

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 25, 2007

PORTSMOUTH, NH
TIME: 6:00PM

At 6:00 p.m., a Work Session was held regarding the Master Plan Update.

I. CALL TO ORDER

Mayor Marchand called the meeting to order at 7:15 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 Raynolds led in the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – JUNE 4, 2007

Councilor Pantelakos moved to approve and accept the minutes of the June 4, 2007 City Council meeting. Seconded by Assistant Mayor Ferrini and voted.

VI. PUBLIC COMMENT SESSION

Allen Nelson spoke regarding the removal of land held in trust for a long time. He stated that it could be a compliment to the new library. What we do with that trust could tell a lot about our community.

James Horigan spoke concern regarding the business advertising at Leary Field. He stated that children's sports should not be used to advertise a business and that the neighbors should have some input regarding this matter.

Diane Giesi spoke regarding leashed/unleashed dogs on Peirce Island. She stated that she has three dogs and is on Peirce Island every day and has yet to see an incident. She recommended that signs be placed stating that Peirce Island is an off-leash area for dogs.

Jennifer Jacobs informed the City Council that there was, and is strong support for off-leash dogs on Peirce Island. She recommended signs be posted informing everyone that Peirce Island is an off-leash area for dogs. She also stated that she has seen no documented proof that there has been any incident with dogs on Peirce Island.

Lee Friess said that she is very angry that this issue is back and wants to put this issue to rest once and for all. She stated that she has never seen an incident with the dogs being off-leash and is very upset that it is again an issue. She stated that she has asked on numerous occasions for proof of these alleged incidents, but none are ever produced. Ms. Friess stated that she would like to see this matter settled once and for all.

William Murray requested a granite bench be placed as a memorial to his family by the Islington Street Tank/Powder House site. He passed out a handout of a proposed bench and inscription. He stated that 100% of the cost would be paid by the family. City Manager Bohenko stated that he talked with Mr. Murray and some people in the neighborhood and city staff concurs with the recommendation. He suggested that after the public comment session the Council could suspend the rules and give this item to him with power and he will work with Mr. Murray relative to this matter.

David Forman requested to know where he could find a copy of the Educational Narrative that he can compare against the Master Plan. He further requested if the Peirce Trust is a trust, does the City really own it and are there any deed restrictions. He requested to know if eminent domain can be overruled. He stated that nothing is forever. Mr. Forman stated that he is in favor of renovating the Middle School.

Councilor Whitehouse moved to suspend the rules in order to take up Mr. William J. Murray's request for permission to place a granite bench as a memorial to his family by the Islington Street Tank/Powder House site (Not on the Agenda). Seconded by Councilor Smith and voted.

Councilor Whitehouse moved to refer to City Manger with power. Seconded by Councilor Smith. City Manager Bohenko stated that he would be honored to work with Mr. Murray and his family. Motion passed.

VII. PUBLIC HEARINGS

A. RESOLUTION ATUHORIZING A BOND ISSUE OF UP TO TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) FOR FY08 STREET, SIDEWALK AND BRIDGE REPLACEMENT PROJECTS.

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

City Manager Bohenko stated that this bond issue of up to two million five hundred thousand dollars (\$2,500,000.00) is for street, sidewalk and bridge replacement projects for FY08. He said that as part of the Capital Improvement Plan for FY 2008 – FY 2013, the Public Works Department included various city improvement projects that require bonding. He stated these projects are Market Street sidewalk expansion/improvements (\$350,000.00); NH33/B&M RR Bridge replacement (\$800,000.00); Scott Avenue Bridge replacement (\$350,000.00) and the Woodbury Avenue traffic calming improvements (\$1,000,000.00).

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

B. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FOR FY08 SCHOOL BUILDING IMPROVEMENTS.

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

City Manager Bohenko stated that this bond issue of up to five hundred thousand dollars (\$500,000.00) for FY08 School Building Improvements is for Portsmouth High School Athletic Complex drainage, irrigation and press box projects (\$74,500.00); roof replacement and repair projects at Dondero Elementary and Portsmouth Middle School (\$275,000.00); and window and door replacement projects at Little Harbour Elementary, New Franklin Elementary, Portsmouth Middle School and the Sherburne School (\$150,500.00).

David Forman requested why a bond was required instead of regular maintenance. He also requested that the City Council show what the impact would be on the tax rate for bonding.

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

City Manager Bohenko stated that this is our first year identifying school building improvement projects outside of an entire building replacement. He stated that this bond issue is for large projects that can not be accomplished within the school's budget.

Assistant Mayor Ferrini moved to suspend the rules in order to take up item XII. B.1. – Reports: Citywide Neighborhood Steering Committee update. Seconded by Councilor Smith and voted.

XII B.1. – Reports: Citywide Neighborhood Steering Committee update.

Robin McIntosh and Sharon Morrison provided the Council with an update of the Citywide Neighborhood Steering Committee's recent activities and projects. She stated that they have revised by-laws, reconfirmed the mission statement, held citywide holiday house decorating contest, bi-monthly meetings; reach out to other organizations in the city to collaborate on projects. She stated that together with the Police Department they are holding National Night Out against Crime on August 7, 2007. She further stated that they are working with the Middle School in a multi-disciplinary program where 8th graders will study the history of Portsmouth, the art of journalism and go out to photograph their neighborhoods. These all help to build strong healthy communities.

Councilor Pantelakos thanked Ms. McIntosh and Ms. Morrison for this report. Councilor Reynolds ask when the meetings are held. Ms. McIntosh stated that the meetings are held on the second Tuesday of every other month.

Councilor Whitehouse moved to suspend the rules in order to take up item XII E. - Dogs/Peirce Island/Leash. Seconded by Assistant Mayor Ferrini and voted.

XII E. - Dogs/Peirce Island/Leash

City Manager Bohenko handed out a map that showed the area on Peirce Island that dogs are allowed off-leash.

Councilor Grasso moved to require that dogs be on a leash from 9:00 a.m. to 5:30 p.m. Monday through Sunday during the weeks the pool is open on Peirce Island. Seconded by Councilor Whitehouse.

Councilor Grasso stated that she is requesting that dogs be leashed during mid June to the third week in August when the children are utilizing the pool area. City Manager Bohenko requested to verify that Councilor Grasso's motion was for dogs to be leashed in all the green areas on the map. Councilor Grasso stated that was correct. Councilor Whitehouse produced a memo from Councilor Pantelakos, Chair of the Dog Committee dated September 6, 2006 concerning dogs on Peirce Island wherein he quoted "A proposal that also had some support was to make Peirce Island a leashed area during the daytime (for example 9:00 to 5:00) during the summer season (perhaps consistent with the pool opening in mid-June and closing in late August). The City of Portland and other Communities limit dogs off-leash on certain parks and beaches during busy summer daytime hours. Enforcement was also a topic of discussion." He stated that this was never voted on. He further stated that the nature walking path had to be cancelled because of off-leash dogs.

Assistant Mayor Ferrini moved to postpone the consideration of this motion until the Council has had a work session with the Blue Ribbon Committee at 6:00 p.m. at the July 16th Council meeting. Seconded by Councilor Smith.

Councilor Smith stated that signage could help but feels that this matter needs to be discussed in a work session. He further stated that a lot of the issues are due to the lack of signage. Councilor Pantelakos stated that she is the representative for the Dog Committee and that she doesn't see how they can make any rules on Peirce Island when there is no documented proof that there are any problems. She stated that if there is no documented proof then she doesn't think that the Council needs to do anything.

Councilor Raynolds stated that Assistant Mayor Ferrini's motion to hold a work session is a good idea. He stated that more information is needed before the Council should take any further action. He also stated that the lack of a police report does not necessarily mean that there is not a problem. He said that many people will not contact the police just because their child has been scared by a loose dog. Assistant Mayor Ferrini stated that this issue is the Achilles heel of an otherwise sane Council.

Councilor Smith said that if Councilor Whitehouse has any letters or complaints he should give them to the City Manager so copies can be provided to the Council members for their review. He also pointed out that Peirce Island is not the only off-leash area in Portsmouth and requested that City Manager Bohenko put a list of the off-leash areas in the next city newsletter.

Councilor Dwyer stated that the map provided by City Manager Bohenko is very good and requested it be placed on the website. She further stated that the Councilors should do some of their own site research prior to the work session. City Manager Bohenko stated that he would attempt to put it on the web.

Mayor Marchand passed the gavel to Assistant Mayor Ferrini.

Mayor Marchand stated that there are two motions on the table and said that he is opposed to scheduling a work session on this issue. He stated that we have already discussed this over and over and since there will be only one meeting in July he did not think this was the best time to schedule a work session on this matter. He stated that there are more important matters that require the Council's attention right now.

Assistant Mayor Ferrini passed the gavel back to Mayor Marchand.

Assistant Mayor Ferrini withdrew his motion for a work session. Councilor Smith withdrew his second.

Councilor Smith stated that he had requested that the Council have a work session with the City Attorney to go over outstanding cases and asked if this was planned for a work session prior to the July meeting. City Manager Bohenko said that was correct. He stated that it was actually going to be a non-meeting to review all the legal cases that are outstanding for the city. Councilor Smith stated that in order to have a work session on the dogs we would have to bump that meeting and he would rather have the non-meeting on the legal cases than open this up again. He stated that maybe a motion should be made to refer it back to the Dog Committee for a report back, especially if there are signage issues. City Manager Bohenko stated that he will work with the Chair of the Dog Committee and Steve Parkinson, Public Works Director to fabricate the signs. Councilor Pantelakos stated that the signs will work, but she feels that dog owners that utilize Peirce Island have a right to have their dogs run on one end of the Island.

Councilor Grasso repeated the motion requiring that dogs be on a leash from 9:00 a.m. to 5:30 p.m. Monday through Sunday during the weeks the pool is open on Peirce Island.

Mayor Marchand stated that he went to a special meeting where 70+ attended and it was almost a unanimous vote that 1) Peirce Island be returned to an off-leash area; 2) that a temporary committee be established to review signage; and 3) that whatever signage is posted be large enough to catch the attention of users of the area.

Councilor Dwyer stated that we did not turn the entire island into an off-leash area. Mayor Marchand stated that only the green area on the map provided by City Manager Bohenko is an off-leash area.

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

VIII. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Portsmouth Garden Club Grant to the Mayor's Blue Ribbon Cemetery Committee in the amount of \$500.00

Councilor Whitehouse moved to approve and accept the grant from the Portsmouth Garden Club, as listed. Seconded by Councilor Smith and voted.

- B. Acceptance of Portsmouth Garden Club Grant for the plantings and improvements on the Islington Street Tank/Powder House site in the amount of \$500.00.

Assistant Mayor Ferrini moved to approve and accept the grant from the Portsmouth Garden Club, as listed. Seconded by Councilor Smith and voted.

- C. Acceptance of State of New Hampshire Department of Justice Grant for "Enforcing Underage Drinking Laws" to the Portsmouth Police Department in the amount of \$7,500.00

Assistant Mayor Ferrini moved to approve and accept the grant to the Portsmouth Police Department, as listed. Seconded by Councilor Dwyer and voted.

- D. Acceptance of Donations to the PAL Girls Summer Basketball League:
- Bunker Electric, LLC - \$400.00
 - Portsmouth Police Patrolmans' Union - \$250.00
 - A.R. Moulton - \$150.00

Councilor Grasso moved to approve and accept the donations to the PAL Girls Summer Basketball League, as listed. Seconded by Assistant Mayor Ferrini and voted.

- E. Acceptance of Donation to the Portsmouth Police Honor Guard from Piscataqua Savings Bank in the amount of \$100.00.

Councilor Dwyer moved to approve and accept the donation to the Portsmouth Police Department, as listed. Seconded by Councilor Grasso and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Authorizing a Bond Issue of up to Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for FY08 Street, Sidewalk and Bridge Replacement Projects.

Councilor Grasso moved to adopt the bonding resolution authorizing bonding in the amount of two million five hundred thousand dollars (\$2,500,000.00) for FY08 Street, Sidewalk and Bridge Replacement Projects. Seconded by Councilor Hynes.

Councilor Whitehouse moved to table the bonding resolution authorizing bonding in the amount of two million five hundred thousand dollars (\$2,500,000.00) for FY08 Street, Sidewalk and Bridge Replacement Projects. Seconded by Councilor Smith.

Councilor Whitehouse stated that he is in favor of all the projects except the Market Street sidewalk and lighting project. He stated that he is concerned about losing old Portsmouth. He further stated that the Council needs to take a long hard look at conserving the atmosphere of old Portsmouth. He said that the narrow streets and old feel is what brings in the tourists. He asked if there was any way to remove this one item.

Councilor Dwyer stated that this was approved along with the Capital Improvement Plan and numerous other times. She stated that if we table this motion, all we would be doing is tabling the bonding vote; the action has already been approved. Councilor Hynes stated that he has always been in favor of preserving old Portsmouth. He stated that the difference keeping Portsmouth old and preserving what we have means a little different than what Councilor Whitehouse is talking about. Councilor Pantelakos stated that she agrees with Councilor Dwyer. She said we need to move this along. Councilor Whitehouse stated that people are stopping him and complaining about losing the appeal of old Portsmouth. He stated that he has brought this up many times in the past, but no one is listening to him.

On a roll call vote 1-8, motion to table the bonding resolution authorizing bonding in the amount of two million five hundred thousand dollars (\$2,500,000.00) for FY08 Street, Sidewalk and Bridge Replacement Projects *failed* to pass. Councilor Whitehouse voted in favor. Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Raynolds, Pantelakos, Smith, Hynes and Mayor Marchand voted opposed.

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

B. Adoption of Resolution Authorizing a Bond Issue of up to Five Hundred Thousand Dollars (\$500,000.00) for FY08 School Building Improvements

Assistant Mayor Ferrini moved to adopt the bonding resolution authorizing bonding in the amount of five hundred thousand dollars (\$500,000.00) for school building improvements. Seconded by Councilor Pantelakos.

Councilor Whitehouse requested to know how old the windows in the Middle School were. He stated that he has walked around the building and the windows look fine to him. Councilor Raynolds requested if the windows in the Middle School are being changed. Steve Bartlett, School Business Administrator stated that the windows being replaced are at the Little Harbour School.

Councilor Raynolds asked what the bond period was. City Manager Bohenko stated that the bond period is 10 years. Councilor Raynolds requested to know if the windows being replaced are energy efficient windows with a 10 year payback. City Manager Bohenko stated that we are setting up a system where Dan Hartrey, who is now the Community Development Officer, will expand his duties to work on many of these projects.

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

- C. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Fleet Street: Westerly side from Congress Street to a point 135 feet in the northerly direction.

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

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from George Barnard, Rotary Club of Portsmouth, requesting permission to hold the 15th annual Thunder Chicken Road Race and Kid's Fun Run on Thursday, August 2, 2007

(Anticipated action – Move to refer to the City Manager with power)

- B. Acceptance of anonymous donation to the New Library Building Fund in the amount of \$50.00

(Anticipated action – Move to approve and accept the donation to the New Library Building Fund, as listed)

- C. Letter from Cynthia Yates, Alzheimer's Association, requesting permission to hold the annual Memory Walk at the Pease Tradeport on Saturday, September 15, 2007

(Anticipated action – Move to refer to the City Manager with power)

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 PETITIONS

- A. Letter from Tom Holbrook, ArtSpace Series, requesting permission to use the following public areas for a series of concerts on City Property
- Vaughan Mall: Friday nights in July and August from 7:00 p.m. to 9:00 p.m. (July 6, 13, 20, 27 and August 3, 10, 17, 24)
 - Rock Street Park: Sunday, July 22nd at 6:00 p.m.
 - Haven Park: Sunday, August 12th at 6:00 p.m.

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

- B. Letter from Kenneth Murphy requesting that the City Council vote to release any possible dedication and issue a quitclaim deed to the easterly one half portion of Van Buren Avenue (approximately 25 feet).

Assistant Mayor Ferrini moved to refer to the Planning Board for a report back. Seconded by Councilor Smith and voted.

- C. Letter from Walter Allen and residents of Sagamore Grove Road regarding paving of road.

Councilor Whitehouse moved to refer to the City Manager and Public Works Director for a report back. Seconded by Assistant Mayor Ferrini and voted.

- D. Letter from Nicole Gregg, New Hampshire Film Festival, requesting permission to use the Connie Bean Center for the NH Film Festival on October 11, 2007 – October 14, 2007, further requesting permission to use the Portsmouth Public Library Screening room as a new venue to this year's festival

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

- E. Letter from Ruth Nugent, requesting the City Council consider establishing night restrictions on street vendors

Councilor Pantelakos moved to refer to City Manager to work with the Vendor Committee and report back. Seconded by Councilor Grasso and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Re Fire Station 2 Bonding Request reading

City Manager Bohenko stated that it was approved in the Capital Improvement Plan that \$3,650,000.00 be appropriated for the replacement of Station 2. He stated that there is a committee that has been formed by the City Council that has met over a period of time. He stated that if this is approved tonight he will bring it back at the July 16, 2007 City Council meeting for first reading. He further stated that there would be a presentation at the August 6th public hearing relative to the bonding request.

Councilor Whitehouse moved to authorize the City Manager to draft a bonding resolution for first reading in the amount of \$3,650,000.00 for the July 16, 2007 City Council meeting. Seconded by Councilor Grasso.

City Manager Bohenko stated that the Fire Commission and the Fire Chief have been organizing this committee. He said that he will suggest to him to meet prior to the August 6, 2007 City Council meeting. Councilor Raynolds stated that the recommended bond issue is for \$3,650,000.00, but the Fire Commissioner's memo indicates that the total project costs are approaching \$5,000,000.00. City Manager Bohenko stated that we are working with the \$3,650,000.00 figure. He stated that we can always come back and amend if needed.

Motion passed.

Informational Items

2. Bedford Way Easement

City Manager Bohenko stated that Councilor Dwyer has consented to hold in abeyance her request with regard to Bedford Way until the Housing Authority and Housing Partnership can meet in July.

4. Conceptual Plan Options for African Burial Ground

City Manager Bohenko stated that in the Council packet there are conceptual plan options for the African Burial Ground. He said that if anyone has any questions, they can contact him.

Councilor Whitehouse stated that he heard about a supplement from the Pease Development Authority for fire training. City Manager Bohenko stated that he approached the Pease Development Authority to assist the City with training on the fire boat. He stated that the Pease Development Authority consented by a vote of the board to set aside \$15,000.00 to offset the cost of training.

Councilor Whitehouse requested if Mr. Horrigan knows that the signage is temporary at Leary Field. City Manager Bohenko stated that he will discuss this with Mr. Horrigan. He stated that this is the reason we review these requests on a year to year basis. He stated that this way we can stop it when we wish to.

Councilor Dwyer asked if the full Educational Narrative is on the website. City Manager Bohenko stated that the Educational Narrative is on the website and he will check to see if it is in its entirety and if not, if there is a way to have the full Educational Narrative put on the web, he will do so.

B. MAYOR MARCHAND

There are no items under Mayor Marchand this evening.

C. COUNCILOR RAYNOLDS

1. Resource for our City's decision on the Middle School

Councilor Raynolds stated that he provided the article "Renovate or Replace?" in the Council packet as it contains some good information that speaks to the decision that we are confronting now with the Portsmouth Middle School.

D. COUNCILOR PANTELAKOS

1. Peirce Estate Restriction

Councilor Pantelakos stated that the Peirce Land Trust issue needs to be address in one way or the other. She stated that if the School Board is to proceed to renovate or add on to the Middle School they need to know where the Council stands with regards to eminent domain on the Peirce Island Trust. Therefore, she would like to pole the Council on their vote. She asked if the Council would be willing to let it go as eminent domain and requested that the Councilors show their vote.

Mayor Marchand stated that the Middle School is next on the minds of the people. He stated that whichever site the School Board chooses, he suspects they will need to know where the Council stands.

Councilor Pantelakos stated that the Council is tying the hands of the School Board by not letting them know if this option is open to them or not. She stated that if you were building a house and the contractor asked you how much space you had to work with, you would not say that you have X number but you may have more at a later date. She stated that if anyone thinks taking Peirce Trust Land is going to be easy, they are wrong.

Assistant Mayor Ferrini requested if there is a motion pending before us that has been duly seconded and is properly before the Council for discussion.

Councilor Pantelakos moved that the Peirce Trust Land be brought to a vote by the City Council as to whether we would take the land by eminent domain. No second to this motion received.

Mayor Marchand requested that Councilor Pantelakos rephrase her motion for the purpose of the vote, so the Council can vote yes or no. Councilor Dwyer stated that we have already had that motion during the life of this Council. City Manager Bohenko stated that this motion took place on October 16, 2006.

City Manager Bohenko read the motion from the October 16, 2006 meeting: "Voted to remove the item from the table. Motion by Councilor Pantelakos seconded by Councilor Whitehouse before the City Council is as follows: Move that the City Council go on record that they have no intention of taking the Peirce Land for the Middle School. On a roll call vote 4-5, motion failed to pass. Councilors Pantelakos, Whitehouse, Smith and Hynes voted in favor. Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Raynolds and Mayor Marchand voted opposed."

Assistant Mayor Ferrini stated that this motion is not properly before us at this time. He stated that Councilor Pantelakos' motion, as offered, is the same motion that was previously offered and therefore, is not properly before the Council and should not get a vote.

Councilor Dwyer stated that she understands the School Board is trying to move quickly and that Councilor Pantelakos is trying to assist them, but it is up to the School Board to make these site decisions. Councilor Pantelakos stated that she was trying to move the process because it is not going to be an easy process. She stated that it shouldn't be such a hard vote for the Council to take to know one way or the other whether they wanted to let the land go or not.

Assistant Mayor Ferrini stated that this discussion is improper. He stated that the motion is not properly before us. In order for us to reconsider a motion which has been previously voted, the Council would have to suspend the rules and then vote to determine if we need to reconsider it. Assistant City Attorney Woodland stated that Assistant Mayor Ferrini was correct.

Councilor Whitehouse stated that at the last School Board meeting there was still considerable discussion on the site location. He stated that we should not get involved until the School Board picks a location.

Mayor Marchand asked if the School Board picked a site and wanted an advisory opinion of the Council in order to make sure they would be able to get the bonding vote needed, that would be acceptable. Assistant City Attorney Woodland stated that what she sees that happened in October was to some extent an advisory intent. She stated that if it is brought back as an advisory intent it would take a 2/3 vote to bring it back to the Council. She said if it looks like a properly noticed public hearing meeting the requirements of a proper hearing for finding a necessity and public use under the state statutes it would just need a majority vote. She further stated that bonding issues take a 2/3 vote, but the eminent domain issues would be a majority vote.

2. Planned Unit Development Type Use within an Office Research Zoning District.

Councilor Pantelakos stated that she wants to clarify that the Council was not voting on "someone's business". She stated that they were voting on an amendment to the Master Plan. Councilor Dwyer stated that Councilor Pantelakos has a very good point. She said that the Council was not voting on a business. She stated that the Council was not amending the Master Plan, but carrying out an action required for an amendment to come in to redo the Zoning Ordinance.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]

At 9:15 p.m., Councilor Whitehouse moved to adjourn. Seconded by Councilor Smith and voted.

Dianne M. Kirby, Deputy City Clerk