinance deals with the sale of vehicles within 200 feet of a residential district and preserves the 200-foot buffer between the activities of a motor vehicle sales operation and abutting residential neighborhoods.

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

- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.327 - LIMITED PARKING - TWO HOURS - ISLINGTON STREET:
- NORTHERLY SIDE FROM TANNER STREET TO PARKER STREET
 - NORTHERLY SIDE PEARL STREET TO A POINT WESTERLY 335'
 - NORTHERLY SIDE FROM CABOT STREET TO A POINT EASTERLY 515'

Mayor Marchand read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Marchand declared the public hearing closed.

- C. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.325 - LIMITED PARKING - THIRTY MINUTES - ISLINGTON STREET
- NORTHERLY SIDE FROM THE CORNER OF BREWSTER STREET EASTERLY 110'
 - NORTHERLY SIDE EASTERLY 70' FROM DOVER STREET TO A POINT 82' WESTERLY FROM SALEM STREET
 - NORTHERLY SIDE FROM PEARL STREET TO PARKER STREET

Mayor Marchand read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Marchand declared the public hearing closed.

- D. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 - NO PARKING - ADDING TO THE ORDINANCE (WITH APPROPRIATE DELETIONS)
- BREWSTER STREET: EASTERLY SIDE, FROM HANOVER STREET SOUTHERLY TO ISLINGTON STREET
 - HANOVER STREET: (HANOVER STREET EXTENSION) SOUTHERLY SIDE FROM BREWSTER STREET EASTERLY 40'
 - ISLINGTON STREET: NORTHERLY SIDE FROM THE CORNER OF CONGRESS STREET/MAPLEWOOD AVENUE/MIDDLE STREET RUNNING WESTERLY TO THE EASTERLY CORNER OF TANNER STREET
 - ISLINGTON STREET: NORTHERLY SIDE - EASTERLY FROM A POINT 145' FROM SALEM STREET TO A POINT 73' WESTERLY OF CABOT STREET
 - ROCK STREET: DELETION OF EASTERLY SIDE FROM ISLINGTON STREET TO HANOVER STREET

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

City Manager Bohenko spoke to the need to remove the provision, which would modify the no parking zone on the easterly side of Brewster Street so that the parking regulations on the easterly side of Brewster Street remain unchanged.

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

- E. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.324 - LIMITED PARKING - ONE HOUR SUBSECTION A - DELETION OF ISLINGTON STREET: NORTHERLY SIDE FROM THE WEST SIDE OF BRIDGE STREET WESTERLY FOR A DISTANCE OF 131 FEET TO THE EAST SIDE OF TANNER STREET

Mayor Marchand read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Marchand declared the public hearing closed.

VIII. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Donations to the New Library Building Fund in memory of Ida Belostock in the amount of \$323.00
- Helen O. & Paul F. Hayner
 - Dear R. & Sylvia E. Frieze
 - Hannah P. Landsman
 - Elaine G. Mavrikis
 - Patricia & Gary Kish
 - Judith B. & Leonard Shapiro
 - Judith S. Wiseman & Susan K. Scolnik
 - Irwin & Hellaine Nepo
 - Louis & Mildred Sacks
 - Joseph & Melissa Lewis

Councilor Whitehouse moved to approve and accept the donations to the New Library Building Fund as listed. Seconded by Councilor Pantelakos and voted.

- B. Acceptance of Water Security Installation Grant - \$4,500.00

Councilor Grasso moved to accept a grant from the New Hampshire Department of Environmental Services in the amount of \$4,500.00 to the City of Portsmouth and authorize the City Manager to enter into a grant agreement on behalf of the City. Seconded by Councilor Hynes and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Bond Resolution Authorizing Bond Issue of up to \$4,450,000.00 for City Improvement Projects

City Manager Bohenko advised the City Council that the public hearing and adoption of the resolution would be held on November 13, 2006. He also advised the City Council that all of the items relating to this bond issue have been identified in the capital improvement plan.

Councilor Pantelakos moved to pass first reading to authorize bonding in the amount of \$4,450,000.00 for various city improvement projects and schedule a public hearing and adoption at the November 13, 2006 City Council meeting. Seconded by Councilor Smith.

Councilor Whitehouse said he would like to separate the bond issue request. He would like two separate resolutions and legal notices, one for \$1,000,000.00 and one for \$3,450,000.00.

Councilor Whitehouse moved to sever \$1,000,000.00 for Citywide Facilities' Capital Improvements from the \$4,450,000.00 Bond Resolution. Seconded by Assistant Mayor Ferrini. On a unanimous roll call vote 9-0, motion passed.

Assistant Mayor Ferrini moved to pass first reading to authorize bonding in the amount of \$1,000,000.00 for various city improvement projects and schedule a public hearing and adoption at the November 13, 2006 City Council meeting. Seconded by Councilor Smith and voted.

Councilor Whitehouse moved to pass first reading to authorize bonding in the amount of \$3,450,000.00 for various city improvement projects (Citywide Sidewalk Reconstruction Program, Congress Street Area Improvements and Street Paving Management and Rehabilitation as listed in City Manager's comments dated October 2, 2006) and schedule a public hearing and adoption at the November 13, 2006 City Council meeting. Seconded by Councilor Pantelakos and voted.

- B. Second reading of Ordinance amending Chapter 10, Article II, Section 10-208 (35) - Uses in Business Districts

Councilor Grasso moved to pass second reading and hold third and final reading at the October 16, 2006 City Council meeting on a proposed ordinance amendment to Chapter 10, Article II, Section 10-208 (35) - Uses in Business Districts. Seconded by Councilor Dwyer and voted.

- C. Second reading of Ordinance amending Chapter 7, Article III, Section 7.327 - Limited Parking - Two Hours - Islington Street:
- Northerly side from Tanner Street to Parker Street
 - Northerly side from Pearl Street to a point westerly 335'
 - Northerly side from Cabot Street to a point easterly 515'

Councilor Smith moved to pass second reading of the amended ordinance, as submitted, and hold third and final reading at the October 16, 2006 City Council meeting. Seconded by Councilor Whitehouse and voted.

- D. Second reading of Ordinance amending Chapter 7, Article III, Section 7.325 - Limited Parking - Thirty Minutes - Islington Street:
- Northerly side from the corner of Brewster Street easterly 110'
 - Northerly side easterly 70' from Dover Street to a point 82' westerly from Salem Street
 - Northerly side from Pearl Street to Parker Street

Councilor Grasso moved to pass second reading of the amended ordinance, as submitted, and hold third and final reading at the October 16, 2006 City Council meeting. Seconded by Councilor Dwyer and voted.

- E. Second reading of Ordinance amending Chapter 7, Article III, Section 7.330 - No Parking - Adding to the Ordinance (with appropriate deletions):
- Brewster Street: easterly side, from Hanover Street southerly to Islington Street
 - Hanover Street: (Hanover Street Extension) southerly side from Brewster Street easterly 40'
 - Islington Street: northerly side from the corner of Congress Street/Maplewood Avenue/Middle Street running westerly to the easterly corner of Tanner Street
 - Islington Street: northerly side - easterly from a point 145' from Salem Street to a point 73' westerly of Cabot Street
 - Rock Street: deletion of easterly side from Islington Street to Hanover Street

Assistant Mayor Ferrini moved that the provision in the ordinance before the Council which would modify the no parking zone on the easterly side of Brewster Street be deleted, so that the parking regulations on the easterly side of Brewster Street remain unchanged and pass second reading of the ordinance as amended, and hold third and final reading at the October 16, 2006 City Council meeting. Seconded by Councilor Grasso and voted.

- F. Second reading of Ordinance amending Chapter 7, Article III, Section 7.324 - Limited Parking - One Hour subsection A - deletion of Islington Street: northerly side from west side of Bridge Street westerly for a distance of 131 feet to the east side of Tanner Street

Councilor Grasso moved to pass second reading of the amended ordinance, as submitted, and hold third and final reading at the October 16, 2006 City Council meeting. Seconded by Councilor Dwyer and voted.

- G. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 - No Parking sub-section A
- Jenkins Avenue: Northerly and Southerly sides. Westerly end between the hours of 7:00 a.m. - 3:00 p.m. Monday through Friday

Councilor Smith moved to pass third and final reading as submitted. Seconded by Councilor Hynes.

Councilor Whitehouse asked City Manager Bohenko if he received any calls requesting that holiday parking be allowed. City Manager Bohenko advised Councilor Whitehouse that he received no calls.

- H. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 - No Parking - Livermore Street: the easterly side from Pleasant Street to the dead end

Councilor Smith moved to pass third and final reading as submitted. Seconded by Councilor Grasso and voted.

X. CONSENT AGENDA

- A. Acceptance of Donations to the New Library Building Fund
- Mabel Stickney - \$5.00
 - R B Cole - \$25.00
 - James H. & Betty A. Shaw - \$50.00
 - Robert M. Snover & Darcy E. Davidson - \$100.00
 - Margaret M. Morrissey - \$500.00

(Anticipated action - move to approve and accept the donations to the New Library Building Fund as listed)

- B. Acceptance of Donations to the Police Department
- Ocean National Bank to support National Night Out, 2006 - \$750.00
 - International Federation of Professional and Technical Engineers for the Portsmouth Police K-9's - \$100.00

(Anticipated action - move to approve and accept the donations to the Portsmouth Police Department as listed)

Assistant Mayor Ferrini moved to adopt the Consent Agenda as presented. Seconded by Councilor Pantelakos and voted.

XI. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITONS

- A. Letter from Majors Chester & Joy Emmons, The Salvation Army, requesting permission to place their "Christmas Kettles" in Market Square beginning November 20, 2006 through December 23, 2006

Councilor Grasso moved to refer to the City Manager with power. Seconded by Councilor Pantelakos and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

2. Polling Hours for November 7, 2006 State General Election

Councilor Whitehouse moved to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State General Election on Tuesday, November 7, 2006. Seconded by Councilor Pantelakos and voted.

4. 2006 Holiday Parade

Councilor Whitehouse moved to approve the 2006 Holiday Parade for Saturday, December 2, 2006 at 6:00 p.m. Seconded by Councilor Grasso and voted.

Informational Items

1. Household Hazardous Waste Collection Day

City Manager Bohenko announced that Household Hazardous Waste Collection Day would be held on Saturday, October 14, 2006 from 8:00 a.m. to Noon at the Department of Public Works, 680 Peaverly Hill Road.

City Manager Bohenko advised the City Council that the Waste Water Treatment Plant at Peirce Island has been named the New Hampshire Plant of the Year. He said that this award is a statewide competition and speaks to the operation of the plant and how it is managed. He spoke to the dedication of the employees and said he would like to recognize the employees and their accomplishments at the October 16, 2006 City Council meeting.

Councilor Reynolds asked if the City could secure and sell the powder to residents for the disposal of latex paint at the Public Works Department. City Manager Bohenko said he would look into the request.

B. MAYOR MARCHAND

1. Rockingham Planning Commission & MPO Committee Appointment
Commissioners: Member of the City Council, Planning Board Chair, John Ricci; Planning Director, David Holden; Vacant; [To be determined by the Mayor and City Council]
Alternates: Traffic Engineer, Deborah Finnegan; Director of Public Works, Steve Parkinson; Deputy Director of Public Works, David Allen; and City Manager, John P. Bohenko

Councilor Whitehouse moved to approve the appointments to the Rockingham Planning Commission & MPO Committee as submitted. Seconded by Councilor Grasso and voted.

2. Seacoast Metropolitan Planning Organization's Technical Advisory Committee
Representative: Traffic Engineer, Deborah Finnegan
Alternates: Director of Public Works, Steve Parkinson, Deputy Public Works Director, David Allen; and Planning Director, David Holden

Councilor Grasso moved to approve the appointments to the Seacoast Metropolitan Planning Organization's Technical Advisory Committee as submitted. Seconded by Councilor Smith and voted.

3. Appointments to be Considered
 - Sharon Morrison - Citywide Steering Neighborhood Committee
 - William St. Laurent - Citywide Steering Neighborhood Committee

The City Council considered the appointments of Sharon Morrison and William St. Laurent to the Citywide Steering Neighborhood Committee. The City Council will vote on these appointments at the October 16, 2006 City Council meeting.

4. Resignation
 - Audrey Bierhans, Mayor's Blue Ribbon Cemetery Committee

Assistant Mayor Ferrini moved to accept with regret the resignation of Audrey Bierhans from the Mayor's Blue Ribbon Cemetery Committee. Seconded by Councilor Whitehouse and voted.

C. ASSISTANT MAYOR FERRINI

1. Approval of Extension of City Manager Employment Agreement

Assistant Mayor Ferrini said that the City Council held a Non-Meeting with Counsel prior to the meeting regarding the extension of the City Manager's Employment Agreement.

Assistant Mayor Ferrini discussed the amendments to the contract as follows:

Contract would be extended from July 1, 2007 through June 30, 2012

Salary increase for the term of the agreement increased by 2.5% each July 1st

Term life insurance increased from \$150,000.00 to \$250,000.00

Employee medical premium share increased to 19% on July 1, 2008 and 20% on July 1, 2009 and thereafter it would be indexed on what every union contract would be procured in the future

Employee allowed a 3-month paid educational sabbatical with the City Manager's salary and benefits being paid by the City but the City Manager would be responsible for the tuition and expenses.

Assistant Mayor Ferrini moved to authorize the Mayor to execute the following amendments to the City Manager's Employment Agreement:

- 1) *Salary increase for the term of the agreement increased by 2.5% each July 1st*
- 2) *Term Life Insurance increased from \$150,000.00 to \$250,000.00*
- 3) *Employee medial premium share increased to 19% on July 1, 2008 and 20% on July 1, 2009*
- 4) *Employee allowed during this term of this agreement a 3-month paid educational sabbatical*
- 5) *Term of the agreement extended until June 30, 2012*

Further, that all other conditions of the City Manager's Employment Agreement dated June 16, 2003 remain in full force and effect.

Seconded by Councilor Grasso.

Assistant Mayor Ferrini said that this effectively is an average increase of 1% per year.

Councilor Raynolds said that this is a strong vote of confidence in the City Manager and the value he brings to the City. He spoke to City Manager Bohenko's many accomplishments over the years.

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

City Manager Bohenko thanked the City Council for this vote of confidence and said that he looks forward to the future.

D. COUNCILOR PANTELAKOS

Peirce Island Ad Hoc Committee on Dogs (Not on Agenda)

Councilor Pantelakos reported that the Peirce Island Ad Hoc Committee on Dogs is submitting the following proposal, which would not be adopted until a public meeting is held by the Committee and is also subject to change:

- 1) That dogs be leased on Peirce Island between the hours of 10:00 a.m. and 3:00 p.m., Monday through Friday, from June 15 through Labor Day
- 2) That signage be visible and placed throughout the park to educate everyone who uses Peirce Island just what the rules involving dogs are and how they are to be enforced
- 3) That dog waste bags be positioned in various locations to help dog owners and remind them of their responsibility to clean up after their own dogs and clean up any other waste they see

No action required relative to this matter this evening.

1. Funding for Middle School & Eminent Domain

Councilor Pantelakos said that there is \$25,000.00 in the capital improvement plan and she would like to make sure that there is no duplication by the feasibility committee.

City Manager Bohenko advised Councilor Pantelakos that in 2002 the School Department encumbered \$112,000.00 for these studies to the middle school and there is \$6,600.00 remaining. The work done to date has been done on the Jones Avenue proposed site. He reported at the suggestion of the Joint School Advisory Committee there was a sub-committee established and staff will help to look at materials developed for the Joint School Advisory Committee to ensure that a building can be built at the Jones Avenue site. He said more work will need to be done, talking with the State Wetlands Bureau and the City's Conservation Commission. City Manager Bohenko said during the capital improvement plan process \$25,000.00 was put in to get an additional look if the Joint School Advisory Committee desires of the Parrott Avenue location. He said how that develops remains to be seen.

Councilor Pantelakos said eminent domain is a concern and she would like the City Council to go on record that they have no intention of taking the Peirce Land for the Middle School.

Councilor Pantelakos moved that the City Council go on record that they have no intention of taking the Peirce Land for the Middle School. Seconded by Councilor Whitehouse.

Assistant Mayor move to table this matter to allow the City Attorney to report back on the easement of the Peirce Land Trust and the nature of the ownership of the land. Seconded by Councilor Dwyer.

On a roll call vote 6-3, motion to table passed. Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Reynolds, Smith and Mayor Marchand voted in favor. Councilors Pantelakos, Whitehouse, and Hynes voted opposed.

Councilor Smith requested that this matter be placed on the October 16, 2006 City Council agenda for report back by City Attorney Sullivan. Assistant Mayor Ferrini, without objection, amended his tabling motion to a date certain, October 16, 2006.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Dwyer reported that Taintor Associates has begun work on the zoning ordinance. She said that a meeting was held last week regarding uses that may need to be brought forward. She said that the City Council has not had an opportunity to discuss uses that may not be there or may need to be added. She briefly reviewed her memorandum dated October 5, 2006 relative to input on zoning ordinances. She spoke to the following items of concern:

- 1) Additional ways to address affordability of housing (in addition to the current special PUD that is under development) to preserve as well as expand affordable housing, e.g., mixed use bonus options; mixed use nodes without various areas; mixed use Planned Unit Developments
- 2) More attention to the CBA to respect its buffer function to residential areas and recognize its prominence as a gateway, including various design requirements such as the interplay of building dimensions, height issues (minimums as well as maximums), mass (the "super-block" problem), relationship of buildings to each other, etc.
- 3) Attention to historic buildings rather than a historic district-moving toward design review in multiple districts with integrity grounded on periods of design
- 4) More emphasis on the value of public spaces of all types, including bicycle/pedestrian access; incentives for including spaces for public access and use
- 5) Economic importance of maintaining office research space/not losing potential for higher wage employment in favor of lower wage retail, hospitality
- 6) More emphasis on public access to the waterfront
- 7) Special attention to corridors, including vista preservation, open space, as well as mixed income, multi-family housing

Councilor Dwyer suggested holding a work session on October 23, 2006 to discuss the zoning ordinance and concerns the City Council may have. Mayor Marchand said originally the October 23, 2006 work session was for affordable housing but these topics could be combined.

City Manager Bohenko announced that the Planning Board and Rick Taintor would be in attendance at the October 23, 2006 work session.

Assistant Mayor Ferrini said that we need to deal with specifics relative to Planned Unit Developments. He also said that it would be helpful to have individuals from the development community and bankers at the work session. City Manager Bohenko said that the October 23,

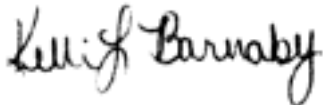
2006 work session is for the City Council and we could have those individuals at another meeting. Assistant Mayor Ferrini said he agrees with City Manager Bohenko.

Councilor Whitehouse said the candidate funding expenditure ordinance has not come back to the City Council. Mayor Marchand said that the matter was tabled without a date certain and if Councilor Whitehouse would like to bring the issue forward in the form of a motion he may do so.

Councilor Reynolds provided the City Council with information recently released on the changing northeast climate relative to global warming.

XIV. ADJOURNMENT

At 9:40 p.m., Assistant Mayor Ferrini moved to adjourn. Seconded and voted.

A handwritten signature in cursive script that reads "Kelli L. Barnaby".

Kelli L. Barnaby, CMC
City Clerk