

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, FEBRUARY 9, 2009

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

- 6:00PM a “Non-Meeting” with Counsel Re: Negotiations was held.

I. CALL TO ORDER

Mayor Ferrini called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Mayor Ferrini, Assistant Mayor Blalock, Councilors Novelline Clayburgh, Dwyer, Smith, Kennedy, Spear, Hejtmanek and Pantelakos (7:30 p.m.)

III. INVOCATION

Mayor Ferrini asked everyone to join in a moment of silent prayer in memory of Councilor Dwyer’s mother, Mary Pinali, who recently passed away.

IV. PLEDGE OF ALLEGIANCE

Boy Scouts Troop 164 posed the Colors. The troop is here this evenings to earn their citizenship badge and learn more about local Government. Councilor Dwyer led in the Pledge of Allegiance to the Flag.

PROCLAMATIONS

1. Read Across Portsmouth Day

Councilor Kennedy read the Proclamation declaring Friday, February 20, 2009 as Read Across Portsmouth Day. Linda Marconi, Co-Chair for Read Across America accepted the Proclamation and invited the City Council to participate in the Read Across America events scheduled for February 20, 2009.

2. National Nutrition Month

Assistant Mayor Blalock read the Proclamation declaring the month of March as National Nutrition Month and Wednesday March 11, 2009 as Registered Dietitian Day in the City of Portsmouth, and encouraged all citizens to recognize the contributions of Registered Dietitians and express appreciation for their commitment to promoting science-based nutrition in the hope of achieving optimum health both today and tomorrow.

V. ACCEPTANCE OF MINUTES – JANUARY 26, 2009

Councilor Smith moved to approve and accept the minutes of the January 26, 2009, City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.

VI. PUBLIC COMMENT SESSION

Martin Cameron, spoke regarding budget issues. He stated he had two budget items to discuss. He said the first is concerning the installation of traffic meters. He said with the state of the economy he requested that this item be stalled until such time as the economy gets better. Secondly, he talked to the Police Commission and their attempt to reduce the budget by \$13,700.00 by doing away with the traffic control outside churches. He stated that this practice was started in 1955 for public safety and due to the major traffic concerns and safety, it needs to remain. He stated this area is a disaster waiting to happen without traffic control.

Amy Leahy spoke to the Middle School. She stated that she disapproves of renovating the Middle School and fully supports a new school being built at the High School location. She said she is confused about the discussion of moving the Connie Bean Center to the Parrott Avenue location. She stated this opens up a whole bunch of issues, mainly safety, for our children. She said there is no parking and the area is a nightmare and if she was given a choice of Parrott Avenue or doing nothing, she would say do nothing. She would like the Council to consider all options no matter how intensive the process may be.

Heather Hurtt spoke to Recreation. She stated she wanted to share that she is spearheading a new community group in Portsmouth called Activate Portsmouth. She stated their mission is to promote year round, multi-generational, innovative recreational opportunities that build a healthy and sustainable community. She said she has been studying recreational trends as well as what other communities are doing to cost effectively address recreational issues. She stated she promotes the study being done by the City Staff and would like to ensure the City focus on two things. First, she would like the City to fully fund the study this year and secondly, to stay focused on the big picture with regard to the Connie Bean Center and to complete the study before making any final decisions.

Steve Little spoke to Recreation. He stated that he echoes Ms. Hurtt's concerns about the study needing to happen. He stated he recently visited El Paso, Texas with his family and saw their concept of recreation. He said it was so incredibly child safe and child friendly and it brought everyone in the community together. He stated he supports going through with the study before making any decisions.

VII. PUBLIC HEARINGS

- A. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE ELDERLY REAL ESTATE TAX EXEMPTION TO \$32,589.00 FOR SINGLE AND \$40,201.00 FOR MARRIED AND TOTAL ASSETS MAY NOT EXCEED \$108,634.00 WHETHER SINGLE OR MARRIED

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. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE DISABLED REAL ESTATE TAX EXEMPTION TO \$32,589.00 FOR SINGLE AND \$40,201.00 FOR MARRIED AND TOTAL ASSETS MAY NOT EXCEED \$108,634.00 WHETHER SINGLE OR MARRIED

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.

- C. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.344 – USE OF ROLLER SKATES, COASTERS, AND SKATE BOARDS

City Attorney Sullivan stated in the past the City Council passed a law that read “*Skateboards are prohibited on all sidewalks and streets in the City, and any other property of the City except in designated areas.*” He stated that at the instruction of the City Council he wrote a proposed amendment that would do several things. He stated that it would continue to prohibit the use of skateboards, but only in the Central Business Districts or “downtown”. He further stated that outside of downtown the use of such devices is permitted on all other streets and sidewalks in the City, subject to the following requirements:

1. All persons utilizing such devices on City streets or sidewalks must at all times be wearing a helmet, elbow pads and knee pads.
2. Any person utilizing such devices on City streets or sidewalks shall keep all of the wheels of the device in contact with the ground at all times.

City Attorney Sullivan stated that item 2 is to eliminate people from getting hurt and the City from getting sued.

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

Sharon Imhoff stated she supports eliminating the skateboard ordinance. She said this ordinance degrades relations with teenagers and the police force. She further stated that the confrontational tone of our police force does not serve to protect us from wrongdoing, but fuels disdain and distrust from our youth. She stated this creates problems far worse than skateboarding does. She also suggested that a state-of-the-art skateboard park for our residents, who don't play baseball or basketball, swim or play tennis, is required.

Andy Ward stated that he works in a downtown business, owns a home and is a parent of a child that will someday attend Portsmouth schools and he is a skateboarder. He supports the amendments in that they are a step forward, but they are not a full solution. He said that skateboarding is a form of transportation and a sustainable form of transportation. He further stated skateboarding is a form of exercise and keeps kids and adults active and it is fun. He stated there are many case studies from other cities that have addressed this issue and he has read many of these studies and can see this ordinance will not work the way we want it to. He said we need to consider all sports when you look at injury to self. He further stated that contact sports are far more dangerous than skateboarding. He asked where skateboarders are supposed to go. He said the Greenland Park is very unsafe and you have to drive to get there. He said that any solution you have to drive to is not a solution for a kid. He spoke to the wearing of safety equipment and how motorcyclists and bicyclists do not have to wear a helmet so why should skateboarders have to. He stated this treats skateboards as second class citizens and sets up different sets of rules for skateboarders. He stated the language in this amended ordinance needs to be worked out more thoroughly in order for it to be enforceable.

Erin Mack spoke in favor of lifting the ban. She spoke to discussing this matter with approximately 30 people with only about 3 people that were not in favor of lifting the ban. She further stated that skateboarders should be treated like bicyclists.

Mike Ferguson stated that the helmet law is over excessive. He stated that safety gear is good in a skate park, but for short place to place rides it is not practical. He further stated that in order to skate safely, you may have to jump holes etc. and keeping all four wheels on the ground at all times is impossible.

Julian Scala stated he uses his board as a form of transportation. He said it gives kids a constructive outlet. He said he appreciates the efforts the City is making, but it is too restrictive.

David Markovsky spoke in favor of lifting the ban. He stated he has some concerns over the equipment and wheels on the ground as well. He said skateboarding is a sport. He said these kids go out and they are non-stop. He requested the Council rethink the wheels on the ground issue as he thinks this would be very hard for our Police to enforce. He said we have to respect the skateboarders and give them the rules and guidelines they need, but as parents we also need the rules to be clear and not have all this gray area.

Charles Griffin spoke opposed to the amendment. He said this ordinance proposes to allow the use of skateboards and roller skates outside the central business district which means many of our main streets. He asked if we really want skaters and skateboarders on these heavily traveled streets. He stated that this ordinance may talk about our sidewalks, but we all know the skaters/skateboarders will be in the streets. He stated that even though the City has been extending and updating these sidewalks, you never see anyone (joggers, parents with small children and strollers and bicycles) using the sidewalks. He stated this ordinance will only add to the already crowded streets. He stated the skateboard park is available and is the place for this activity. He further stated that if people still believe this ordinance is a good idea, then add to the amendment a provision which says that individuals or parents of minors who want to participate in skateboards etc. on city streets should sign a document which says that they recognize skateboarding and roller skating is a dangerous activity and they voluntarily assume the risk of any harm and will hold the City and any 3rd party harmless for any injuries.

Chris Rice stated he is an owner of a business in Portsmouth that sells skateboards and equipment. He said this amendment would require safety equipment on skateboards, roller skates, etc. He went on to ask what about bicycles and motorcycles and other motorized small vehicles. He stated no one seems to have a problem with them not using safety equipment. He said the last speaker stated that it is dangerous for skateboarders to ride down Islington Street, but that is the only way for the kids to get to the skateboard park, which as others have pointed out, is outdated and dangerous. He said the City has two dog parks, but no adequate skateboard park. He further stated you can walk your dog downtown, but your kids can't skateboard downtown. He asked what this is telling our children – you are not as valuable as our dogs. He stated we live in a City that proclaims to be green and here is an alternative form of transportation that is green and can eliminate parking and yet we get in trouble for doing it. He stated we, as skateboarders or parents of skateboarders, support keeping the ban downtown and lifting the ban in our neighborhoods. He said this ordinance needs more complete rules and guidelines and who better to help map those out than skateboarders themselves.

Amy Leahy stated that the City needs to let parents, parent. She said her son has recently taken up skateboarding. She stated he is a diabetic and needs to be encouraged to be as active as he can be. She said skateboarding is an exercise he enjoys. She said she has taken her son to the skateboard park and it is dangerous. She said there are beer cans, used condoms, cigarette butts and broken glass everywhere.

Tom Cowgill stated he has two boys that have had their skateboards taken by the Portsmouth Police for skating on City streets. He stated he is glad the Council is looking into this. He further stated that as far as safety equipment and keeping the wheels on the ground at all times, he does not think this is workable. He stated that skateboarding is a sport and statistically there is no information out there that states that skateboarding results in any more injuries than any other sport. He joined with the other speakers about the safety of the skateboard park. He stated skateboarding is, in itself, a transportation issue for a lot of kids. He said he does not think it should be restricted outside of the business district.

Shaun Rafferty stated it seems to him that this is all a safety issue. He said he is a driver and driving in Portsmouth is difficult enough without a young child on a skateboard. He said the chances of not seeing that child until it is too late is high. He said we have enough problems on our streets without introducing this.

Cy Hacket stated he is not a skater, but many students in his school are. He stated that kids should be allowed to skateboard and do tricks in less traveled areas. He further stated that they should use the same safety equipment as a bike rider. He stated it just takes common sense and parental guidance. He further stated that parents should have a big say in this.

Matt Imhoff stated he does not play team sports, but skateboarding is a sport and is exercise he enjoys. He further stated that drivers can hit a child walking on a street as much as any skateboarder.

Andy Ward stated the language in this ordinance needs to be well crafted in order for it not to be a burden on our Police to enforce. He said he knows that wearing of reflective tape at night is for the health, safety and well being of the City of Portsmouth residents, but what about pedestrians, joggers, bicyclists etc. He stated that you have to address this issue for all and not just one. He said you can not legislate common sense. He suggested the City let the parents do their job. He stated for a really well crafted ordinance the City needs to set up a workshop with the Police, City Officials and representatives of the skateboard population.

Erin Mack stated that in her experience as an after school counselor, she has learned the more you trust the youth and believe in them to act responsibly the more responsible they will be. She said she appreciates all the safety concerns that have been brought up, but suggested that skateboarders be treated as you would any other sport.

Will Imhoff stated this ordinance seems to be focused on liability and fear of litigation. He said there seems to be no sympathy for trying to raise an adolescent child in this town and allowing them to be active and go out and get away from their video games. He further stated that parents should be allowed to accept the actions of their children. He also stated he has witnessed the amount of City hours being spent on this issue, specifically multiple police vehicles lining up at his house harassing his sons.

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

VIII. APPROVAL OF GRANTS/DONATIONS

1. Acceptance of Grant from the State of New Hampshire for Cities Readiness Initiative Exercise in the amount of \$16,849.00

Councilor Smith moved to authorize the City Manager to accept and expend a \$16,849.00 grant from the State of New Hampshire for the purpose of the Cities Readiness Initiative Exercise. Seconded by Councilor Pantelakos and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Ordinance amending Chapter 1, Article III, Section 1.304 – Recreation Board and Article IV, Section 1.411 – Peirce Island Committee are deleted in their entirety. Further, the creation of a new ordinance for Chapter 1, Article III, Section 1.304 entitled Recreation, Parks and Open Space Board –

Councilor Pantelakos moved to pass first reading and schedule a work session on March 16, 2009 at 6:00 p.m. and further, establish a public hearing on this matter at the April 6, 2009 City Council meeting. Seconded by Councilor Smith.

Councilor Kennedy stated a work session is a great idea. She further stated she still has a lot of issues with this matter.

Councilor Novelline Clayburgh stated she agrees with Councilor Kennedy. Assistant Mayor Blalock stated that he also has some reservations and feels a work session on this matter is necessary.

Motion passed.

- B. Adoption of Resolution increasing the maximum income limit for individuals qualifying for the elderly real estate tax exemption to \$32,589.00 for single and \$40,201.00 for married and total assets may not exceed \$108,634.00 whether single or married

Councilor Smith moved to adopt the Resolution for Elderly Exemptions, as presented. Seconded by Councilor Dwyer and voted.

- C. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption to \$32,589.00 for single and \$40,201.00 for married and total assets may not exceed \$108,634.00 whether single or married

Councilor Smith moved to adopt the Resolution for Disabled Exemptions, as presented. Seconded by Councilor Kennedy and voted.

- D. Ordinance Amending Chapter 7, Article III, Section 7.344 – Use of Roller Skates, Coasters, and Skate Boards

Councilor Smith moved to pass second reading and schedule a third and final reading of the proposed ordinance amendment, as submitted, at the March 2, 2009 City Council meeting. Seconded by Councilor Kennedy.

Councilor Pantelakos said she would like to see this ordinance amended and would like to know the process. City Attorney Sullivan stated the ordinance could be amended at second reading, which is tonight, by a majority agreement.

Councilor Pantelakos moved to amend the motion to amend Section 7.344 A by deleting subparagraphs 1 and 2 and changing the first paragraph to read *“The use of roller skates, coasters, and skateboards is prohibited in any area designated as a Central Business District in the Portsmouth Zoning Ordinance”*. Seconded by Councilor Spear.

Mayor Ferrini stated one other parliamentary option the Council could engage in would be to move to table the second reading if further discussion needs to take place to fine tune this. He said with the additional information we received tonight, that could happen. He suggested a meeting with Traffic & Safety and others that need to be involved might well be a proper forum for this. Councilor Dwyer stated that some very good issues were raised and she thinks Traffic and Safety is the right place for this to happen. Councilor Dwyer stated she would like to make a motion to table the second reading and have Traffic & Safety address the issues that have been raised and come back to the City Council with a revised ordinance.

Mayor Ferrini asked City Attorney Sullivan if this is the correct motion since it is not tabled to a date certain. City Attorney Sullivan stated that the proper motion would be to postpone the second reading and request a report back from the Traffic and Safety Committee.

Councilor Dwyer moved to postpone the second reading until a report back from the Traffic and Safety Committee is received. Seconded by Councilor Smith.

Councilor Pantelakos stated the Traffic & Safety Committee is a good committee, but she feels the Council should accept their responsibility in this matter and not pass this to them. She said she has no problem with it going to Traffic & Safety because she knows that they will do their homework on this. She said she still feels it is the Councils' responsibility to do this.

Councilor Smith stated he would like to have Traffic and Safety see this testimony. He further stated that Traffic and Safety worked on lifting the ban, but did very little on the wording of this ordinance. He said they had some discussion, but not a lot. He stated referring it back to the Traffic & Safety Committee would allow them to go back and come up with a good ordinance.

Assistant Mayor Blalock stated that he was prepared to agree with Councilor Pantelakos. He said he agrees that it will be difficult to require helmets for one group and not the others. He hopes the report back will be helpful and the wording will be acceptable to the Council and the skateboarding public. Councilor Spear agrees to the elimination of items 1 and 2. He said we need to keep some consistency between all the recreation and transportation venues. Councilor Dwyer agreed and stated we have opened some bike lanes and are working on others. She questioned if we want to accept that skateboarders should use these bike lanes. She agreed that some work needs to be done on this ordinance and as presented, enforceability would be a nightmare. Mayor Ferrini stated there is significant interest in getting this right.

Motion passed.

X. CONSENT AGENDA

- A. Letter from Donald Allison, Eastern States 20 Mile, requesting permission to hold the Eastern States 20 Mile Road Race on Sunday, March 29, 2009 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from John Tabor, Seacoast Media Group, requesting permission to change the date of the Second Annual Sustainability Fair to Saturday, May 9, 2009 (***Anticipated action – move to refer to the City Manager with power***)

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Shaun Rafferty regarding Affordable Housing

Councilor Novelline Clayburgh moved to accept and place on file the letter from Shaun Rafferty regarding Affordable Housing. Seconded by Councilor Kennedy and voted.

- B. Letter from John Dussi, Northern Tier Real Estate Acquisition & Development, LLC, seeking to remove the current glass atrium enclosure located at 172 Hanover Street to replace with a more permanent structure

Councilor Smith moved to refer to the Planning Board for report back. Seconded by Councilor Kennedy and voted.

- C. Letter from Kathie Lynch, Portsmouth Little League, Inc., requesting permission to affix signage to the fences surrounding the outfield and foul lines at Plains and Hislop fields from April 11, 2009 through the end of the summer program. Further, requesting permission to maintain signage to the rear of the Plains scoreboard

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

- D. Letter from Kathie Lynch, Portsmouth Little League, Inc., requesting permission to place a beverage dispenser machine on the side of the Central Field Little League concession stand from mid-April through the end of October

Councilor Novelline Clayburgh moved to refer to the Recreation Board for report back. Seconded by Councilor Smith.

City Manager Bohenko stated he would want to work closely with the Portsmouth Little League to encourage the no lighting at night and an enclosure to house the machines. Councilor Spear stated if this is a revenue generator maybe the Recreation Center could put in the machines to benefit all the sports. City Manager Bohenko stated the Little League supports itself in many areas. He said it might be something to discuss with the Recreation Board.

Councilor Kennedy stated we just read a proclamation supporting National Nutrition Month and she requested to know what would be in the machines and would they be kept locked until a game or open to the public. She stated the schools have taken candy and soda out of the schools and if these machines will be unlocked during school hours she would like to ensure they contain healthy snacks and beverages. Councilor Dwyer stated she is pleased to see the City Manager concerned about the lighting of these machines. She stated they do act as lighted advertisement.

Motion passed.

- E. Letter from Catherine Graham, National Passport Center, requesting permission to hold a Dog Walk charity event for the NHSPCA and The Humane Society on Sunday, April 26, 2009 at the Tradeport

Councilor Kennedy moved to refer to the City Manager with power. Seconded by Councilor Novelline Clayburgh and voted.

- F. Letter from Marsie Silvestro, A Safe Place, requesting permission to hold a Dog Walk entitled "Keep Your Paws to Yourself" on Saturday, April 25, 2009 from 11:00 a.m. – 2:00 p.m.

Councilor Kennedy moved to refer to the City Manager with power. Seconded by Councilor Novelline Clayburgh and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Request to Renew Lease of 251 Bartlett Street by the Creek Athletic Club

City Manager Bohenko stated as a result of the January 12th City Council meeting, he is bringing back for review and action the request for George McKenna, President of the Creek Athletic Club, to renew their Lease Agreement, which is scheduled to expire on March 31, 2009. He said the request is for a one-year extension effective April 1, 2009 through March 31, 2010. He stated he has provided the Councilors with a summary of the activities of the Creek Athletic Club for 2008 and a memorandum from City Assessor Rosann Maurice-Lentz providing two lease payment options – one utilizing the estimated taxes and one utilizing an estimated per square foot cost. He recommended the City Council utilize the estimated tax amount of \$2,046.00 as the lease arrangement for 2009. He said this would be a \$546.00

increase over 2008. He stated he has met with representatives from the Creek Athletic Club and they feel this would continue to make them financially viable. He further stated he has discussed the many repairs that will be needed in future years on the building. He stated if this lease is extended for this year, he has recommended for Creek Athletic Club to come back in 2010 with a comprehensive capital improvements program that they would implement in exchange for future consideration.

Councilor Pantelakos moved to extend the Lease for 2009 with an annual lease payment of \$2,046.00. Seconded by Assistant Mayor Blalock and voted.

2. Seacoast Growers' Association (Farmers' Market) Proposed 2009 License Agreement

City Manager Bohenko stated the Seacoast Growers' Association has been conducting their Farmers' Market at the municipal complex over the past eight years.

Councilor Smith moved to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association, as presented. Seconded by Councilor Kennedy.

Councilor Kennedy commended the Seacoast Growers Association for bring fresh produce into the City and encouraged the Council to leave the market open through Market Square Day. She stated our farmers need every weekend they can get. City Manager Bohenko stated that he understands the situation, but he doesn't know what the impact would be. He said he would like to observe this year and then see if we can make a change next year. Councilor Dwyer stated she strongly agrees with Councilor Kennedy. She said she has observed this as she always inspects the food at the market and she sees no problems or issues. City Manager Bohenko stated if the Council is comfortable with it he will strike that provision out for this year. Assistant Mayor Blalock agreed the Market should be opened on Market Square Day.

Motion passed.

3. Proposed Extension of Agreement with St. John's Masonic Association for Use of their Parking Lot

City Manager Bohenko stated the City has been leasing the St. John Masonic Association's parking lot at 351 Middle Street since 1999. He said the parking lot is close to downtown and has sixty-nine (69) parking spaces. He stated in the agreement, the parking lot would be open to the public Monday through Saturday from 6:00 a.m. to 7:30 p.m. each day. He said in exchange for the use of the lot, the City will pay the Association \$21,000.00 a year in two installments.

Councilor Pantelakos moved to authorize the City Manager to enter into this Agreement with St. John's Masonic Association from January 1, 2009 through December 31, 2009. Seconded by Councilor Smith.

Councilor Kennedy stated that due to the economic situation some people are having to work later hours and requested to know if there could be extended hours at the St. John's Masonic parking lot to accommodate these people. City Manager Bohenko stated the time schedule was worked out originally for hours when the St. John's Masonic Association was not using their lot. He stated that if there were special events or circumstances that would require later parking he could check with them to see if it was alright and would not conflict with anything they had going on. He further stated that they have been very accommodating in this area. Councilor Kennedy stated there was nothing special, she just knows that due to the economic times right now many people are having to pick up later hours to make up for the loss of personnel and wondered if this parking lot would be available to them should they have to work later hours.

Motion passed.

City Manager Informational Items

1. Report Back Re: Response to Councilor Novelline Clayburgh's Request Regarding Additional Gymnasium at Middle School

City Manager Bohenko stated he has prepared the report back that Councilor Novelline Clayburgh requested regarding an additional gymnasium at the Middle School and announced that this will be discussed at a future date.

B. MAYOR FERRINI

1. Appointments to be Voted:
 - Donald Coker – Reappointment to Planning Board

On a roll call 6-3, voted to reappoint Donald Coker to the Planning Board until December 31, 2011. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Smith, Kennedy, Hejtmanek and Mayor Ferrini voted in favor. Councilors Dwyer, Spear and Pantelakos voted opposed.

2. Appointments to be Voted:
 - Charles Bradley – Portsmouth Housing Authority

Councilor Kennedy moved to appoint Charles Bradley to the Portsmouth Housing Authority to fill the unexpired term of Charles Oxford until April 1, 2010. Seconded by Councilor Novelline Clayburgh and voted.

3. Appointment of Council Representatives

Mayor Ferrini announced the appointment of the following Council Representatives:

- Councilor Novelline Clayburgh was appointed to the Blue Ribbon Committee on Safe Routes to School
- Councilor Spear was appointed to the Blue Ribbon Committee on Sustainable Practices
- Councilor Hejtmanek was appointed to the Poet Laureate Committee

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Novelline Clayburgh asked what the next step would be concerning moving the Connie Bean Center to the Middle School. City Manager Bohenko stated the next step would be direction from the City Council. He said this should be part of the conversation with the Recreation Study and there are things we will probably be proceeding on as it relates to lifting the deed restriction. He stated he has done some numbers and we will go over that at another time. He said the additional cost on the debt service would be approximately \$150,000.00 a year for a \$2,000,000.00 bond issue for 20 years. He said this would be a proposed separate bond issue so it would not co-mingle the conversation on cost with the Middle School issue. He said closing the Connie Bean Center would also allow us to reallocate resources for custodian positions, combine the athletic director position at the Middle School and also show savings on utilities. He stated these items could range in the area of \$100,000.00. He further stated there would also be a proposal to do a ground lease on the Connie Bean so we would not give up the property.

City Manager Bohenko stated the other item he discussed in his report was the issue of parking and the ability to put a parking deck at the Parrot Avenue site. He stated the Department of Education has indicated that they would reimburse up to 40% for that portion that would be set aside for teachers and there are about 100 spaces that would be required from 6:30 a.m. to 3:30 p.m. which would be determined by the Department of Education.

Councilor Kennedy stated during our work session there was some discussion on the Connie Bean Center about putting in a fire escape and putting in a buffer zone in the stairway. She said she would like more detail on the cost of that. City Manager Bohenko stated if the Council would like this, he would have no problem with it. He stated we clearly would do a cost analysis. He said when we look at the Recreation Study we will look at the Connie Bean Center with regards to the location at the Middle School. He said we have looked at replacing the Connie Bean since 2000-2001, but because of public concern with moving the center out of the downtown area nothing has come of it. He said with the Middle School so close to the downtown area, we have reignited the discussion. He said we need to discuss this issue with the Recreation Board and as part of the study.

Councilor Kennedy said people were told the old library was supposed to bring in some kind of profit. She stated that before we move forward on a new Connie Bean Center, she needs to see some kind of commitment to having a taxpaying entity at the old Connie Bean Center. City Manager Bohenko said the thing we really need to hone in on when the City Council has the meeting on the Middle School for a vote is the parking issue. He said this issue is critical. Assistant Mayor Blalock stated we should be aggressive and replace the Connie Bean Center with a new gymnasium with the construction of the Middle School. He further stated we need to keep in mind that we want to preserve the name Connie Bean in the new facility in some way. Councilor Dwyer stated the Council needs to bring forth a vote on the Middle School. She stated we need to vote on the what, how much, when, and where. She said nothing has been decided. Mayor Ferrini stated we need to make a commitment as a Council as to how to think about what the procedural outline is to vote for the Middle School. He said if that decision to vote is informed by what and how the State will handle funding, that is something we need to talk about too. He suggested for the next meeting on March 2, 2009 to have a report back with some policy procedural options to talk about when we are going to vote on this and what the timeline would be if we do that. City Manager Bohenko stated March 2nd may be a full night with the public hearing on the Capital Improvement Plan. He said it could be done with conversation or on the agenda under the Mayor's name.

Councilor Kennedy suggested we wait for work on the stimulus package to see what will be funded and what money we will have. Councilor Novelline Clayburgh said we should wait for the stimulus package, but we also need to move forward. She said the School Board needs some direction and to know what the bonding will be. She stated we need to have a discussion about what our ball park figures are. She further stated we should not stall anymore. She said the School Board needs to get some direction. Councilor Smith stated he wants to make sure we are not blurring any issues. He said we need to get the Recreation report back. He further stated the Connie Bean will not be a big revenue maker due to restrictions presently on it.

Councilor Pantelakos stated that she just came from a meeting and county taxes went up 4%. She said this will affect our taxpayers. She said the City should not depend on anything from the State for any school funding at this point. She stated we need to look at the Middle School, but we need to also know where this money is coming from. City Manager Bohenko stated we need to wait until after the Governor delivers his budget message and also the President's stimulus package. He suggested maybe the end of March/April time frame would be good. He stated there are restrictions on the Connie Bean, but we can go to a private entity and collect as much lease and taxes as we possibly can, but the money on a lease would have to go into the Recreation Trust.

Councilor Smith stated the Connie Bean is a great facility and has served the City well. He supports Assistant Mayor Blalock in wherever we move this facility that we do hold true to the name Connie Bean.

Mayor Ferrini stated he is committed to putting on the agenda for every meeting, here forward, where we are with potentially moving on the Middle School.

Councilor Novelline Clayburgh stated she was thankful to see the letter from Mr. Rafferty on Housing. She requested if we had any idea of when we would move forward with the Regional Sub-Committee on Housing. Councilor Dwyer stated the letter has a lot of misinformation in it about the report. She said Mayor Ferrini, City Manager Bohenko and herself had a meeting on potential regional issues. She stated the out-come of that meeting was an interest and need to contact cities and towns with which we share responsibility with Pease. She said Greenland and Newington would be a starting point. She further stated this is already in motion. She said secondly, she thinks the Rockingham Planning Commission is our planning commission designed for this purpose and they have done a lot of work on housing and we are a part of that. She stated rather than setting up something different it would make sense to work with our partners in Greenland and Newington on our Pease related issues and then participate in the existing regional commission.

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

At 9:25 p.m., Councilor Smith moved to adjourn. Seconded by Councilor Pantelakos and voted.

Respectfully submitted by:

Dianne M. Kirby, Deputy City Clerk