

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 16, 2009

PORTSMOUTH, NH
TIME: 6:00PM [or thereafter]

At 6:00PM a Work Session was held regarding Recreation, Parks and Open Space Board Ordinance.

I. CALL TO ORDER

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

Assistant Mayor Blalock announced that Mayor Ferrini will not be present this evening due to an illness in the family.

II. ROLL CALL

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

Absent: Mayor Ferrini

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Councilor Novelline Clayburgh led in the Pledge of Allegiance to the Flag.

PRESENTATION

1. Review of Financial Summary for Month Ending February 28, 2009

City Manager Bohenko informed the City Council that this is not a review of the numbers but a discussion of the format for the report. He advised the City Council that the Charter requires on a quarterly basis the City Manager to provide the Council with a report on the financial status of the City.

Finance Director Belanger spoke to the financial summary provided to the City Council. She said that this document should be viewed as a tool and guideline to track revenues and expenditures. She reported that most of the departments have spent 66% of their budget which is where departments should be at this point in the year.

City Manager Bohenko informed the City Council that we track our revenues very closely.

V. ACCEPTANCE OF MINUTES – MARCH 2, 2009

Councilor Smith moved to approve and accept the minutes of the March 2, 2009 City Council meeting. Seconded by Councilor Pantelakos and voted.

VI. PUBLIC COMMENT SESSION

Bill St. Laurent, Association of Portsmouth Taxpayers, spoke opposed to the proposed salary increase for the new Superintendent of Schools. He said it is a 10.1% increase over the current salary of Dr. Lister and with the inclusion of salary and benefits it would be \$150,000.00. Mr. St. Laurent said that this salary will make the new Superintendent of Schools the highest paid employee in the City. He recommended that the contract not be approved and recommended that the salary be reduced to the current salary of Dr. Lister. In addition, concern was expressed that the new superintendent would not be living in the City of Portsmouth.

Erik Anderson spoke to the contracts for employees and would like there to be some public transparency of what they contain and where they are going prior to the approval of the City Council.

James Horrigan said he is puzzled by the creation of a master committee for certain boards and commissions. He expressed concern relative to the open space issue and where that would leave the Conservation Commission. Mr. Horrigan said that the Conservation Commission has been excluded from the dialogue on this matter and felt it was important for the City Council to include them in future discussions.

VII. PUBLIC HEARING

A. CAPITAL IMPROVEMENT PLAN (CIP) FY2010-2015 ***(Reconvened from the March 2, 2009 City Council meeting)***

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

City Manager Bohenko advised the City Council that Jon Frederick, Parking Manager, will be speaking on the pay and display system for parking meters. Parking Manager Frederick outlined the reasons for the new system to accommodate requests from the public. He addressed operational advantages for a more efficient system. He reported the total project cost is \$460,000.00 with a remainder of \$377,000.00. The new system would create a 30% increase in revenues. He announced that over 3,000 cities use this system. Parking Manager Frederick discussed the new dash meters for the vehicles which individuals could purchase. In addition, he addressed the parking coupons available for accessible parking and to the credit card security system that would be used for individuals choosing to use their credit card for payment at the meters.

Rachel Canal, requested that the City Council hold a separate public hearing on the pay and display system. She said that there are real concerns among the public with the cost of this project.

Jeff Demers spoke on behalf of Heather Hurtt and Reactivate Portsmouth. He discussed Phase I of the recreational needs assessment and said that an additional \$50,000.00 to \$75,000.00 would be needed for a comprehensive study of the City's recreational needs. He encouraged the City Council to consider funding for Phase II of the project and to include those funds in the CIP.

City Manager Bohenko advised Mr. Demers that the CIP is a plan and not the budget and those appropriations will take place with adoption of the budget.

Eric Swanson spoke in support of the new pay and display system for parking meters. He informed the City Council that he has created a face book page on this matter and there have been 87 people sign the page in support of the new parking meter system. He spoke to the convenience of the new system and urged its continued support and funding by the City.

Tom Rosenwald said most people are opposed to change but he finds the new meters to be convenient. He said the new meters make the removal of snow on the sidewalks must more efficient for the Public Works Department and urged the City Council to move forward with the project.

Emmie Adams expressed concern with the lack of funding for the education system and questioned where the priorities lie for the School Board. She said technical initiatives in the past have relied on donations and grant writing. Ms. Adams reported that 2 out of the 5 schools in the City have operating budgets that have not increased in the 5 years. She said that more innovated technical needs should be supported by the City Council.

Assistant Mayor Blalock said the School Department request there needs in the Capital Improvement Plan.

Margot Doering said that people from out of town are having difficulty using the new pay and display parking meter system. She recommended that signage be changed to help those individuals that are not familiar with the system.

Erik Crago expressed concern regarding the use of credit cards through the pay and display system and the possibility of the system being vulnerable to hacking. He said he would like to see a detailed report on transferring credit card information through the internet.

George McQuilken spoke opposed to the new pay and display parking meter system. He said that the costs are understated and the revenues have been overstated. He urged the City Council to conduct a public hearing on this matter.

Megan Stelzer said that she supports the pay and display parking meter system as proposed.

Gerry Stowe said he feels there needs to be a public hearing on the new pay and display parking meter system. He said it is very difficult for people with disabilities to access the new system.

Dan Rawling asked for support of the Court Street parking garage study. He said that there is a need for additional parking in the downtown and this would be a great opportunity.

Bill St. Laurent expressed concern with the new pay and display parking meter system and said there needs to be a separate public hearing on the matter. He said no funds should be expended until next year or after a public hearing is held for further input from the community.

Erik Anderson asked about the process for the adoption of the Capital Improvement Plan. City Manager Bohenko said the City Council can act this evening on the CIP but they would need to take action no later than April 6th. He advised Mr. Anderson that the Charter requires that the CIP be adopted before the City Council receives the budget.

Eric Swanson urged the City Council to move forward with the pay and display parking meter system. He said it is important that action take place prior to an increase in price.

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

At 8:25 p.m., Assistant Mayor Blalock declared a brief recess. Assistant Mayor Blalock called the meeting back to order at 8:40 p.m.

VIII. APPROVAL OF GRANTS/DONATIONS

(There are no items under this section of the Agenda)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

(There are no items under this section of the Agenda)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Renewal of Sidewalk Obstruction Licenses with no changes from last year
- Attrezzi LLC – 1 A-frame sign
 - Bagel Works – 4 tables, 12 chairs and 1 A-frame sign
 - Bellman's Portsmouth – 1 A-frame sign
 - Betty LaBranche Agency – 1 A-frame sign
 - Blue Athletic, Inc. – 1 A-frame sign
 - Breaking New Grounds – 15 tables and 42 chairs
 - Bull Moose Music – 1 A-frame sign
 - Buyer's Brokers of the Seacoast – 1 A-frame sign
 - Ceres Bakery – 2 tables and 10 chairs
 - Chamber of Commerce – 1 A-frame sign

- Chrisrial & Co. Fine Jewelry – 1 A-frame sign
- Corks & Curds, LLC – 1 A-frame sign
- Dos Amigos Burritos – 1 Bench
- Edible Arrangements – 1 A-frame sign
- Fat Belly's – 1 A-frame sign
- Geno's Coffee Shop – 1 A-frame sign
- Gulliver's Inc. – 1 A-frame sign
- Izzy's Frozen Yogurt – 1 Bench
- Leo Auger Real Estate – 1 A-frame sign
- Lucky 7 Gallery – 1 A-frame sign
- Mainely Gourmet Chocolate Factory – 1 A-frame sign
- Making Faces – 1 A-frame sign
- Me & Ollies Café – 6 tables, 18 chairs and 1 A-frame sign
- Muddy River Smokehouse – 1 A-frame sign
- Paradiza – 1 A-frame sign
- Poco's – 1 Bench and 1 A-frame sign
- Popovers on the Square, LLC – 10 tables, 38 chairs and 1 A-frame sign
- Portsmouth Athenaeum – 1 A-frame sign
- Rosa's Restaurant – 2 A-frame signs
- Serendipity – 2 A-frame signs
- Starbucks Coffee – 4 tables and 8 chairs
- Stonewall Kitchen – 1 A-frame sign
- Subway – 1 A-frame sign
- The Press Room – 1 A-frame sign
- Trillium Fine Jewelry – 1 A-frame sign
- Tugboat Alley – 1 Bench
- Water Monkey – 1 A-frame sign

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

- B. Letter from Sarah Curtin, Seacoast Suicide Prevention Coalition, requesting permission to hold the 5th Out of the Darkness Community Walk on Saturday, September 26, 2009 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Joe Barrett in support of funding for the recreation opportunities Portsmouth offers ***(Anticipated action – move to accept and place the letter on file)***

Councilor Spear moved to adopt the Consent Agenda. Seconded by Councilor Smith and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Traci Anello, Anello's Gluten Free Café, requesting permission to install a projecting sign at 41 Congress Street (***Sample motion – move to refer to the Planning Board for report back***)

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

Councilor Smith moved to suspend the rules in order to allow Ms. Lane to address the City Council regarding this request. Seconded by Councilor Pantelakos and voted.

Ms. Lane said she is speaking on behalf of Ms. Anello. She said she does not understand why this is not considered a continued use of an existing business. She urged the City Council to allow them to install the sign prior to approval of the Planning Board.

City Attorney Sullivan said the policy is anything that is on city property must be forwarded to the Planning Board for review with a report back to the City Council with a recommendation.

City Manager Bohenko said he would work with the business on an interim measure to advertise the business.

Councilor Dwyer said she agrees with the City Manager and City Attorney but it is a common practice for signs to be installed awaiting approval. City Attorney Sullivan said only if the previous sign remained but it was removed.

- B. Letter from Brendan Cooney, The Seacoast Local Festival Steering Committee, requesting permission to hold the 4th Annual Seacoast Local Festival on Saturday, June 6, 2009 from 1:00 p.m. – 4:00 p.m. at the Bridge Street parking lot (***Sample motion – move to refer to the City Manager with power***)

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

City Manager Bohenko said that this is a change to the location and would require the closure of the Bridge Street lot. He informed the City Council that there would be a minor loss in parking meter revenues with the closure of the lot and this could be used as a pilot program to see if this would be a good location for future events to be held.

Councilor Dwyer said that the Council has been encouraging the use of the Vaughan Mall, is that not being done this time due to size constraints. City Manager Bohenko said that the Vaughan Mall would not be large enough for the event.

Councilor Smith said he agrees with City Manager Bohenko that this is a new area to use and he would like to see how it works.

Motion passed.

- C. Letter from Lin Lin Choy and Dianne Ramey, Red Lotus Tai Chi Qigong, requesting permission to perform a tai chi demonstration in Market Square on Saturday, April 25, 2009 from 10:00 a.m. – 11:30 a.m. in front of the North Church

City Manager Bohenko announced that we will be directing this event to take place at the Vaughan Mall site.

Councilor Pantelakos moved to refer to the City Manager with power and to encourage the organization to hold the event at the Vaughan Mall. Seconded by Councilor Dwyer and voted.

- D. Letter from Shaun Rafferty recommending a new skateboard facility

Councilor Novelline Clayburgh moved to accept and place the letter on file. Seconded by Councilor Pantelakos and voted.

- E. Letter from Erik Anderson, Fishing Fleet Blue Ribbon Committee, Re: Requests of Fishing Fleet Committee to the City Council (**Sample motion – move to accept and place the letter on file**)

Councilor Kennedy moved to accept and place the letter on file. Seconded by Councilor Pantelakos and voted.

- F. Letter from Barbara Massar, Pro Portsmouth, requesting the City reduce their debt by 50% (\$17,830.57) for Police details at their First Night 2006 – First Night 2009 events

City Manager Bohenko said that this request has come before the staff and deals with Police details over several years. He said that the bill continues to increase year after year and Pro Portsmouth is unable to get ahead of it at this point. He recommended that the Council allow him to review the matter and provide a report back to the Council if the amount can be reduced. In addition, he requested that the Council suspend the rules in order to allow Barbara Massar of Pro Portsmouth to speak on the matter.

Councilor Dwyer moved to suspend the rules in order to allow Ms. Massar to address the City Council. Seconded by Councilor Pantelakos and voted.

Ms. Massar said that this is a combination of events for First Night from 2006 – 2009. She advised the City Council that they have worked on trying to pay the balance over the last 3 years and they are unable to make headway on the outstanding debt. She requested that the City Council allow Pro Portsmouth to enter into a payment plan and for the amount owed to be reduced by 50%.

Councilor Pantelakos said that she would support the request and asked City Manager if there are any other organizations that have outstanding debts owed to the Police Department for outside detail work. City Manager Bohenko said he would have to report back to the City Council on that matter.

Councilor Kennedy asked if we know how much revenue Pro Portsmouth brings into the City for events held. Ms. Massar said it is estimated to be approximately \$3,700,000.00 for the City and the seacoast area.

Assistant Mayor Blalock said that Pro Portsmouth is one of the organizations that would be hard to measure their benefit to the City.

Councilor Spear asked if there are other ways we contribute to Pro Portsmouth. City Manager Bohenko advised the City Council that the Public Works and Fire Departments do not charge for services however, the Police Department provide more coverage for these events.

Councilor Dwyer asked Ms. Massar about fundraising for the organization and if they do any personal fundraising. Ms. Massar said that there is only her presently employed at Pro Portsmouth and it is a staffing issue to do fundraising on a large scale. Councilor Dwyer said she would urge people to contribute funds for Pro Portsmouth events.

Councilor Kennedy moved to refer to the City Manager for report back at the April 6, 2009 City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Adoption of Capital Improvement Plan FY 2010 – FY 2015

City Manager Bohenko advised the City Council that this is just a plan for the next 6 years for capital improvements and no appropriations would take place until the budget is approved. He recommended the Council adopt the Capital Improvement Plan for FY 2010 – FY 2015 with any amendments voted on by the City Council.

Councilor Pantelakos asked City Manager Bohenko how the Council would put forth a public hearing on the pay and display parking meter system. City Manager Bohenko recommended holding a public informational session on the pay and display parking meter system.

Councilor Smith moved to adopt the Capital Improvement Plan for FY 2010 – FY 2015 with any amendments voted on by the City Council. Seconded by Councilor Pantelakos.

Councilor Smith moved to amend the Capital Improvement Plan Item #99 – Replacement of Parking Meters as follows:

- **Reduce the funding in FY'10 from \$200,000.00 to \$100,000.00**
- **Reduce the funding in FY'11 from \$200,000.00 to \$150,000.00**
- **Include funding in FY'12 for \$150,000.00**

Seconded by Councilor Pantelakos.

Council Smith said he would like to establish a public input session on the pay and display parking meter system.

City Manager Bohenko said whether we go with the pay and display system we would need \$100,000.00 to replace existing meters.

Councilor Dwyer said she supports a public input session but the City Council voted to proceed with the pay and display system previously and what do we do at this point. City Attorney Sullivan said whatever actions the City Council took will remain until the end of the term of the City Council and in order to change that it would require a two-thirds vote of the City Council.

City Manager Bohenko advised the City Council that we have some pay and display meters on order based on the previous vote of the City Council and those 3 meters will be installed.

Councilor Novelline Clayburgh said that she would support a public input session for further comment on the pay and display system.

Motion passed.

Councilor Dwyer moved to amend the Capital Improvement Plan Item #78 – Indoor Pool Building Rehabilitation to move the bond/lease amount of \$1,000,000.00 to FY'11.

Seconded by Councilor Pantelakos.

Councilor Novelline Clayburgh asked if there was anything for the indoor pool that needs replacement now. City Manager Bohenko said yes there are replacements needed now, but the pool would remain open unless safety issues arise and then he would close the facility.

Motion passed.

Councilor Kennedy moved to amend the Capital Improvement Plan Item #100 – Wayfinding System as follows:

- **Move all funding out one additional year with \$40,000.00 in FY'11, \$100,000.00 in FY'12, \$100,000.00 in FY'13, \$100,000.00 in FY'14 and \$100,000.00 in FY'15 for a total of \$440,000.00.**

Seconded by Councilor Hejtmanek.

City Manager Bohenko said that the funding could be reduced due to the stimulus dollars we may receive.

Assistant Mayor Blalock passed the gavel to Councilor Novelline Clayburgh.

Assistant Mayor Blalock said he would not support the motion and said it is good for our economy and businesses in downtown area.

Councilor Novelline Clayburgh returned the gavel to Assistant Mayor Blalock.

City Manager Bohenko said that the funding could remain in the plan for the Wayfinding System to see if we receive stimulus funds.

Councilor Kennedy said when she sees projects like this she asks herself what the Chamber of Commerce could do to assist with funding.

On a roll call 2-6, motion failed to pass. Councilors Kennedy and Hejtmanek voted in favor. Councilors Novelline Clayburgh, Dwyer, Smith, Spear, Pantelakos and Assistant Mayor Blalock voted opposed.

Councilor Spear asked about funding for #81 – Municipal Complex Boiler Replacement. City Manager Bohenko informed the City Council that we are trying to receive a grant for this item and he would like to receive funding for a study of the entire Municipal Complex.

Councilor Spear asked if renewable products would be used in the replacement of sidewalks. City Manager Bohenko said that we have looked at renewable products and we would experiment with those products on a small section of pavement. Public Works Director Parkinson said there are issues with these products and icing.

Councilor Dwyer moved to amend the Capital Improvement Plan to add \$30,000.00 to Item #83 – City Wide Facilities' Capital Improvements to study the creation of a parking garage. Seconded by Councilor Spear.

City Manager Bohenko said that the Portsmouth Housing Authority owns the land at the Court Street location and we need to be part of the discussions. He also informed the City Council that we would need to go through the procumbent process.

Motion passed.

Councilor Novelline Clayburgh suggested amending Item #62 – Playground Improvements to move the funding out one year.

City Manager Bohenko said we have done a great deal of work in the last 10 years with our playgrounds and would not recommended moving the funding out a year.

Assistant Mayor Blalock said he would oppose a motion if it is made by Councilor Novelline Clayburgh because this funding is necessary and will be needed to continue to upgrade our playgrounds.

Main motion passed to adopt the Capital Improvement Plan for FY 2010 – FY 2015 as amended.

4. Trustees of the Trust Fund Proposed Revision to Prescott Park Dock Policy

Councilor Smith moved to suspend the rules in order to allow Brad Lown of the Trustees of the Trust Fund to address the City Council on this matter. Seconded by Councilor Dwyer and voted.

Mr. Lown reviewed the proposed revision to the Prescott Park Dock Policy. He announced that the City Clerk would be conducting the lottery.

Councilor Kennedy asked who pays for the dock insurance. City Attorney Sullivan reported that the City is insured through the Local Government Center. Councilor Kennedy suggested expanding the season from May 15th to October 15th.

Councilor Pantelakos moved to approve the Trustees of the Trust Fund proposed revision to the Prescott Park Dock Policy, as presented. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy asked that we check on extending the season dates. City Manager Bohenko said he would look into that matter. Human Resources Director Fogarty said there would not be any additional costs to the City if the season was extended per the suggestion of Councilor Kennedy.

Motion passed.

2. Proposed Contract with Edward McDonough as Superintendent of Schools

City Manager Bohenko announced that the School Board has recommended the City Council accept the contract as presented.

Councilor Spear moved to approve the proposed contract for the Superintendent of Schools as recommended. Seconded by Councilor Hejtmanek.

Councilor Pantelakos said that she would vote against the motion due to economic issues. She said any person in control of a School Department should be required to live in the City where it is employed.

Councilor Hejtmanek said he would support the contract and spoke to the in-depth search by the School Board for a new superintendent. He said that the salary for the new superintendent is in line with others in the New England area.

Councilor Novelline Clayburgh said that this is a difficult decision for her but she would oppose the motion. She expressed concern with the superintendent being the highest paid employee in the City of Portsmouth. She spoke to the concern of residents due to the current economic times we are all facing.

Councilor Dwyer spoke in support of the motion. She said that the City Council does not pick the superintendent; they just vote the contract up or down. She spoke to the need for educational leadership to move forward.

Councilor Spear said on the residence issue of the new superintendent, that was not a requirement of the School Board in the contract.

Councilor Smith said he reviewed the contract and it is expensive but not out of range for what a superintendent is paid. He thanked the selection committee for their hard work in the search and the preparation of the contract.

Assistant Mayor Blalock passed the gavel to Councilor Novelline Clayburgh.

Assistant Mayor Blalock said he would support the motion. He said that the superintendent will master a large budget.

Councilor Novelline Clayburgh returned the gavel to Assistant Mayor Blalock.

On a roll call 6-2, voted to approve the proposed contract for the Superintendent of Schools as recommended. Councilors Dwyer, Smith, Kennedy, Spear, Hejtmanek, and Assistant Mayor Blalock voted in favor. Councilors Novelline Clayburgh and Pantelakos voted opposed.

Councilor Smith moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Spear and voted.

3. Workforce Housing Trust

City Manager Bohenko recommended adoption of the Workforce Housing Trust as presented.

Councilor Dwyer moved to approve the Workforce Housing Trust document, as presented. Seconded by Councilor Smith.

Please note changes to the Trust Fund document as follows:

- *The third "WHEREAS" clause and the item 2 now contain language which would allow the City Council to adjust its definition of workforce housing from time to time as necessary.*
- *Item 9 now requires the Trustees to request an advisory opinion from the Planning Board prior to the disposition of any real estate which might come under the control of the Trustees.*

Motion passed.

5. Poco Diablo Deck Lease Agreement

City Manager Bohenko said that a final agreement has been provided to the City Council for approval. He spoke to the letter dated March 6th from Attorney John Bosen to the City Attorney, which seeks a number of revisions to the deck lease that is before the Council for consideration tonight. Specifically, Mr. Golumb is requesting a reduction in the lease amount from \$34,000.00 to \$14,000.00. He suggested that the Council consider reducing the lease amount from \$34,000.00 to \$24,000.00, which would mean Mr. Golumb would not pay what was known in the original lease as the \$10,000.00 benefit payment. With regard to the second item in Attorney Bosen's letter, the City has been, and will continue to, keep Mr. Golumb and other affected property owners informed as the City moves ahead to make upgrades to the adjacent waterfront City-owned property and the public portion of Ceres Street. Regarding Mr. Bosen's third request to allow the possibility of the continued lease of the City-owned property after October 6, 2009, he nor the City staff can recommend this. He informed the Council that the City is currently moving ahead now with the design and permitting of improvements on the City parcel and intends to bid this work out and award a contract this summer so that work may begin on the City's project on October 7, 2009. City Manager Bohenko said given the nature of the retail and restaurant establishments in this high pedestrian traffic area, the construction window is very, very short so it is critical we begin work as soon as possible in October in order to complete the City's project in the early Spring of 2010.

Councilor Pantelakos moved to reduce the lease to \$14,000.00. Seconded by Councilor Novelline Clayburgh.

City Manager Bohenko said this is a policy decision of the City Council.

Councilor Dwyer said she agrees with the reduction of \$10,000.00 for the benefit payment but would like to see justification.

Councilor Pantelakos expressed concern with the requirement in the contract which would require Mr. Golumb to close the deck early.

City Manager Bohenko said that we could pro-rate the rent for the one month due to the early closure of the deck.

Councilor Pantelakos withdrew her motion and Councilor Novelline Clayburgh the second to the motion.

Councilor Pantelakos moved to remove the \$10,000.00 benefit payment and pro-rate the \$24,000.00 lease payment by one month. Seconded by Councilor Smith and voted.

Councilor Smith moved to approve the attached final lease agreement as amended for the Poco Diablo deck, up to and including, but not after October 5, 2009. Seconded by Councilor Novelline Clayburgh and voted.

Councilor Pantelakos moved to suspend the rules in order to allow Mr. Golumb to address the City Council. Seconded by Councilor Smith and voted.

Mr. Golumb thanked the City Council, City Manager Bohenko and staff for their assistance with his lease.

6. Request to Renew Lease Agreement for Sons of Italy

City Manager Bohenko said he would recommend the City Council approve the renewal of the Lease with an annual lease payment of \$1.00 for a one-year extension effective April 1, 2009 through March 31, 2010.

Councilor Novelline Clayburgh moved to extend the Lease Agreement with the Sons of Italy at One Plains Avenue, for a period of April 1, 2009 through March 31, 2010. Seconded by Councilor Smith and voted.

7. Seacoast African American Cultural Center

City Manager Bohenko said because of the life safety issues at the Connie Bean Center, the Seacoast African American Cultural Center ("SAACC") needs to find a new location to house its exhibits and office. For the past two months, the Portsmouth Historical Society, which is leasing the old Library to create the Discover Portsmouth Center has been meeting with representatives from SAACC to determine the feasibility of renting 1,500 square feet of space in the old Library in order to move the SAACC's activities to that location.

The Portsmouth Historical Society is in favor of this move, but would be required to seek rent and other utility payments that would equal approximately \$18,000.00 a year in order to continue the financial viability of the Discover Portsmouth Center. Both the Historical Society and the SAACC feel that the synergy between the two groups would help increase the attractiveness of this facility as a venue for people to visit.

One of the hurdles for SAACC is that they are not presently paying any rent at the Connie Bean and would immediately have to come up with \$18,000.00 annually to rent the space at the Discover Portsmouth Center. Because of the untimely transition of the SAACC's activities from the Connie Bean Center to a new location, it was thought some transition aide would be appropriate. He recommended that the City Council consider assisting this transition with the use of UDAG funds.

Councilor Hejtmanek asked if the Historical Society pays rent. City Manager Bohenko advised the City Council that they pay a lower amount in rent but they have bench marks to meet for upgrades to the building.

Councilor Smith moved to authorize the City Manager to move forward with the agreement and use UDAG funds in the following manner:

Year 1: The City of Portsmouth grants to the Portsmouth Historical Society \$12,000.00 to use as they deem appropriate for utilities and/or necessary upgrades to the old Library building and that SAACC pay the Portsmouth Historical Society \$6,000.00. This would result in a total annual rent of \$18,000.00 rent for the first year;

- Year 2: The City of Portsmouth grants \$9,000.00 to the Historical Society and SAACC pays \$9,000.00 to the Historical Society;**
- Year 3: The City grants \$6,000.00 to the Portsmouth Historical Society and SAACC paying \$12,000.00 to the Historical Society;**
- Year 4: The City pays \$3,000.00 to the Historical Society and the SAACC pays \$15,000.00 to the Historical Society; and**
- Year 5: The City makes no grant to the Historical Society and the SAACC pays the full \$18,000.00 in rent including utilities for the use of space in the old Library building.**

Seconded by Councilor Pantelakos.

Councilor Smith said that this is a great gateway for improvements to the Islington Street Corridor.

Motion passed.

B. MAYOR FERRINI

3. *Update on Portsmouth Middle School

Assistant Mayor Blalock informed the City Council that Mayor Ferrini will bring forward a bonding resolution for the middle school for first reading April 20, 2009 and a public hearing and adoption at the May 18, 2009 City Council meeting.

1. Report Back Re: 2008 Attendance Records for various Boards & Commissions

The City Council requested that the attendance records be required for all boards and commissions for the 2009 year.

2. Appointments to be Voted:
- Grace Lessner – Appointment to Board of Library Trustees
 - Bill Southworth – Appointment to Cable Television & Communications Commission
 - Norman Patenaude – Reappointment as Alternate to Planning Board
 - Steven Berg – Reappointment to PEDLP Review Committee
 - Laura Montville – Reappointment to PEDLP Review Committee
 - Tara Trafton – Reappointment to PEDLP Review Committee
 - Jean Ward – Appointment to Safe Routes to School – St. Patrick's School Representative
 - Ronald Cypher – Appointment to Traffic & Safety Committee

Councilor Novelline Clayburgh moved to appoint Grace Lessner to the Board of Library Trustees until October 1, 2011. Ms. Lessner is filling the expired term of Barbara Ward, the appointment of Bill Southworth to the Cable Television & Communications Commission until April 1, 2011. Mr. Southworth is filling the expired term of Louis Vinciguerra, reappointment of Norman Patenaude to the Planning Board until December 31, 2011, reappointment of Steven Berg, Laura Montville and Tara Trafton to the PEDLP Review Committee until March 16, 2012, the appointment Jean Ward to the Safe Routes to School as the St. Patrick's School Representative and the appointment of Ronald Cypher to the Traffic & Safety Committee until January 1, 2010. Mr. Cypher is filling the unexpired term of Jonathan Bailey. Seconded by Councilor Smith and voted.

Councilor Spear said he would request a full presentation when the bonding resolution is brought forward. City Manager Bohenko said Mayor Ferrini would have a month between the first reading and the public hearing and adoption in order to allow for the presentation to be prepared and presented at the May 18th Council meeting.

C. COUNCILOR NOVELLINE CLAYBURGH

1. Report Back from Fee Study Committee Re: Taxi Rates

Councilor Novelline Clayburgh reported that the Fee Study Committee reviewed the rates for Taxi Operator Licenses as well as Taxi Permits (Medallions) and is recommending the pro-ration of fees for the licensing year. She recommended that the City Council approve and accept the Fee Study Committee's Report regarding Taxi Rates and authorize the City Manager bring back the proposed ordinance amendment for first reading at the April 6th City Council meeting.

Councilor Spear moved to approve and accept the Fee Study Committee's Report regarding Taxi Rates and authorize the City Manager to bring back the proposed ordinance amendment for first reading at the April 6, 2009 City Council meeting. Seconded by Councilor Kennedy and voted.

D. COUNCILOR SMITH

1. Parking Committee Action Sheet & Minutes of the February 12, 2009 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the February 12, 2009 Parking Committee meeting. Councilor Kennedy voted opposed. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy inquired as to the composition of the Parking Committee and the request from an individual to increase the membership. City Manager Bohenko said that this would require an ordinance amendment. He said he would recommend that the membership not get too large.

Councilor Kennedy said that there should be public input to the Parking Committee. She said she would not vote to approve the motion because she is concerned with the residential parking issue.

Motion passed. Councilor Kennedy voted opposed.

E. COUNCILOR KENNEDY

1. Fishing Fleet Committee Resolution

Councilor Kennedy moved to adopt the Fishing Fleet Committee Resolution, as presented. Seconded by Councilor Novelline Clayburgh.

Councilor Dwyer said she has no problem with the spirit and intent of the Resolution but she is concerned with the financial consideration and it is hard to endorse that as part of the Resolution.

Councilor Kennedy said that the Committee is not asking the City for any financial support.

City Attorney Sullivan advised the City Council that the Resolution does not authorize the expenditure of funds.

Motion passed.

2. *Request to Extend the Blue Ribbon Fishing Fleet Committee

Councilor Kennedy said that she would like to see the Blue Ribbon Fishing Fleet Committee extended for one year.

Councilor Novelline Clayburgh moved to extend the Fishing Fleet Committee to January 2010 in accordance with the goals outlined in the March 5, 2009 letter from Erik Anderson, Chairman of the Committee. Further, that the Committee shall give an interim report in July 2009 and a final report in January 2010. Seconded by Councilor Smith and voted.

Goals Outlined as follows:

- *The committee has recognized within its scope of work and commitment to conduct an event on September 12, 2009. Although the City Council has given initial approval for this event, time has not availed the committee to complete all necessary aspects of this event and requests the Council for more time to accomplish this goal.*
- *The committee has recognized that to complete its work and develop a distant strategy for its growth into the future, it needs more time to create a structure where this initiative can mature and continue.*
- *The committee has recognized that an additional goal of its work might be to re-establish loss infrastructure of the fishing industry and would need additional time to have that discussion and develop recommendations.*

- *With these goals and objectives stated the committee feels that 1 additional year would be adequate time to conclude this work and be able to exit its purpose and possibly be absorbed into another committee with common goals.*

F. COUNCILOR PANTELAKOS

1. Private Duty Proposed Change to Ordinance

Councilor Pantelakos advised the City Council and public that she is withdrawing this matter from the agenda.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

At 11:00 p.m., Councilor Pantelakos moved to adjourn. Seconded and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

Kelli L. Barnaby, CMC/CNHMC
City Clerk