

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 21, 2009

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

At 6:15 p.m. an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA 91-A:2, I (b-c)

I. CALL TO ORDER

Mayor Ferrini called the meeting to order at 7:20 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 Pantelakos led in the Pledge of Allegiance to the Flag.

PRESENTATION OF CHAIRS TO OUTGOING CITY COUNCILORS

1. Assistant Mayor Jack Blalock

Mayor Ferrini presented a City of Portsmouth Chair to Assistant Mayor Jack Blalock in recognition of his years of service to the City Portsmouth. Assistant Mayor Blalock thanked the City Council and City Manager Bohenko for this gift which he accepted with thanks and appreciation.

2. Councilor Laura Pantelakos

Mayor Ferrini presented a City of Portsmouth Chair to Councilor Laura Pantelakos in recognition for her years of service to the City of Portsmouth. Councilor Pantelakos thanked the City Council and City Manager Bohenko for his gift which she accepted with thanks and appreciation.

V. ACCEPTANCE OF MINUTES – DECEMBER 7, 2009

Councilor Pantelakos moved to approve and accept the minutes of the December 7, 2009 City Council meeting. Seconded by Councilor Kennedy and voted.

VI. PUBLIC COMMENT SESSION

Erik Anderson said it is difficult to provide comments because the public has very little input in the process of contracts. He said contracts make up a large portion of the City budget and the taxpayers should be provided with more information throughout the process.

Bill St. Laurent concurred with the comments made by Mr. Anderson. He said that the City Council needs to take into consideration the cost to the taxpayers and their ability to pay.

Josh Pierce spoke in support of the request for the Portsmouth Criterium race. He said that it adds to the character of the City and individuals come from all around to watch the race.

Susanne Delaney thanked the City Council for their support over the last five year for the Portsmouth Criterium event. She spoke to the number of people that attend the event and those that visit our shops and restaurants. She asked the City Council to support the 2010 event.

Tom Luther, NE Sponsoring Bicycling/Cycling Group, spoke in support of the Portsmouth Criterium event and said there is no other event like it in New England. He urged the City Council to continue to support the event.

Martin Cameron thanked Assistant Mayor Blalock and Councilor Pantelakos for their services to the City. He spoke to the wetlands zone contained within the proposed new zoning ordinance. He said there are 16 lots that would be affected by the change. In addition, he spoke opposed to the inclusion of a CCRC zone in the ordinance and feels that it creates spot zoning.

John Golumb spoke in support of the Police Contracts, as presented this evening. He said he has attended all the negotiations as the Police Commissioner and he understands the economic landscape and the decisions that need to be made by the City Council. He said the unions have made concessions and urged the City Council to adopt the contracts before them this evening.

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donations to the New Library Building Fund
- Pax World Management Corp.- \$5,000.00 (*Fulfills contribution*)
 - John Maher - \$500.00 (*Fulfills contribution*)

Councilor Pantelakos moved to approve and accept the donations, as listed to be placed in the Library Capital Campaign Fund. Seconded by Councilor Dwyer and voted.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Ordinance amending Chapter 10 – Zoning Ordinance and Zoning Map by deleting it in its entirety and replacing it with a new Chapter 10 ***(Postponed from the December 15, 2009 City Council meeting)***

Councilor Kennedy moved to remove for separate consideration from the Revised Zoning Ordinance Matrix dated December 21, 2009 the following: *Items E – Gateway District – Front Setbacks; G – Wetlands Protection – Jurisdictional Area; I – Continuing Care Retirement Community (CCRC); L – Islington Street Historic District; and M – Signs on Vehicles.* Seconded by Councilor Hejtmanek.

Assistant Mayor Blalock moved to amend the ordinance under consideration by adopting *Items A – Off-Street Parking Provisions in the Downtown Overlay District; B – Design of Off-Street Parking Facilities; C - Islington Street Zoning; D – Gateway District – OR Parcels; F – Middle Street Historic District; H – Wetlands Protection – Discretion on Buffer; J – Include City-leased property in Municipal District; and K – Housekeeping Items* from the Revised Zoning Ordinance Matrix dated December 21, 2009. Seconded by Councilor Dwyer and voted.

City Attorney Sullivan advised the City Council that a separate motion should be made for each of the items removed from the matrix.

Councilor Spear moved to amend the ordinance under consideration by adopting *Item E – Gateway District – Front Setbacks* from the Revised Zoning Ordinance Matrix dated December 21, 2009. Seconded by Assistant Mayor Blalock.

Councilor Spear said that he is not in support of the gateway district and spoke to the concerns expressed by the residents that spoke during the public hearings.

Councilor Novelline Clayburgh spoke in support of the neighborhoods.

Motion passed.

Councilor Spear moved to amend the ordinance under consideration by adopting *Item G – Wetlands Protection – Jurisdictional Area* from the Revised Zoning Ordinance Matrix dated December 21, 2009. Seconded by Councilor Dwyer.

Councilor Spear said that this would keep the jurisdictional area as it currently exists in the ordinance.

Councilor Novelline Clayburgh asked if this affects 16 parcels. Planning Director Taintor said that is correct. Councilor Kennedy asked how many parcels this affects versus structures. Planning Director Taintor said there are 30 parcels with 16 structures that would be affected in the wetland area.

On a roll call vote 0-9, motion to amend the ordinance under consideration by adopting *Item G – Wetlands Protection – Jurisdictional Area* from the Revised Zoning Ordinance Matrix dated December 21, 2009 **failed**. The effect of this action is to retain the 10,000 square foot wetlands jurisdictional area as contained in the proposed ordinance in the form that passed first reading on November 16, 2009.

Councilor Hejtmanek moved to amend the ordinance under consideration by adopting *Item I – Continuing Care Retirement Community (CCRC)* from the Revised Zoning Ordinance Matrix dated December 21, 2009. Seconded by Councilor Spear.

Councilor Novelline Clayburgh said that the Council needs to understand this zoning better as well as the community before adopting it as part of the zoning ordinance.

Councilor Kennedy said it took the Planning Board several years to vote on this issue and the City Council was only given 3 days to make a decision on this matter. She said that this matter should be brought back before the City Council for further discussion after the first of the year.

Mayor Ferrini said in the event that the CCRC is removed it would be his intent to bring the issue back to the Council at the second meeting in January.

Councilor Spear said the Office Research meets 300 feet of street frontage, but from a policy standpoint what is the motivation to have less street frontage. Planning Director Taintor said the 300 feet is different for Site Plan Review.

Councilor Pantelakos spoke in support of deleting this issue in its entirety and not bringing the matter forward in the future.

Councilor Smith said he has gone back and forth on this matter. He spoke to the aspects relating to site review. He would like to work with the neighborhood and work on traffic issues and their impact. He also indicated that he does not feel that this is spot zoning.

Councilor Dwyer said she would vote against the amendment and has had the advantage of being a Planning Board member over the last few years. She said it has taken time for the Planning Board to work on this issue. She said many questions realizes the Planning Board has more discretion here than in any other area. She feels the Planning Board has taken this issue as far as it can and the next step maybe informational in nature.

Mayor Ferrini passed the gavel to Assistant Mayor Blalock.

Mayor Ferrini said he would vote against the amendment. He said he is voting for an ordinance and not a project. He feels that the Planning Board has done a thorough job and there will be further review by the City Council.

Assistant Mayor Blalock returned the gavel to Mayor Ferrini.

On a roll call 5-4, voted to amend the ordinance under consideration by adopting *Item I – Continuing Care Retirement Community (CCRC)* from the Revised Zoning Ordinance Matrix dated December 21, 2009. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Kennedy, Hejtmanek and Pantelakos voted in favor. Councilors Dwyer, Smith, Spear and Mayor Ferrini voted opposed. The effect of this action is to delete from the proposed ordinance the provisions relating to the Continuing Care Retirement Community.

Assistant Mayor Blalock moved to amend the ordinance under consideration by adopting *Item L – Islington Street Historic District* from the Revised Zoning Ordinance Matrix dated December 21, 2009. Seconded by Councilor Pantelakos.

Assistant Mayor Blalock said he would like to have discussion on this matter. He expressed concern regarding the brew yard property.

On a roll call vote 0-9, motion to amend the ordinance under consideration by adopting *Item L – Islington Street Historic District* from the Revised Zoning Ordinance Matrix dated December 21, 2009 **failed**. The effect of this action is to retain the Islington Street Historic District as shown on the Zoning Map in the form that passed first reading on November 16, 2009.

Councilor Dwyer moved to amend the ordinance under consideration by adopting *Item M – Signs on Vehicles* from the Revised Zoning Ordinance Matrix dated December 21, 2009. Seconded by Councilor Pantelakos.

Planning Director Taintor advised the City Council that this section of the ordinance was not to prohibit a business from having a sign on the side of their vehicle.

On a unanimous roll call 9-0, voted to amend the ordinance under consideration by adopting *Item M – Signs on Vehicles* from the Revised Zoning Ordinance Matrix dated December 21, 2009.

City Attorney Sullivan informed the City Council that they have taken the ordinance and made a series of amendments by the matrix and produced an amended ordinance that is before the Council presently for a vote.

Councilor Novelline Clayburgh moved to pass second reading of Chapter 10 – Zoning Ordinance and Zoning Map as amended, by deleting the existing Chapter 10 in its entirety and replacing it with the proposed new Chapter 10 in the form which passed first reading on November 16, 2009, as amended by the Council to date. Seconded by Councilor Smith.

Mayor Ferrini passed the gavel to Assistant Mayor Blalock.

Mayor Ferrini said the rewriting of the zoning ordinance was a significant issue. He said he appreciates the hard work of the Planning Department, City Manager Bohenko, Deputy City Manager Hayden and the Planning Board.

Assistant Mayor Blalock returned the gavel to Mayor Ferrini.

On a unanimous roll call 9-0, voted to pass second reading of Chapter 10 – Zoning Ordinance and Zoning Map as amended, by deleting the existing Chapter 10 in its entirety and replacing it with the proposed new Chapter 10 in the form which passed first reading on November 16, 2009, as amended by the Council to date.

City Attorney Sullivan reported because this City Council would not have another opportunity to address this ordinance before the end of the term he would suggest suspending the rules in order to take up third and final reading of the ordinance this evening.

Councilor Pantelakos moved to suspend the rules to allow third and final reading. Seconded by Assistant Mayor Blalock and voted.

Councilor Pantelakos moved to pass third and final reading of Chapter 10 - Zoning Ordinance and Zoning Map as amended, by deleting the existing Chapter 10 in its entirety and replacing it with the proposed new Chapter 10 in the form which passed first reading on November 16, 2009, as amended by the Council to date. Seconded by Councilor Dwyer.

Councilor Smith said it is rare that the Council suspends the rules to take up third and final reading of an ordinance and the reason that it is being done this evening is due to the timing.

Assistant Mayor Blalock said it is appropriate to move third and final reading this evening. He said that this has been the most discussed item of the City Council. He also spoke to the lengthy public hearing process held by the Council. Assistant Mayor Blalock said that this has been a really thought out process and it is important from a planning standpoint that we adopt the new zoning ordinance.

Motion passed.

- B. Second reading of Ordinance amending Chapter 11, Article VIII, Section 11.801 to Reduce the Threshold for Site Plan Review of multi-family residential units from five (5) to three (3) Units (***Postponed from the December 15, 2009 City Council meeting***)

Assistant Mayor Blalock moved to pass second reading of the amendment to Chapter 11, Article VIII, Section 11.801 to reduce the Threshold for Site Plan Review of multi-family residential units from five (5) to three (3) units and make other ministerial changes. Seconded by Councilor Kennedy and voted.

Councilor Pantelakos moved to suspend the rules to allow third and final reading. Seconded by Councilor Dwyer and voted.

Councilor Dwyer moved to pass third and final reading of Chapter 11, Article VIII, Section 11.801 to reduce the threshold for Site Plan Review of multi-family residential units from five (5) to three (3) Units and make other ministerial changes. Seconded by Councilor Pantelakos and voted.

- C. Second reading of Ordinance amending Chapter 11, Article VI – Comprehensive Plan Information by deleting it in its entirety and inserting in its place a new Article VI – Referrals to Planning Board (***Postponed from the December 15, 2009 City Council meeting***)

Assistant Mayor Blalock moved pass second reading of Chapter 11, Article VI – Comprehensive Plan Information by deleting it in its entirety and inserting in its place a new Article VI – Referrals to Planning Board. Seconded by Councilor Smith and voted.

Councilor Pantelakos moved to suspend the rules to allow third and final reading. Seconded by Assistant Mayor Blalock and voted.

Councilor Smith moved to pass third and final reading of Chapter 11, Article VI – Comprehensive Plan Information by deleting it in its entirety and inserting in its place a new Article VI – Referrals to Planning Board. Seconded by Assistant Mayor Blalock and voted.

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Richard Wagner, AIDS Response Seacoast, requesting permission to hold the 14th Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 16, 2010 from 10:00 a.m. – 5:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Pawn Nitichan and Megyn McClure, City Year, requesting permission to hold the 7th Annual “Martin Luther King Day March of Justice” on Monday, January 18, 2010 in downtown Portsmouth (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Susanne Delaney, Portsmouth Criterium, requesting permission to hold the Portsmouth Criterium on Sunday, September 19, 2010 (***Anticipated action – move to refer to the City Manager with power***)
- D. Acceptance of Donations for Art-Speak
- Betty LaBranche Real Estate - \$25.00
 - Sandy Domina - \$25.00
 - Mary Ann List - \$50.00
 - Stephen & Karin Barndollar - \$75.00
 - Jeff Hyland & Donna Jensen - \$75.00
 - Sarah MacDuffie & Blair Hundtermark - \$100.00
 - Peter & Lee Vandermark - \$100.00
 - Olde Port Properties - \$200.00
- (***Anticipated action – move to accept and approve the donations to Art-Speak for operations, as presented***)

- E. Letter from Cynthia Yates-Rybezyk, Alzheimer's Association, requesting permission to hold the annual Memory Walk and use South Mill Pond Playground on Saturday, September 11, 2010 (***Anticipated action – move to refer to the City Manager with power***)
- F. Letter from Doug Bates, Greater Portsmouth Chamber of Commerce on behalf of The Portsmouth Community Road Race Series (PCRRS) requesting permission to hold the following events:
- Harbour Trail 5k Road Race & Children's Fun Run on Saturday, July 10, 2010 at 9:00 a.m.
 - CelebratePink 5k Road Race & Walk on Saturday, October 9, 2010 at 9:00 a.m.
 - Healthy Kids Day 5k Road Race on Saturday, April 17, 2010 at 10:00 a.m.
 - Portsmouth Rotary Club Thunder Chicken 5k Road Race on Thursday, August 5, 2010 at 6:00 p.m.
- (***Anticipated action – move to refer to the City Manager with power***)

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

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from M. Christine Dwyer and Dexter Legg, JBC Co-Chairpersons, requesting the City Council designate the Wentworth School property as the replacement site for Alumni Field as part of the Portsmouth Middle School Project

Councilor Novelline Clayburgh moved to authorize to designate the Wentworth School property as the replacement site for Alumni Field as part of the Portsmouth Middle School Project. Seconded by Assistant Mayor Blalock.

Assistant Mayor Blalock and Councilor Hejtmanek spoke in favor of the motion.

Councilor Smith asked where the funds will come from for the removal of the building. City Manager Bohenko said full costs will be borne by the middle school project and costs would include demolition. He advised the City Council that he may come back to them because we may be able to place a recreational field to the left of the building. Councilor Smith asked if this should be referred to the Recreation Board for review. City Manager Bohenko said he would recommend referring this matter to the Recreation Board for review.

Councilor Novelline Clayburgh asked if the neighborhood has been notified. City Manager Bohenko informed the City Council that this will go through the land use process.

Mayor Ferrini passed the gavel to Assistant Mayor Blalock.

Mayor Ferrini said he would like the City Council to be mindful of the park created in the back of the Library in memory of Connie Bean. He said it is also important that the Joint Building Committee also be mindful of this matter as well.

Assistant Mayor Blalock returned the gavel to Mayor Ferrini.

Mayor Ferrini suggested that an inventory be taken of any items that have been donated or created in memory of someone in the area of the middle school that could be affected by the project.

Motion passed.

- B. Letter from Mary Griffin, Griffin Family Corporation, regarding Gift of land in the Hodgdon Brook watershed to the City of Portsmouth

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

- C. Letter from David Choate, III, Grubb & Ellis Coldstream Real Estate Advisors, Inc., representing John Cronin property located at 56 Lois Street requesting to discuss the subdivision and possible sale of approximately 3.24 acres to the City for conservation purposes

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Proposed Tentative Agreement between the Portsmouth Board of Police Commissioners and the Portsmouth Police Civilian Employees Association

City Manager Bohenko said the tentative agreement with the Police Commission and Portsmouth Police Civilian Employees Association has been provided. He said the City Council has three options this evening and they are as follows:

- Approve the proposed Agreement.
- Reject the Agreement and send it back to the Police Commission.
- Table the Agreement to be reviewed and acted on by the new City Council.

Councilor Kennedy moved to approve the proposed Agreement. Seconded by Councilor Smith.

Councilor Kennedy said she feels that the civilians did a great job and reduced their overtime which was a concern and request of the City Council.

On a unanimous roll call 9-0, voted to approve the proposed Agreement.

2. Proposed Tentative Agreement between the Portsmouth Board of Police Commissioners and the Portsmouth Police Ranking Officers' Union

Councilor Smith moved to approve the proposed Agreement. Seconded by Assistant Mayor Blalock.

Councilor Smith said in the spirit of the contract presented this is almost the same as the civilians. The elimination of overtime was for secretaries with the exception of IT and Dispatcher personnel who are driving the overtime costs and that is why he will support this contract.

Assistant Mayor Blalock said he supports the contract and wants to allow Chief Ferland to move on with business in the department. He said discussions have been held for some time and it is important for police officers to have a contract to work under.

Councilor Pantelakos also spoke in support of the contract and feels it is time to move on.

Councilor Dwyer said she would oppose the motion and the Council has the overall affect and costs for the budget with the contracts. She said the amount of increases means that a substantial number of layoffs will need to be made by the Police Department. She does not feel she can put the Police Chief in that position at this time as a result of the increases.

Councilor Novelline Clayburgh said she would support the contract because the Police Chief and Police Commission can administer their budget. It is the function of the department and she has great faith in Chief Ferland. She also spoke to some ordinance changes that could be made to provide more funds to the department. Councilor Novelline Clayburgh spoke to the huge amount of retirement costs that the State is dumping on municipalities. She said that negotiations have been going on for 18 months and we need to move forward.

Councilor Hejtmanek said he would vote against the motion. He said the estimated increase in costs with the contract would be approximately \$2.5 million. He said we need to do something today because we will need to layoff 20-25 officer over the next 3 years if this contract passes.

Councilor Kennedy said she would vote opposed to the motion. She feels to vote for the contract would set the Police Department up for major layoffs.

Councilor Spear said he shares the frustration of the public with the process used for contracts. He also said that this contract does not meet the goals of the Council relative to overtime.

Councilor Pantelakos said she feels that we are micromanaging the budget. She said it is up to the Police Department to create their budget and the economy will get worse before it gets better.

Councilor Smith said the Police Department is giving up 8 hours of their training and will not be paid for negotiation sessions with this contract. He said retirement costs have nothing to do with the contract. Councilor Smith said a number of hours for the overtime are coming from officers having to sit in court.

Councilor Dwyer said a year from now when Chief Ferland has to prepare the budget he would need to make cuts up to 20%.

Mayor Ferrini passed the gavel to Assistant Mayor Blalock.

Mayor Ferrini said it is a sad reality of the economy and the financial concerns of residents must be considered by the City Council whether or not to pass this contract.

Assistant Mayor Blalock returned the gavel to Mayor Ferrini.

On a roll call vote 4-5, motion to approve the proposed Agreement ***failed*** to pass. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Smith and Pantelakos voted in favor. Councilors Dwyer, Kennedy, Spear, Hejtmanek and Mayor Ferrini voted opposed.

3. Proposed Tentative Agreement between the Portsmouth Board of Police Commissioners and the Portsmouth Police Patrolman's Union, NEPBA Local #11

Councilor Pantelakos moved to approve the proposed Agreement. Seconded by Assistant Mayor Blalock.

Councilor Pantelakos said we are going to have financial problems in the City and it could get better or worse but these contracts should be accepted to find creative ways to creating budgets.

Assistant Mayor Blalock said that this contract is as equally important as the previous contract. The items in the contract allow for officers to earn a living wage and stay in the community. He said he has complete faith in Chief Ferland and the Police Commission to present a budget that will be required by the Council.

Councilor Smith said as reasons stated before he supports this contract. He said it would cost the City more with future negotiations than to approve the contract before the Council this evening.

On a roll call vote 4-5, motion to approve the proposed Agreement ***failed*** to pass. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Smith and Pantelakos voted in favor. Councilors Dwyer, Kennedy, Spear, Hejtmanek and Mayor Ferrini voted opposed.

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

City Manager Bohenko said that the Creek Athletic Club is seeking a one year extension of their lease.

Councilor Pantelakos moved to extend the Lease for 2010 with an annual lease payment of \$2,046.00. Seconded by Assistant Mayor Blalock.

Councilor Dwyer asked about repairs and upkeep to the building and asked if the funding would be placed in the Capital Improvement Plan.

City Manager Bohenko said if the lease is passed he would discuss a longer term lease for the future.

Councilor Novelline Clayburgh thanked the Creek Athletic Club for the upkeep of the building and there efforts are admirable.

Motion passed.

5. Public Art Acquisition Policy

City Manager Bohenko said there have been changes made to the policy as requested by the City Council at the last meeting. He spoke to the language clarification.

Councilor Kennedy asked if this includes Prescott Park and if a piece of art is decommissioned, where it would go. City Manager said the Library has an inventory and the items would be kept.

Assistant Mayor Blalock moved to suspend the rules to allow Jane James to speak with the Council. Seconded by Councilor Novelline Clayburgh and voted.

Jane said this was to create a broad policy and Prescott Park was not considered because it has a Board of Trustees.

Mayor Ferrini said we have policies that would need to be adopted in the new year and this would be a new policy. He said this policy would come back with the new City Council.

City Manager Bohenko said Prescott Park is not a separate entity and the policy would apply to Prescott Park.

Assistant Mayor Blalock moved to approve the Public Art Acquisition Policy, as revised. Seconded by Councilor Smith.

Assistant Mayor Blalock said Trustees of the Trust Fund are active and we would solicit input from them if we were considering placing art in Prescott Park.

Motion passed.

City Manager Bohenko announced that First Night events will start at 3:00 p.m. and go through midnight.

City Manager Bohenko told Councilor Pantelakos it has been a privilege to work with her over the last 10 years. He said that she has been a great resource and has provided him with guidance.

City Manager Bohenko thanked Assistant Mayor Blalock for working with him over the last 2 years and his guidance with putting the agendas together has been valuable. He said it has been wonderful working with him.

B. MAYOR FERRINI

1. *Reports

Mayor Ferrini said it has been a privilege to work with the City Council over the last 2 years and thanked everyone for their hard work.

C. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the December 12, 2009 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the December 12, 2009 Traffic & Safety Committee meeting. Seconded by Councilor Pantelakos and voted. Councilor Kennedy voted opposed.

2. Parking Committee Action Sheet and Minutes of the December 12, 2009 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the December 12, 2009 Traffic & Safety Committee meeting. Seconded by Councilor Pantelakos.

Councilor Smith reported that the Vendors Ordinance will be coming to the City Council for approval and thanked Assistant Mayor Blalock for his work on this as Chair of the Committee. He said it is a good ordinance and looking forward to a review by the City Council.

Councilor Dwyer said she is surprised with the terms of the ordinance and she would like the ordinance to come to the City Council in the near future.

Mayor Ferrini said he would seek to have the ordinance on a future agenda in a timely manner.

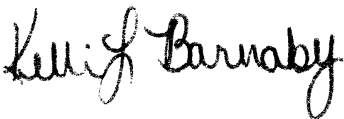
Motion passed with Councilor Kennedy voting opposed.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Pantelakos reported that the County budget went up 4% and asked that the City Council express their concerns at the County's upcoming public hearing.

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

At 9:15 p.m., Assistant Mayor Blalock moved to adjourn. Seconded by Councilor Pantelakos and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive style and is positioned to the left of a vertical line.

Kelli L. Barnaby, CMC/CNHMC
City Clerk