

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JANUARY 12, 2008

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

At 5:45 p.m., a “non-Meeting” with Counsel Re: Negotiations was held.

At 6:20 p.m., a Work Session regarding Restructuring of Boards & Commissions was held.

I. CALL TO ORDER

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

II. ROLL CALL

Present: Mayor Ferrini, Assistant Mayor Blalock, Councilors Novelline Clayburgh, Dwyer, Smith, Kennedy, Spear, Hejtmanek and Pantelakos

III. INVOCATION

Mayor Ferrini asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

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

PRESENTATION

Councilor Spear moved to suspend the rules to recognize a special visitor. Seconded by Councilor Smith and voted.

Mayor Ferrini reminded the Council and the listening public about the friendly bet he had with the Mayor of Dover Scott Myers concerning the Thanksgiving Day High School Football game and that Portsmouth prevailed.

Mayor Myers congratulated Portsmouth on the outstanding football game they played on Thanksgiving Day and presented Mayor Ferrini with various items from Dover to include:

- Tote Bag
- Towel
- Dover Guide Book
- Harvey’s Bakery and Coffee Shop Pork Pie
- Salmon Falls Pottery Pot
- Book entitled “*Tuttle’s Red Barn*”

Mayor Ferrini thanked Mayor Myers for coming to the meeting and looked forward to next year’s game

1. Comprehensive Annual Financial Report (CAFR) – Melanson, Heath & Company, P.C. Auditors' Financial Report for the Year Ending June 30, 2008

Mayor Ferrini introduced Scott McIntyre from Melanson, Heath & Company, P.C. Auditors'. He stated that Mr. McIntyre would be presenting their finding on the City's Comprehensive Annual Financial Report (CAFR).

Scott McIntyre, Melanson, Heath & Company, P.C. provided an overview of the Comprehensive Annual Financial Report (CAFR). He stated that the report is divided into three sections:

- Introduction
- Financial
- Statistical (10 year trend analysis)

He stated that the audit was conducted using the Government Auditing Standards, issued by the Comptroller General of the United States, which requires that they plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatements. He said this audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements and assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presented. He went on to review various sections of the financial report.

Councilor Dwyer stated that she personally does not understand what the current year recommendation of the Streamline Enterprise Fund Capital Reconciliations means. Scott McIntyre of Melanson, Heath & Company, P.C., stated that enterprise funds Capital Projects are very comprehensive. He said they can be very complicated because of the multiple funding sources. He stated that these projects could be funded with a number of funding avenues such as bonds, State revolving loans, revenues from business in town etc. He said that with Enterprise Capital Fund Projects you need to account for the construction of the assets and the liabilities or balance sheet accounts, but you also need to maintain the integrity of the individual budget. He stated that his observation was that many of these accounts were being reconciled separately. He said they need to become a more comprehensive reconciliation.

Councilor Kennedy stated that the report suggested that the City be aware that the general fund cash reserves may need to be loaned to the school lunch fund in FY09. She requested to know how much he felt would need to be loaned. Scott McIntyre of Melanson, Heath & Company, P.C., stated that the school lunch fund has operated in the negative. He said that is one of the reasons that it is important to maintain a general fund account. He said it would be hard to estimate how much might be needed.

Mayor Ferrini extended his thanks to Scott McIntyre and his company for performing the audit and explaining their finding during this informative presentation. City Manager Bohenko thanked Judie Belanger, Director of Accounting and her staff for their work with this report. He further stated that the City has received the Certificate of Achievement for Excellence in

Financial Reporting award for the last 11 years.

V. ACCEPTANCE OF MINUTES – DECEMBER 15, 2008

Assistant Mayor Blalock moved to approve and accept the minutes of the December 15, 2008, City Council meetings. Seconded by Councilor Smith and voted.

VI. PUBLIC COMMENT SESSION

Mitchell Shuldman, School Board, spoke regarding the Middle School. He stated that the School Board and the School Department just received a letter from Mary S. Heath, Deputy Commissioner of Education stating that their request for a waiver of school construction standards Ed 321.03, minimum site size; Ed 321.06, maximum building size; and Ed 321.29(a)(6), artificial turf, for the Portsmouth Middle School construction project was approved. He thanked Dr. Lister, Superintendent of School and Stephen Bartlett, School Business Administrator for their untiring efforts in obtaining these waivers.

VII. PUBLIC HEARING

A. ORDINANCE AMENDING CHAPTER 7, VEHICLES, TRAFFIC PARKING OMNIBUS

Jon Frederick, Parking Manager provided an overview of the ordinance changes.

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

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

B. ORDINANCE AMENDING CHAPTER 7, ARTICLE VI, SECTION 7.604 – TRUCK LOADING/UNLOADING ZONES – COMMERCIAL LOADING ZONE PERMITS

Jon Frederick, Parking Manager provided an overview of the ordinance changes.

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

Susan McCarthy, Clay's Women's Apparel, asked if a business has more than one vehicle that loads/unloads, would it be possible that the permit could be made out for the business rather than the vehicle. She stated that this way the permit could be used on any vehicle the owner is using.

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

C. PUBLIC USE AND NECESSITY HEARING/ADOPTION OF PROPOSED
RESOLUTION RE: 653 ISLINGTON STREET

City Manager Bohenko stated that at the November 24, 2008 City Council meeting the Council voted to proceed with a public use and necessity hearing to determine whether the City should acquire a temporary construction easement of approximately 1,244 square feet and a permanent easement of approximately 1,992 square feet to install sewer and drain lines across the property located at 653 Islington Street to alleviate the flooding on Bartlett Street and upgrade the infrastructure in the area. He turned the meeting over to City Engineer Peter Rice and Assistant City Attorney Suzanne Woodland for their presentation.

City Engineer Peter Rice made a detailed presentation regarding the Bartlett-Islington Street Sewer Separation project; identifying the significant infrastructure needs in the area, the proposed engineering solution, the alternatives considered and the easement needs.

Councilor Dwyer asked how many days you would expect for the above ground disruption. City Engineer Rice said it would take approximately 30 days to complete. He further stated that if the work runs longer than 30 days, all work would be accomplished at night to alleviate any restrictions to the business owner.

Assistant City Attorney Suzanne Woodland reviewed the taking process and the proposed resolution as well as the means by which the property owner will be accommodated during the construction process and compensated based upon an appraisal. City Attorney Woodland stated that the taking of this easement is a tool of governance and insures that government pays a fair price. She stated that this is the first step in the process. She stated that the purpose of this hearing is to ensure that this project is for the public good and is publicly necessary.

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

Jack McGee, Attorney for Houston Holdings and Daniel Houston stated that Mr. Houston has concerns and is upset. He said Mr. Houston is a small business owner and this project could destroy his business and he stands to lose everything. He explained that Mr. Houston has been told many different stories over the last few years and he is only looking for compensation for what he will lose during the construction. He said that he is not entirely certain that Elm Court cannot be used as an alternative site.

Lauren Greenwald spoke on the necessity of this project. She spoke of flooding in this neighborhood and produced pictures of previous flooding. She requested that this project be approved.

Janet Collier spoke on the flooding problems in her home. She said that she has had to replace washers, dryers and furnaces due to flooding in her basement. She stated that she is under a lot of stress every time it rains. She further stated that parts of her basement are never dry which has resulted in mold and mildew. She hopes the Council votes in favor of this project.

Bill Sovoy stated that he and his neighbors are prepared to do all they can to see this project approved.

Tim Parker stated that the City needs a place to put the water and he supports this project.

Dorothy Kirston voiced her problems with the flooding. She feels sheltered as she feels she can't leave the house when the weather calls for rain because she knows she will have water in her basement. She fully supports this project and stated that it is long overdue.

Tom Antolinio stated that he hopes that we do not lose the bike shop. He stated that it is an asset to the City.

Ed Hayes of Ricci Lumber, stated that closing Bartlett Street would be detrimental to many businesses in the area. He stated that the flood waters come up through the sewer and come into his area. He stated that they end up cleaning up this mess after every storm.

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

Assistant City Attorney Woodland stated that she received two letters from Robert Ricci of Ricci Lumber and Ricci Construction Company Inc. in opposition to any closure of Bartlett Street.

Councilor Smith moved to suspend the rules in order to take up Item VII. C. – Public Use and Necessity Hearing/Adoption of Proposed Resolution Re: 653 Islington Street. Seconded by Councilor Kennedy and voted.

Councilor Pantelakos moved to adopt the resolution entitled, “Regarding the Public Necessity for the City to Condemn Certain Property along Islington Street to Facilitate the Reconstruction of the Storm Drains and Sewers in the Area”. Seconded by Councilor Dwyer.

Councilor Kennedy asked what the situation was with Elm Street. City Engineer Rice stated that it would entail going through the intersection of Bartlett Street and Islington Street due to the number of utilities. Councilor Kennedy stated that she would like a timeline for closing the street. City Engineer Rice stated that a time analysis was not done. He stated that Elm Street was one of the first options looked into and when the impact on building, etc. was discovered, it was taken off the table.

City Manager Bohenko stated that they could supply the Council with the timeline on action taken if they wish, but tonight is about the public necessity resolution. He stated that this resolution will not end the negotiations. He stated that once we have the appraisal in place, and we have all the facts and dollar amounts, we will be able to better negotiate with Mr. Houston on a fair value. He stated that we have already agreed to many of Mr. Houston's needs and problems that will impact his business. He said it is in our best interest to get this done quickly and we are not going to take any land. He stated that the City will negotiate with Mr. Houston; we just need to get the appraisal first. He further stated that he will give his commitment to get this settled. City Manager Bohenko stated that we are talking about what is in the best interest of the City.

Councilor Pantelakos asked if the City Manager said that he will not take any action if you do not come to an agreement with Mr. Houston. City Manager Bohenko said he will not do anything until we get the appraisal. He said if no agreement with Mr. Houston is reached, Mr. Houston will get his own appraisal. He stated that if we still cannot come to an agreement, we will come back to the City Council. Councilor Pantelakos asked if this meant that we would not start the project in September. City Manager Bohenko stated that they would like to start earlier, but the City does understand Mr. Houston's problems. City Engineer Rice stated that they would not do anything with Mr. Houston's property until after September, but the project would start prior to that on areas leading up to his business. Councilor Pantelakos stated that this project is very crucial due to the effect it has on so many people, but she wants Mr. Houston to get a fair shake. She stated that this project needs to be done as soon as possible.

Assistant Mayor Ferrini stated that he is in favor of moving forward with this project. He said that the Council knows there is a necessity and urgency involved in this project and that Mr. Houston wants to cooperate. He stated that it has come down to what is fair. He said he feels that the City Council will insist on a fair process. Councilor Smith stated that he is reluctant to take land, but after serving on the Planning Board he knows the problems the people in this area have encountered. He stated that he is glad to see this is finally taking place.

Councilor Dwyer stated that she is in favor of this project. She stated that she had heard that we would be taking and closing down the full parking lot and people assume that taking means permanent taking. She knows from past experience that this was not true. She stated that taxpayers and businesses are taxed on an equal basis and it is important to compensate the business fairly. Councilor Kennedy stated that the Council has to be here for all citizens and she cannot vote on something until she sees how they were treated. She states she will not vote in favor of this resolution.

Mayor Ferrini passed the gavel to Assistant Mayor Blalock.

Mayor Ferrini stated that he intends to vote in favor of this. He said that he believes in the good will of all concerned. He said that good faith and good will, will take place with the negotiations.

Assistant Mayor Blalock returned the gavel to Mayor Ferrini.

Councilor Novelline Clayburgh stated that the City is old and this is an issue that something needs to be done. She stated that this option makes the most sense. She stated that she is happy to see that the City is willing to work with Mr. Houston.

On a roll call voted 8-1, to adopt the resolution entitled resolution entitled “Regarding The Public Necessity For The City To Condemn Certain Property Along Islington Street To Facilitate The Reconstruction Of The Storm Drains And Sewers In The Area”. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Dwyer, Smith, Spear, Hejtmanek, Pantelakos and Mayor Ferrini voted in favor. Councilor Kennedy voted opposed.

Councilor Smith moved for a brief recess. At 9:00 p.m., Mayor Ferrini declared a brief recess. Mayor Ferrini called the meeting back to order at 9:15 p.m.

VIII. APPROVAL OF GRANTS/DONATIONS

1. Acceptance of 2009 Coastal Grant Application

Councilor Smith moved to authorize the City Manager to apply for, accept and expend a \$30,000 grant from the NH Department of Environmental Services’ Coastal Program for the purpose of conducting a shoreline stabilization design project. Seconded by Councilor Pantelakos and voted.

2. Acceptance of Donation to the New Library Building Fund
 - Stephen & Susan Tober - \$1,000.00 (*Fulfills Pledge*)

Councilor Smith moved to approve and accept the donation to the New Library Building Fund as listed. Seconded by Councilor Novelline Clayburgh and voted.

3. Acceptance of Grant from the New Hampshire Charitable Foundation for Art-Speak in the amount of \$10,000.00 from the Otto Fund for general operating support

Councilor Dwyer moved to approve and accept the grant in the amount of \$10,000.00- from the Otto Fund, an advised fund within the New Hampshire Charitable Foundation, to Art-Speak for general operating support. Seconded by Councilor Smith and voted.

4. Acceptance of Donation to the Coalition Legal Fund
 - Town of Waterville Valley - \$1,000.00

Assistant Mayor Blalock moved to approve and accept the donations as listed, to be placed in the Coalition Legal Fund. Seconded by Councilor Smith and voted.

5. Acceptance of Donation Re: Bench in Memory of Geoffrey B. Coughlin in the amount of \$1,200.00 from Laurie and Brian Coughlin

Councilor Smith moved to approve and accept the donation for a bench in memory of Geoffrey B. Coughlin, as listed. Seconded by Councilor Novelline Clayburgh and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Bonding Re: Citywide Capital Improvements

Councilor Smith moved to pass first reading and authorize the City Manager to bring back for public hearing and adoption a Bonding Resolution for Citywide Improvements as listed in the amount of \$3,500,000.00 for the January 26, 2009 City Council Meeting. Seconded by Councilor Pantelakos and voted.

- B. Second reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances

Councilor Smith moved to pass second reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee, and schedule a third and final reading at the January 26th City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.

- C. Second reading of Amendment to Chapter 7, Article VI, Section 7.604 – Truck Loading/Unloading Zones – Commercial Loading Zone Permits

Councilor Smith moved to pass second reading of the proposed changes to Chapter 7 of the Ordinances, as recommended by the Parking Committee, and schedule a third and final reading at the January 26th City Council meeting. Seconded by Assistant Mayor Blalock.

Councilor Smith stated that he would like the permits be issued to the business not to any specific vehicle as was requested during the Public Hearing. Councilor Kennedy asked if FedEx type delivery trucks would require these permits. Councilor Smith stated that if the vehicle is marked as delivery vehicles they do not require a permit. He said the permits are for private unmarked vehicles. He stated that a vehicle that is easily recognized as a delivery vehicle will not require a permit. Councilor Kennedy asked if these parking spaces would revert to public parking after 12:00 a.m. Councilor Smith stated that they would.

Motion passed.

- D. Third and Final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Middle Road – Northerly side from Sylvester Street to Swett Avenue

Councilor Smith moved to pass third and final reading of the proposed ordinance, as submitted. Seconded by Councilor Novelline Clayburgh and voted.

- E. Third and Final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Mechanic Street:
- Southerly side, from Marcy Street to the Peirce Island Bridge
 - Northerly side, from Marcy Street to the Peirce Island Bridge between the hours of 11:00 p.m. and 6:00 a.m.
 - Westerly side, from Peirce Island Road to a point 86 feet north of Gates Street

Councilor Smith moved to pass third and final reading of the proposed ordinance, as submitted. Seconded by Councilor Pantelakos and voted.

X. CONSENT AGENDA

- A. Acceptance of Donation from FairPoint Communications donating \$500.00 to the City of Portsmouth. **(Anticipated action – move to accept the donation in the amount of \$500.00 from FairPoint Communications to the City of Portsmouth)**
- B. Boarding House Permits
- Brian D. Hogan, 21 Brewster Street
 - G. Edward Gowen, Jr., 350-352 Hanover Street
 - Paul H. & Janet White-Nay, 278 Cabot Street
- (Anticipated action – move to approve and authorize the City Manager to issue the aforementioned annual Boarding House permits)**
- C. Acceptance of Police Department Donations
- A donation in the amount of \$100.00 from K.A. Rollins for the Portsmouth Explorer's Cadets
 - A donation in the amount of \$50.00 from the Portsmouth Police Relief Association for the Explorer Program
 - A donation in the amount of \$100.00 from Hibachi Japanese Steak House in support of the annual spaghetti dinners held for senior residents of the Margeson and Feaster public housing facilities
- (Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as listed))**

- D. Acceptance of Donation to Art-Speak in the amount of \$100.00 from Jane James **(Anticipated action – approve and accept the donation to Art-Speak, as listed, for their general operating support)**
- E. Letter from Pawn Nitichan, Co-Executive Director and Briana Cribeyer, Events Manager, City Year New Hampshire requesting support and permission to hold the seventh annual “Martin Luther King Day March of Justice” on Monday, January 19, 2009, in downtown Portsmouth. **(Anticipated action – move to refer to the City Manager with power)**
- F. Letter from Heidi Roy, Associate Development Manager, National Multiple Sclerosis Society requesting permission to hold the 2009 Bike MS Seacoast Bike Ride on August 8, 2009 **(Anticipated action – move to refer to the City Manager with power)**

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

Councilor Pantelakos moved to adopt the Consent Agenda. Seconded by Councilor Novelline Clayburgh and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Request to Renew Lease Agreements

City Manager Bohenko stated that he has received letters from two organizations requesting renewal of their Lease Agreements with the City of Portsmouth:

- Seacoast Area Lodge No. 2303 Order Sons of Italy in America for property known as the Plains School House located at One Plains Avenue. He stated that the current Lease was effective April 2, 2008 through March 31, 2009. He stated that he has attached a copy of the current Lease Agreement as well as a photograph of the Plains School House in the Councilor’s packet.
- Creek Athletic Club for property located at 251 Bartlett Street. He said the current lease was effective April 1, 2008 thorough March 31, 2009. He stated that he has attached a copy of the current Lease Agreement as well as a photograph of the Creek Athletic Club in the Councilor’s packet.

Councilor Spear moved to authorize the City Manager to bring back the aforementioned requests for review and action at the January 26, 2009 meeting. Seconded by Councilor Novelline Clayburgh.

Mayor Ferrini stated that he believes that he is an honoree of the Sons of Italy and that if any Councilor is concerned about his vote he will abstain.

Councilor Spear stated he was interested in seeing the rent for the Sons of Italy and Creek Athletic Club gravitate to market rate. He requested that the City Manager bring back an estimate of what that rate might be. City Manager Bohenko stated that he can get with the Assessor and do that. He stated that what they did last year for Creek Athletic Club was to use the assessed value and divide it by the tax rate. He stated that he will bring back two figures, one showing assessment divided by the tax rate and fair market value. He further said that given what the Council is requesting, he requested to **amend the motion to bring back the figures at the February 9, 2009 meeting.**

Mayor Ferrini requested if this amendment was agreeable to the maker of the motion and the second, having received their agreement, motion passed.

1. Elderly & Disabled Exemptions

City Manager Bohenko stated that annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions pursuant to RSA 72:39-b and RSA 72:37-b and makes recommendations as to these levels. He stated that last year, the City Council adopted resolutions # 7-2008 and # 8-2008 which increased the income and asset levels for both the elderly and disabled exemptions by the rate of the Boston-Brockton-Nashua November 2006 through November 2007 consumer price index (CPI) of 3.4%. He said the current elderly and disabled exemption income levels are \$31,640 for a single taxpayer, \$39,030 for married taxpayers, and an asset limit of \$105,470. He further said that if qualified, for elderly taxpayers, the exemption off the assessed value of the property is as follows:

- Age 65 to 74 \$125,000
- Age 75-79 \$175,000
- Age 80 + \$225,000

He said if qualified, for disabled taxpayers, the exemption off the assessed value of the property is \$100,000.

City Manager Bohenko stated this year, the current November 2007 to November 2008 CPI is .7%. He said the latest COLA increase for Social Security benefits and SSI payments is 5.8% beginning December 2008. He further said these differences may cause some taxpayers who currently receive the elderly and disabled exemptions to be disqualified due to the higher COLA adjustment received from Social Security.

City Manager Bohenko stated another alternative the City Council may wish to consider for this year is to adjust these exemptions using the ten year average for the November to November CPI which is 3.0%. This adjustment may help to reduce the number of taxpayers to be disqualified who currently receive either the disabled or elderly exemption.

City Manager Bohenko stated that if the City Council wishes to make any adjustments in these exemptions, it would require a revision of the existing resolutions as well as a public hearing and a majority vote of the City Council. He said it would be his suggestion that the City Council adjust these exemptions by either the November 2007 to November 2008 CPI of .7% including asset limitations or the November to November ten year average of 3.0% including asset limitations. He further stated that he has attached the tax impact of the elderly and disabled exemptions for FY09 and copies of the proposed resolutions for Option A & Option B.

Councilor Novelline Clayburgh moved to bring back for first reading at the January 26th City Council meeting the proposed resolutions for Option B, as presented. Seconded by Councilor Pantelakos and voted.

Councilor Novelline Clayburgh stated that she thinks of this as a form of affordable housing that we have worked so hard on. She stated that it allows citizens that would not be able to stay in Portsmouth to remain in their homes. She further stated that she has a son with significant disabilities and the thought that this would allow him to some day be able to own property and have this exemption is appealing. She stated that she fully supports this issue.

Councilor Spear stated that he is glad to hear what Councilor Novelline Clayburgh said because that was one of the areas he has struggled with was that it was only serving one small group.

Motion passed.

2. Geotourism Charter

City Manager Bohenko stated that the City of Portsmouth was recently ranked 28th in the world and 6th in the nation by *National Geographic Traveler* magazine on its list of historic places. He said that Nicki Noble, Tourism Manager for the Greater Portsmouth Chamber of Commerce has suggested that the city capitalize on this distinctive ranking by committing to the principles of "Geotourism" as defined by *National Geographic Center for Sustainable Destinations* and articulated in the Geotourism Charter. He turned the meeting over to Nancy Carmer, Economic Development.

Nancy Carmer, Economic Development stated that this is a great marketing opportunity for the City. She said that the City is well on its way to meeting many of the principals in this charter. She stated that there is a specific process for moving forward and what the Council is being asked tonight is permission to begin the application process.

Councilor Smith moved to authorize the City Manager to proceed with the application process for geotourism designation. Seconded by Assistant Mayor Blalock and voted.

Councilor Pantelakos asked if there was a fee involved. Nancy Carmer, Economic Development stated that there was none that she was aware of, but she would check into it. Councilor Kennedy asked what the benefits were for belonging. Nancy Carmer stated that the City would be listed on the National Geographic's website and it would be another feather in our cap to promote our community. She further mentioned that on Wednesday, January 14th, the Chamber of Commerce will host the Director of National Geographic's Center for Sustainable Destinations and Geotourism editor Jonathan Tourtellot for the Bank of America Breakfast Forum from 7:30 – 9:00 a.m. at the Sheraton Harborside. She stated that the City Manager and herself would be attending the breakfast and hoped to see others on the Council as well.

B. MAYOR FERRINI

1. Acceptance of Resignation: - Hugh E. Jencks – Peirce Island Committee

Councilor Smith moved to accept with regret the resignation of Hugh E. Jencks – Peirce Island Committee and requested that Mayor Ferrini send a letter thanking Mr. Jencks for his service to the City. Seconded by Councilor Pantelakos and voted.

C. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the December 11, 2008 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the December 11, 2008 Traffic & Safety meeting. Seconded by Councilor Pantelakos.

Councilor Smith stated that in Item 3 – Roller Skates, Skateboard and Similar Devices a motion to recommend the City Council lift the ban on skateboarding except for the downtown business district with certain safety parameters put in place was passed by the Traffic and Safety Committee. He stated that the next step would be to send the recommendation to legal for the Ordinance to be drafted.

Councilor Pantelakos thanked Councilor Smith and the Traffic and Safety Committee for recommending this ordinance for amendment.

Councilor Dwyer asked if she voted to accept the minutes would that approve the entire minutes. She said she is unsure if she agrees with the skateboard issue. City Attorney stated that if she votes for acceptance of the minutes it would be for the entire minutes. Mayor Ferrini asked if Councilor Dwyer could vote to accept the minutes with the exception of item 3. City Attorney stated that is correct.

Assistant Mayor Blalock asked what the downtown business district included. City Attorney Sullivan stated that it is the central business area. Assistant Mayor Blalock asked if it would be spelled out by streets in the ordinance. City Attorney stated that it would. Councilor Kennedy asked how this information was going to get out to the individuals who will be affected. Councilor Smith stated that the people that use skateboards are following this matter closely. He said the work is already out there.

Voted 8-1 to approve and accept the action sheet and minutes of the December 11, 2008 Traffic & Safety meeting. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Smith, Spear, Kennedy, Hejtmanek, Pantelakos and Mayor Ferrini voted in favor. Councilor Dwyer voted in favor with the exception of item 3.

2. Parking Committee Action Sheet and Minutes of the December 11, 2008 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the December 11, 2008 Parking Committee meeting. Seconded by Councilor Pantelakos.

Councilor Smith stated that the Parking Committee is working on a plan for the Peirce Island Boat Launch and possible overnight parking. He said they were discussing a parking pass where if you launched a boat for a weekend trip you would be allowed to leave a car over night. Councilor Kennedy asked if the Committee would have resident and non-resident plans. Councilor Smith stated that it would probably be non-prohibited and if your boat is registered with the City Hall you would get the pass. Councilor Kennedy asked what the cost would be. Councilor Smith stated that they had not decided on a figure presently. He stated that they were looking into administrative costs, etc., but expected it would be around \$25.00. Councilor Kennedy stated that she would like to see two amounts, one for residents and one for non-residents.

Motion passed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

1. Fishing Committee

Councilor Kennedy requested that the Fishing Committee be allowed to have their report back at the March 2, 2009 City Council Meeting.

Councilor Novelline Clayburgh asked what timeline the City Council has given the School Board regarding the amount of money being bonded so they can plan accordingly. Mayor Ferrini stated that City Manager Bohenko has advised that the Council monitor the bond market through the new administration and the stabilization of markets going into March. City Manager Bohenko stated that a bond requires two readings. He stated that the first reading could be as early as January 26th with the public hearing on February 9th. He further stated that because of the infrastructure and the stimulus package going through Congress, he suggested holding off the bonding until the first meeting in March with the public hearing the end of March. He further stated that by then we will also know to some degree the status of the State budget as it relates to what the reimbursement levels will be.

Councilor Novelline Clayburgh said that the City Council received a letter from the Library Board of Trustees voicing their dissatisfaction with the parking plan for the Library with regard to the new Middle School Plan. She requested what needed to be done on this. City Manager Bohenko stated that the first step was to adopt the bond and then appoint a Joint Building Committee. He said that the Joint Building Committee would be tasked with the real discussion on how the design is going to take place. Councilor Pantelakos asked if we are talking of a timeline of March to vote on the \$41 million dollars. City Manager Bohenko stated that he was only saying that he would not want to see it any earlier than March. Councilor Pantelakos asked if it requires six votes to pass. City Manager Bohenko stated that all bond resolutions require six votes to pass.

Councilor Dwyer stated that she felt that some very good comments were received at tonight's work session. She stated that the committee clearly needs to make some comments clearer as there was still some confusion. She requested that the committee take what was said tonight and redevelop a plan to bring back to the Council at a later date. Mayor Ferrini suggested that the committee come up with another draft ordinance and get together in another work session. He stated that he has been holding off on filling any positions, but he may need to make some appointments. He further stated that he will take a good look and see where we stand at this time.

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

At 10:00 p.m., Councilor Smith moved to adjourn. Seconded by Councilor Pantelakos and voted.

Respectfully submitted by:

Dianne M. Kirby, Deputy City Clerk