

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, MARCH 20, 2006

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

At 5:30 p.m. – an Anticipated Non-Meeting with Counsel was held regarding Negotiations and Litigation.

At 6:00 p.m., the City Council held a Work Session regarding the Overtime Audit Interim Report from Matrix Consulting.

### **I. CALL TO ORDER**

Mayor Marchand called the meeting to order at 6:55 p.m.

### **II. ROLL CALL**

Present: Mayor Marchand, Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Raynolds, Pantelakos, Whitehouse, Smith and Hynes

### **III. INVOCATION**

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

### **IV. PLEDGE OF ALLEGIANCE**

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

### **V. ACCEPTANCE OF MINUTES – MARCH 6, 2006**

Councilor Whitehouse moved to approve and accept the minutes of the March 6, 2006 City Council meeting. Seconded by Councilor Grasso and voted.

### **VI. PUBLIC COMMENT SESSION**

Chris Mayeux spoke regarding concerns with the HarborCorp project for the expansion of the Sheraton Hotel and the construction of a parking facility. She said that she feels that HarborCorp is trying to circumvent the process. She expressed the need for public dialogue on this matter.

Harold Ecker spoke regarding the increase in costs for construction and opposed the construction of a parking facility for the Sheraton project.

Martin Cameron requested the opportunity to speak under the Public Comment Session of the meeting regarding the budget because he arrived to the meeting after the sign up sheet was removed. The City Council agreed to allow Mr. Cameron the ability to make his remarks.

Martin Cameron spoke regarding the budget and fixed costs. He expressed concern regarding an increase in taxes and taxpayers ability to pay. He said that taxpayers fixed costs are increasing as well and the City Council needs to take that into consideration when adopting the budget.

## **VII. PUBLIC HEARINGS**

### **A. CAPITAL IMPROVEMENT PLAN (CIP) FY2007-2012**

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

City Manager Bohenko reported that the Planning Board approved the Capital Improvement Plan on January 19, 2006. City Manager Bohenko requested that various staff members provided a PowerPoint presentation outlining the projects contained in the Capital Improvement Plan for FY2007-2012.

Robert Lister, Superintendent of Schools, advised the City Council that the Portsmouth Middle School Feasibility Committee is ready to release their findings to the City Council. He requested that the City Council meet with the School Board to discuss this matter further. He also requested the establishment of a Joint Building Committee to plan for the future of the students at the Portsmouth Middle School. He commended the students and teachers for their work at the Portsmouth Middle School.

John O'Leary, Chair of the New Library Building Committee, advised the City Council that the Committee is moving forward with the construction of the new library. He spoke in favor of the funding request for \$350,000.00 in the CIP for furnishings and equipment for the new library and urged the support of the City Council.

Eric Spear spoke to the establishment of a Joint Building Committee regarding the Portsmouth Middle School. He said it is short sighted to focus on sixth through eighth grade and suggested looking at kindergarten through eighth grade. He said it is important to look at the entire picture and not just one piece.

Bill St. Laurent spoke opposed to the CIP increasing to \$1,500,000.00. He urged the City Council to control spending and that the CIP be capped at \$1,000,000.00.

Tom Johnson spoke on behalf of his father Thomas Johnson who was unable to attend this evening. He said that his father is in favor of the cooling tower sound upgrades at the Municipal Complex. He spoke to a petition that was prepared by the neighborhood and sent to the Public Works Department, City Manager and the Environmental Planner. He advised the City Council that the noise level has increased every year and that this has become a nuisance. He encouraged the City Council to approve the funding request.

Carl Diemer requested that the City Council keep funding for the Portsmouth Middle School as outlined in the CIP. He said further delays could cause a loss in State funding and urged the City Council to maintain the schedule as outlined in the CIP.

Harold Ecker expressed concern with the number of teachers per student in the school system. He said there is a need to run departments as a business.

Hugh Jencks, Peirce Island Committee, requested the continued support of the City Council for improvements to Peirce Island. He said that Peirce Island is a jewel in the City, which needs to be preserved.

Bill St. Laurent asked if water and sewer rates would increase. City Manager Bohenko spoke regarding the debt service schedule and the Madbury Water Plant improvements. He also advised Mr. St. Laurent that we are unsure of the cost for the construction of a new wastewater treatment facility.

Nancy Clayburgh, School Board member, spoke in support of the funding and schedule as outlined in the CIP for the Portsmouth Middle School. She requested that the City Council meet in a work session with the School Board to discuss the Portsmouth Middle School and the findings of the Feasibility Study Committee.

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

City Manager Bohenko advised the City Council that action on the CIP would take place at the April 3, 2006 City Council meeting.

B. ORDINANCE AMENDING CHAPTER 1, BY THE CREATION OF ARTICLE XVII  
– FUNDING OF PUBLIC ART

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

City Manager Bohenko said that this ordinance was requested by Councilor Dwyer and asked City Attorney Sullivan to review its content and the establishment of a trust.

City Attorney Sullivan reported that this ordinance would create a system where the City would allocate a portion of the expense of public building construction and significant building renovation projects. The funds would be spent on works of art, which shall be available for the benefit of all without additional cost to those persons. He advised the City Council that the funds would be put into a trust that would be administered by the Trustees of the Trust Fund. He said that no less than 90% of the principal amount of public art contribution generated by any particular building project shall be expended on the site of that project. He reported that one percent of the bid price or negotiated contract price for the construction of all new municipal buildings or for the renovation of existing municipal buildings, in which the bid price or negotiated price shall be in excess of \$2,000,000.00 (expressed in terms of actual construction costs exclusive of design and engineering fees), shall be contributed to the Public Art Trust for the purpose of funding public art.

Jane James, Chair of Art-Speak, advised the City Council that art have a historical place in the City. She spoke to the beautiful architect of homes in the City and of those that have been restored. She said that private citizens continue to step up to build, restore, renovate, design sculpt and otherwise make works of art that make Portsmouth the community it is and continues to become. She spoke to the establishment of Art-Speak and their work in the City. She also spoke to the City receiving the Community Spirit Award for 2005 by the Governor. She said that this award acknowledges what others throughout the State recognize about Portsmouth, a vibrant community that supports art. She urged the City Council to support the Ordinance; it will carry on the story for arts building community for generations to come.

George Friese, Art-Speak, read a letter from Elaine Krasker in support of the Ordinance. The letter outlined her work on the Task Force on the Arts created by the State in 1978. The task force was formed by the National Conference of State Legislatures in order to find ways to promote and stimulate the arts in our respective states. One initiative that captured everyone's imagination was a Percent for Art law, which a few states had already introduced. A law passed in New Hampshire providing that one-half of one percent is added to the capital construction cost for art in new buildings or large additions. For almost 30 years, the Percent for Art law has been an unqualified success, beautifying state buildings, fostering artists' creativity, and allowing the State to assume ownership of a varied and valuable collection of art. In the letter she urged the support of the City Council to adopt this Ordinance.

Bill St. Laurent, Portsmouth resident, spoke opposed to the adoption of this Ordinance. He said that this couldn't be done on every City project over \$2,000,000.00. He advised the City Council that the taxpayers should not have to bear the burden of this Ordinance. He asked if taxpayers would have input on what is install in a building for art. He said he supports arts in the City, but is opposed to the Ordinance and its impact on the taxpayers.

Peter Bresciano, Portsmouth resident, expressed his concern with requiring taxpayers to take on this burden and with certain language contained in the Ordinance. He said that taxpayers would be funding this Ordinance and asked that the City Council take that into consideration when voting on this matter. He urged the City Council to revisit the Ordinance and place it on file.

Martin Cameron, Portsmouth resident, spoke opposed to the Ordinance. He expressed concern with the one percent increasing over time. He said that this Ordinance would not benefit all taxpayers. He advised the City Council that costs for construction are increasing by one percent each month and this Ordinance would surely increase the cost of construction.

Peter Bresciano, Portsmouth resident, said that the contractor would not absorb anything, it is the bidder because the one- percent is a set cost. He reiterated that taxpayers should not have to shoulder this burden.

Bill St. Laurent, Portsmouth resident, said that there are many issues with the Ordinance and urged the City Council to consider this before voting on this matter.

Russ Grazier, Art-Speak, said that this is an outgrowth of the cultural plan adopted by the City Council and was identified in the master plan. He said that this is a well thought out plan, which provides access to art by the community in a public building. He said that this is a major role in the quality of life to the community. He said that this is an important Ordinance and urged the City Council to adopt it.

Harold Ecker, Portsmouth resident, said he agrees with the comments made by Mr. Bresciano. He expressed his opposition to the passage of this Ordinance and the impact on the taxpayer.

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

C. ORDINANCE AMENDING CHAPTER 10, ARTICLE II, SECTION 10.202 –  
LOCATION – REZONING PROPERTIES LOCATED OFF BANFIELD ROAD  
AND CONSTITUTION AVENUE FROM OFFICE RESEARCH (OR) TO  
INDUSTRIAL (I)

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

Planning Director Holden advised the City Council that the Planning Board has reviewed the request and recommends the amendment to the Ordinance. He said that the rezoning would make the area consistent with the industrial zoned properties in the area. He advised the City Council that this rezoning would return the area to industrial as it was prior to 1985.

Attorney Bernie Pelech, representing 360 Construction Avenue LLC, spoke in support of the Ordinance to rezone the area. He said that this is not spot zoning and would change the zoning of five lots. He said that the industrial zone is consistent with other properties in the area.

Martin Cameron, Portsmouth resident, expressed concern with what could come forward at a later date from this zoning change. He did indicate that there is a need for industrial zoned areas in the City and that industrial areas add to the tax base.

Harold Ecker, Portsmouth resident, spoke in favor of the Ordinance, but would like the City Council to consider directing the water flow towards the back of the lot not in the front of the property. He did indicate that he feels this zoning change is spot zoning.

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

D. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330, SUB-  
SECTION A – NO PARKING – CHURCH STREET: BOTH SIDES FROM STATE  
STREET TO COURT STREET

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

City Manager Bohenko advised the City Council that this Ordinance was a recommendation of the Traffic & Safety Committee.

Deb Weeks, The Green Monkey, requested that the City Council revisit this issue. She said it was her understanding that there would be no parking from her compressor to the end of the street. She said that there is a shortage of parking in the area and that this area would allow for three parking spaces. She also requested that the City Council review the placement of no parking signs and possibly have them installed on the building.

Keith Malinowski, Portsmouth resident, said that there has never been a problem in the area and there is no need for this Ordinance. He said that there is a shortage of parking spaces in the area and three spaces should be allowed. He also asked that the no parking signs be installed on the building.

George Bell, Portsmouth business owner, said that no parking signs and the proposal are as Traffic Engineer Finnegan presented them. He asked the City Council to consider the placement of dumpsters in the area and allow other business owners to have dumpsters installed.

Bill St. Laurent, Portsmouth resident, spoke opposed to the Ordinance and requested that the City Council create additional parking spaces for the area.

George Bell, Portsmouth business owner, advised the City Council that there are presently two parking spaces designated for the area.

Deb Weeks, The Green Monkey, said that her dumpster and the grease container has always been located in the area and asked the City Council for approval of an agreement to allow for the dumpster and the grease container.

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

Assistant Mayor Ferrini moved to suspend the rules in order to take up Item XII. A.1. – Proposed Contract Extension for Fire Chief Christopher LeClaire. Seconded by Councilor Pantelakos and voted.

Assistant Mayor Ferrini moved to approve the extension of the contract for Fire Chief Christopher LeClaire, as presented. Seconded by Councilor Grasso.

Councilor Whitehouse advised the City Council that he would vote in favor of the contract, but with reservations because of the expiration date for the contract.

Motion passed.

Mayor Marchand passed the gavel to Assistant Mayor Ferrini.

Mayor Marchand moved to suspend the rules in order to take up Item XI. A. – Letter from Jameson French, Market Square Steeple Fund, requesting that the City waive the building permit fee for the restoration project of the North Church Steeple. Seconded by Councilor Grasso and voted.

Mayor Marchand moved to authorize the City Manager to waive this building permit fee in the amount of \$12,000.00. Seconded by Councilor Grasso.

The City Council agreed to allow Phil Pettis to speak on the request. Mr. Pettis advised the City Council that he is representing the Market Square Steeple Fund. He requested the support of the City Council to endorse the project by waiving the building permit fee as requested.

Councilor Grasso spoke in favor of the motion. She said that the North Church Steeple is the logo for the City.

Assistant Mayor Ferrini passed the gavel to Councilor Grasso.

Assistant Mayor Ferrini advised the City Council that he is a member of the Advisory Committee and supports the motion.

Councilor Grasso returned the gavel to Assistant Mayor Ferrini.

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

Assistant Mayor Ferrini returned the gavel to Mayor Marchand.

## **VIII. ACCEPTANCE OF GRANTS/DONATIONS**

### **A. Acceptance of Public Health Network Grant Amendment**

City Manager Bohenko advised the City Council that the grant is for one additional year beginning on July 1, 2006 and continuing through June 30, 2007. He also reported that no local match is required for the grant.

Councilor Pantelakos moved to authorize the City Manager to accept and expend a grant from the New Hampshire Department of Health and Human Services for the purpose of funding a regional public health network. Seconded by Councilor Whitehouse and voted.

### **B. Acceptance of Storm Water Master Plan Grant**

City Manager Bohenko advised the City Council that the Public Works Department applied for and was awarded grant money from the Department of Environmental Services. He said that the grant would be used to update our Storm Water Master Plan.

Councilor Grasso moved to accept and expend funds; enter into a contract with the Department of Environmental Services; and further authorize the City Manager to execute any documents, as part of this project. Seconded by Councilor Pantelakos and voted.

At 9:10 p.m., Mayor Marchand declared a brief recess. Mayor Marchand called the meeting back to order at 9:20 p.m.

## **IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

### **A. First reading of Resolution Amending Elderly Exemption Income Limits**

City Manager Bohenko reported that the City Council requested a review of the income limits for the Elderly Exemption. He advised the City Council that the proposed amendments would increase the single income limit from \$25,000.00 to \$27,000.00 and the married income limit from \$35,000.00 to \$37,000.00. He reported that there were a total of 148 elderly exemptions issued last year with a total exemption amount of \$23,419,600.00 which equates to approximately \$412,000.00 in tax value or 14 cents on the tax rate.

Councilor Whitehouse moved to pass first reading and schedule a public hearing and adoption at the April 3, 2006 City Council meeting. Seconded by Councilor Pantelakos.

Mayor Marchand passed the gavel to Assistant Mayor Ferrini.

Mayor Marchand advised the City Council that he has received a great deal of input on this matter. Individuals he has spoken with are suggesting that the single income limit should be increased to \$30,000.00.

City Manager Bohenko advised the City Council that the CPI could not be included in the Resolution and the City Council would need to amend the Resolution each year. He suggested possibly reviewing the Resolution each January.

Councilor Hynes said he would like a study done on this increase to develop a real benefit to a number of people and how much more it would cost to raise it substantially.

Assistant Mayor Ferrini returned the gavel to Mayor Marchand

Motion passed.

### **B. Second reading of Ordinance amending Chapter 1, by the creation of Article XVII – Funding of Public Art**

Councilor Dwyer moved to pass second reading, as submitted, and hold third and final reading at the April 3, 2006 City Council meeting. Seconded by Councilor Reynolds.

Councilor Whitehouse expressed concern with the \$2,000,000.00 figure. He asked if the 1% would be on the total project. City Attorney Sullivan said 1% of the bid price or negotiated contract price for the construction of all new municipal buildings or for the renovation of existing municipal buildings, in which the bid price or negotiated price shall be in excess of Two Million (\$2,000,000.00) Dollars (expressed in terms of actual construction costs exclusive of design and engineering fees), shall be contributed to the Public Art Trust for the purpose of funding public art.



Councilor Smith expressed concern with art being located in a building, which does not have public access. City Manager Bohenko said that anything without public access could be excluded or locate the art in another location related to the property. He suggested that the ordinance be tabled for additional language.

Councilor Pantelakos said that this is a great idea, but the City Council needs to consider that this would be taxpayers dollars, and do we really need this Ordinance.

Councilor Grasso requested that the percentage be changed from 1% or ½%.

City Attorney Sullivan advised the City Council that he could draft up any suggested amendments to bring back for the next City Council meeting.

Councilor Whitehouse suggested the creation of a cap for the dollar amount. He said that there are many projects coming forward at great expense to the City.

Councilor Grasso moved to table second reading of the Ordinance until the April 3, 2006 City Council meeting. Seconded by Councilor Pantelakos and voted.

The City Council requested that the following amendments be brought back for second reading: (1) the creation of waivers for projects, (2) propose a ½% as opposed to the 1% for the public art commitment, and (3) create a cap for the bid price or negotiated price.

- C. Second reading of Ordinance amending Chapter 10, Article II, Section 10.202 – Location – Rezoning properties located off Banfield Road and Constitution Avenue from Office Research (OR) to Industrial (I)

Councilor Whitehouse moved to pass second reading, as submitted, and hold third and final reading at the April 3, 2006 City Council meeting. Seconded by Councilor Grasso.

Councilor Grasso said that industrial is the appropriate zoning for the properties.

Motion passed.

- D. Second reading of Ordinance amending Chapter 7, Article III, Section 7.330, Sub-section A – No Parking – Church Street: both sides from State Street to Court Street

Councilor Hynes moved to pass second reading, as submitted, and hold third and final reading at the April 3, 2006 City Council meeting.

Councilor Pantelakos said that she would not vote in favor of losing parking spaces.

Councilor Smith spoke opposed to the Ordinance and that the Police Department has indicated that there is not a problem on the street. He said that this Ordinance was created originally for the property owner that requested a “no parking here to corner” sign and the placement of dumpsters. He said that these issues have been resolved. He said that parking is hard to come by and does not support this Ordinance which would eliminate parking.

Councilor Hynes said that safety issues exist on this street because of the parking. He urged the City Council not to open itself up to liability just because there has not been any accidents on this street.

Councilor Whitehouse advised the City Council that he has followed this matter through the Traffic & Safety Committee for the last three months. He spoke opposed to the Ordinance. He said that there are spots for three parking spaces with meters.

Councilor Hynes reported that the Traffic & Safety Committee has voted in favor twice for the creation of this Ordinance.

On a roll call vote 0-7, motion to pass second reading, as submitted, and hold third and final reading at the April 3, 2006 City Council meeting *failed* to pass. Councilors Grasso, Dwyer, Raynolds, Pantelakos, Whitehouse, Smith and Mayor Marchand voted opposed. Assistant Mayor Ferrini and Councilor Hynes abstained from voting.

City Manager Bohenko requested that the Parking Committee formalize the creation of two parking spaces on Church Street in accordance with the pilot program.

Assistant Mayor Ferrini moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Pantelakos and voted.

## **X. CONSENT AGENDA**

City Manager Bohenko advised the City Council that George Hosker has requested the removal of his item under the Consent Agenda. Mr. Hosker has requested that this item be considered at the April 3, 2006 City Council meeting.

Councilor Raynolds requested the removal of Item H. – Letter from George Hosker, Jr. requesting permission to hold a parade on Thursday, May 25, 2006 at 5:45 p.m. to celebrate the early history of Portsmouth in conjunction with the Underbelly Tour from the Consent Agenda. Mr. Hosker has requested that this item is considered at the April 3, 2006 City Council meeting.

Councilor Pantelakos moved to adopt the remainder of the Consent Agenda as presented. Seconded by Assistant Mayor Ferrini and voted.

- A. Approval of Donation for Disposal of Vehicle to Seacoast Emergency Response Team (***Anticipated motion – move to approve the donation of the vehicle to the Seacoast Emergency Response Team as listed***)

- B. Acceptance of Grant from the NH Highway Safety Agency (***Anticipated motion – move to approve and accept the grant to the Portsmouth Police Department as listed***)
- C. Acceptance of Donation to the New Library Building Fund
- Barry and Suzanne Foley - \$1,000.00
- (Anticipated motion – move to approve and accept the donation to the New Library Building Fund as listed)***
- D. Renewal Requests for Sidewalk Obstruction Licenses from the following businesses with no changes from last year
- Cobble Hill – 1 A-frame sign
  - Corks & Curd, LLC – 1 A-frame sign
  - Edible Arrangements – 1 A-frame sign
  - Molly Malones – 1 A-frame sign
  - Online Communications – 1 A-frame sign
  - RiverRun Bookstore – 1 Table and 1 A-frame sign
  - Portsmouth Athenaeum – 1 A-frame sign
  - The Press Room – 1 A-frame sign
- (Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Carol Welsh and Ellen Stockmayer, Pan Mass Challenge, requesting permission to hold a Pan Mass Challenge Kids Ride on Sunday, May 21, 2006 (***Anticipated action – move to refer to the City Manager with power***)
- F. Letter from Tracy Poland, American Diabetes Association, requesting permission to hold the Tour de Cure on Sunday, May 7, 2006 (***Anticipated action – move to refer to the City Manager with power***)
- G. Letter from Tammy Jordan, Sexual Assault Support Services, requesting permission to hold the 14<sup>th</sup> Annual SASS Walk on Sunday, April 30, 2006 (***Anticipated action – move to refer to the City Manager with power***)
- I. Letter from Phelps Dieck and Debra Weeks, The Green Monkey, requesting permission to place one dumpster and one 50 gallon grease drum behind the establishment on Church Street (***Anticipated action – move to refer to the City Manager with power***)
- J. Letter from Samson Tokuno, Sakurabana, requesting permission to place one dumpster on Church Street (***Anticipated action – move to refer to the City Manager with power***)

**XI. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS**

- B. Letter from Peter Narbonne, Portsmouth Historical Society, stating their interest in becoming a central player in discussions and possible implementation of future reuse of the historic library building

Councilor Whitehouse moved to accept and place the letter on file with referral to the committee, if one is established. Seconded by Councilor Grasso and voted.

- C. Letter from Attorney Michael Donahue on behalf of The Housing Partnership requesting a Proposed Amendment to Section 10-1503 of the City's Zoning Ordinance Relating to Residential Planned Unit Developments

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

- D. Letter from Attorney Malcolm McNeill on behalf of HarborCorp LLC (Sheraton) requesting Four (4) Proposed Zoning Amendments

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

- E. Letter from Richard Davis, Seacoast Academy, expressing interest in the South Meeting House and the current Library as possible sites for the school

Councilor Whitehouse moved to accept and place the letter on file with referral to the committee, if one is established. Seconded by Councilor Raynolds and voted.

- F. Letter from George Robinson, Portsmouth Housing Authority, regarding Lafayette School

Councilor Grasso moved to accept and place the letter on file. Seconded by Assistant Mayor Ferrini and voted.

City Manager Bohenko said he would prepare a memorandum to the City Council outlining options available, relative to the Lafayette School.

**XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

2. Conservation Fund Reimbursement to Contingency Fund

City Manager Bohenko advised the City Council that this is a housekeeping item.

Councilor Hynes moved to authorize that \$994.40 be transferred from the Conservation Fund to reimburse the City's Contingency Fund for this expenditure. Seconded by Councilor Pantelakos and voted.

3. Request to Establish Work Session Re: Update on Water/Sewer Rate Study

City Manager Bohenko requested that a Work Session be established for the April 3, 2006 City Council meeting regarding an update on the water/sewer rate study. He said that the Public Performances Work Session would need to be rescheduled for Monday, March 27, 2006 at 6:30 p.m. in the City Council Chambers.

The City Council agreed to hold a work session regarding an Update on the Water/Sewer Rate Study at the April 3, 2006 City Council meeting at 6:00 p.m. in the City Council Chambers.

Councilor Grasso moved to hold a work session regarding Public Performances on Monday, March 27, 2006 at 6:30 p.m. in the City Council Chambers. Seconded by Councilor Pantelakos.

Councilor Whitehouse said that the Public Performances is an important issue however, he would be unable to attend the March 27, 2006 Work Session.

Councilor Raynolds suggested that Councilor Whitehouse put his comments in writing for the City Council to consider at the March 27, 2006 Work Session.

Motion passed.

- City Manager's Informational Item 3 – Children's Day

Councilor Whitehouse announced the sponsors of this years Children's Day: Title Sponsor, Newman Communications, Supporting Sponsors: Bank of America, Flatbread Pizza, G. Willikers, Infinite Imaging, Seacoast Coca Cola and Seacoast Community Church.

**B. MAYOR MARCHAND**

1. Appointments

The City Council considered the appointment of James Horrigan as an alternate to the Conservation Commission. The City Council will vote on this appointment at the April 3, 2006 City Council meeting.

Councilor Smith moved to appoint Anthony Coviello as a regular member to the Planning Board filling John Sullivan's unexpired term until December 31, 2006. Seconded by Councilor Whitehouse and voted.

Councilor Smith moved to appoint Eric Spear to the Traffic & Safety Committee until January 1, 2008, Eric is filling Ralph DiBernardo's expired term. Seconded by Councilor Pantelakos and voted.

Councilor Smith moved to appoint Christina Westfall to the Traffic & Safety Committee until January 1, 2008, Christina is filling Ronald Cypher's expired term. Seconded by Councilor Pantelakos and voted.

Councilor Smith moved to appoint Elias Abelson to the Board of Library Trustees filling Maria Sillari's unexpired term until October 1, 2007. Seconded by Councilor Grasso and voted.

**C. COUNCILOR RAYNOLDS**

1. Report on meeting of Middle School Facilities Committee Meeting
2. National Trust for Historic Preservation Fact Sheet: Renovation vs. Replacement and the Role of a Feasibility Study
3. Motion for Joint Work Session with the School Board and Public Hearing on the future of the Middle School (post-budget passage)

Councilor Raynolds said that there are many questions regarding the renovation versus the replacement of the Middle School. He expressed concern with how the Feasibility Study Committee reached a decision at their recent meeting. He said he does not want the Committee to go back and look at their study from two years ago and put new figures to it. He discussed the presentation held at the recent meeting regarding the replacement and relocation of the Middle School to Jones Avenue. He expressed the need for more timely communication regarding the Middle School. He spoke to a Resolution, which he has drafted relative to the Middle School for consideration by the Council at the April 3, 2006 City Council meeting.

Councilor Whitehouse requested that Councilor Raynolds read into the record the last paragraph of the proposed Resolution. Councilor Raynolds read into the record the following: The Portsmouth City Council hereby resolves that no funds shall be included in the city's Capital Improvement Plan to fund capital renovations to the current Middle School OR the design and construction of a new Middle School in any future year unless and until the School Board conducts a new Middle School Renovation Feasibility Study that fully addresses each of the specific premises of this Resolution and includes early public hearings to gather citizen input regarding all of the dimensions of the Middle School situation and a subsequent process to carefully analyze and consider such input in its deliberations and its ultimate recommendation to the City Council on this important community decision.

Councilor Pantelakos said she appreciates Councilor Raynolds comments, but she does not feel it is in the City Council's purview to consider this Resolution until the Committee makes a presentation to the City Council outlining their proposal.

Assistant Mayor Ferrini stated that he appreciates the hard work of Councilor Raynolds and agrees with the comments made by Councilor Pantelakos. He said the studies of both relocation and renovation must be symmetrical, and they must be equal in intensity. He said the Resolution, as drafted skews it on the side of redevelopment of that property. He said it is a worthy goal, but he does not feel the Resolution itself fits the equal tone. He advised the City Council that he would seek to simplify it greatly and do real full board studies on both sides of the equation and discuss the matter further.

Councilor Dwyer said that she requested funding be placed in the Capital Improvement Plan to look at the reuse of the Middle School. She said that a feasibility study should meet the National Trust for Historic Preservation. She spoke to the need for a legitimate feasibility study.

Councilor Pantelakos said that the Committee has been working on this matter for two years and that the proposed Resolution would tie their hands.

Councilor Raynolds advised the City Council that Team Design does not have any expertise in historical preservation. He reported that Team Design was not selected through an RFP or a RFQ, but brought forward from the High School project.

Councilor Pantelakos said that the City Council should schedule a work session on this issue before a Resolution is considered.

Assistant Mayor Ferrini said that he agrees with Councilor Pantelakos. He said that we do not dictate to the School Board and we need to recognize the Committee's two years of work by allowing them to make a presentation to the City Council. He said that moving forward without a presentation by the Committee is not an equitable and democratic way to proceed.

**D. COUNCILOR PANTELAKOS**

1. Request for drafting of Ordinance regulating Balloons for Auto Dealerships

Councilor Pantelakos moved to refer this matter to the City Attorney to draft an ordinance regulating Balloons for Auto Dealerships. Seconded by Councilor Smith and voted.

There has been no date certain established by the City Council for this ordinance to come back for a first reading.

**E. COUNCILOR SMITH**

1. Traffic & Safety Committee Action Sheet and Minutes of the March 9, 2006 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the March 9, 2006 Traffic & Safety Committee meeting. Seconded by Councilor Whitehouse and voted.

**XIV. ADJOURNMENT**

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



Kelli L. Barnaby, CMC  
City Clerk