

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 18, 2006

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

I. CALL TO ORDER

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

II. ROLL CALL

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

Absent: Councilors Pantelakos and Hynes

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

PROCLAMATION

1. The Chase Home for Children – Salvatore Grasso

Mayor Marchand announced that Proclamation for the Chase Home for Children will be presented at the January 8, 2007 City Council meeting.

PRESENTATIONS

1. Update on Lafayette School Building – Russ Grazier, Jr.

Mr. Grazier provided a status report on Portsmouth Music & Arts Center (PMAC) search for a new building and the review of the Lafayette School building as a potential site for PMAC. He announced after a review of the costs needed to upgrade the Lafayette School building, PMAC has determined that another location would better serve their needs.

Councilor Dwyer asked Mr. Grazier if he would make the information regarding the Lafayette School building obtained by PMAC available to the City. Mr. Grazier advised the City Council that the information has been supplied to the City. City Manager Bohenko said he did not want to release that information until Mr. Grazier was given the opportunity to provide this report back to the City Council. City Manager Bohenko advised the City Council that the documents will be made available to the City Council for their review.

Councilor Whitehouse asked about the structural integrity of the building. Mr. Grazier advised the City Council that the report indicates that the building and foundation are structurally sound.

Councilor Reynolds spoke to the thoroughness of this review. He indicated that it appears that the costs for renovations to the building continue to be an issue for individuals considering rehabilitating the facility.

City Manager Bohenko said that 4 years ago we had a party interested in putting the necessary funds into rehabilitating the building however, due to various concerns of the neighborhood the project did not happen. He advised the City Council that one thing that has not been considered is turning the facility over to a developer for a land lease to preserve the building. The number of units could be minimized to reduce the traffic and parking required. City Manager Bohenko said that the Building Re-use Committee needs to explore this item.

2. Mayor's Blue Ribbon Committee on Building Re-use – Heather Hurtt

Ms. Hurtt provided a progress update to the City Council regarding the Mayor's Blue Ribbon Committee on Building Re-Use. Ms. Hurtt discussed the goals of the committee which are as follows:

- Develop guidelines for city ownership or disposition of property
- Develop public consensus around what public needs warrant use of city owned property at below market rates and gather public input on uses for the six buildings listed below
- Apply the guidelines to the following buildings in the context of public input and recommend re-use or disposition to the City Council:
 - Portsmouth Public Library
 - Lafayette School
 - Rock Street Garage
 - Creek Athletic Club
 - South Meeting House
 - Plains School
- Develop an application/review process and guidelines for non-municipal public uses for city-owned buildings
- Develop building stewardship policies for non-municipal tenants of city-owned buildings

Ms. Hurtt advised the City Council that there are 8 members on the Committee and it is anticipated that the work of the Committee would be completed by May of 2007. She discussed the items that have been completed thus far by the Committee and what remains in progress. She spoke to the work session with the City Council on January 22, 2007 at which time further information would be provided and discussed. She announced that a Public Listening Session regarding the Old Library would be held at the Library Community Meeting Room on January 9, 2007 at 7:00 p.m.

Councilor Dwyer encouraged individuals planning on attending the Listening Session to review the packet of information so they are aware of all the information.

Councilor Reynolds suggested possibly making the items in the report part of an appendix to the Master Plan.

V. ACCEPTANCE OF MINUTES – DECEMBER 4, 2006

Councilor Grasso moved to approve and accept the minutes of the December 4, 2006 City Council meeting. Seconded by Councilor Smith and voted.

VI. PUBLIC COMMENT SESSION

Ralph DiBernardo said that his questions were answered during the presentation this evening therefore he has no comment at this time.

Ray Will said one month ago he spoke on the availability of the City Council packet on the website and City Manager Bohenko indicated that his comments would be posted on the website for the public to review. He said that he reviewed the website prior to the City Council meeting and he was pleased to see that Mr. Bohenko had his comments posted and he thanked the City Manager and staff for providing this information.

Barbara Massar, Pro Portsmouth, thanked the City Council for considering her letter requesting permission to hold Children's Day and Market Square Day in 2007. Ms. Massar also invited the City Council to attend First Night festivities on Sunday, December 31, 2006.

John Bosen said he would withdraw making any comments at this time.

VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 10, ARTICLE XV OF THE ORDINANCES BY THE ADOPTION OF A NEW SECTION 10-1508 ENTITLED RESIDENTIAL DENSITY INCENTIVE PLANNED UNIT DEVELOPMENT (RDI-PUD) ORDINANCE; ADDITION OF DEFINITIONS TO ARTICLE 1, SECTION 10-102A OF THE ZONING ORDINANCE

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

City Manager Bohenko said that a presentation would be made by Planning Director Holden and Planning Consultant Taintor relative to the proposed ordinance.

Planning Director Holden provided an overview of the ordinance. He advised the City Council that during the Master Plan process there was a need indicated for work force housing. He said that the issue was addressed at many levels and was identified in the Master Plan. He spoke to the request from The Housing Partnership that was referred to the Planning Board from the City Council. He reported that the Planning Board has worked on the request and feels they have created a balanced proposal that is not site specific. Planning Director Holden advised the City Council if the proposed ordinance is approved The Housing Partnership could submit an application which would be site specific.

Planning Consultant Taintor said the original proposal was a simple modification to the City Planned Unit Development (PUD) Ordinance. He spoke to the separate PUD provision that was created listing eligible sites. He discussed the conditional use permit which could be granted in the General Residence A and General Residence B Districts only. Mr. Taintor advised the City Council that the permitted density increase was made in a mathematical manner. He said that the required lot must be 1 acre or more however, you could combine lots to make up the 1 acre required but most of the lots are less than 1 acre in size. Mr. Taintor discussed the Residential Density Incentive Computation and said that the preliminary number of bonus dwelling units shall be equal to the number of affordable units multiplied by 1.50. "Affordable units" shall mean dwelling units affordable to, and restricted to occupancy by, households with annual incomes at or below 120 percent of the area median family income, adjusted for household size, as of the date of application. Mr. Taintor also reviewed the conditions of approval.

Mayor Marchand advised individuals that may be participating in the public hearing to limit their comments to this ordinance and not site specific.

Ray Will, Portsmouth resident, said it is a reality that people are being priced out of the City. He said more needs to be done for the middle income individuals. He spoke in favor of the proposed ordinance and said that the PUD deals with the permanency of affordable housing. He discussed expanding this ordinance to other areas of the City but to do so at this time would be premature. Mr. Will expressed his concern to outline that eligibility for long term residents. He urged the City Council to listen to the comments made by residents this evening.

John Sullivan, Portsmouth resident, said he is here to speak to the ordinance. He said that the City Council needs to consider what is affordable housing. He discussed the various buildings in the City and those that are assessed at or under \$170,000.00. He spoke to the need for affordable units to be constructed with the same requirements of other homes built. Mr. Sullivan said it is important that these units remain affordable over time. He asked the City Council to give careful consideration to this ordinance.

Brian Wyatt, Director of The Housing Partnership, thanked the staff for their hard work on this ordinance. He said that The Partnership looks forward to making housing affordable for people. He advised the City Council that the median income is \$72,000.00 a year. He also advised the City Council that a broad range of individuals would be qualified under this ordinance.

Dave Haney, Bank of America, said that the bank continues to see employees living further away from the City because of affordable housing. He spoke to the grants and incentives offered to employees to buy homes in the City. He said an issue of concern remains an individual's availability of capital. He spoke in support of the ordinance and encouraged the City Council to approve the ordinance.

Doug Jones, Ocean National Bank, said he understands the need for work force housing. He said there is a real opportunity to create work force housing in the City and it is important to provide housing for those individuals that work in the City. He spoke in support of the ordinance and said they are open to discussions.

Bruce Crowe, Northeast Credit Union, spoke to their membership and that many of the families they serve fall into the category of moderate to middle income. He said finding adequate housing in the seacoast area for these individuals is a major challenge. He spoke in support of the ordinance and said that higher density makes sense.

Dick Ingram, President of the Greater Portsmouth Chamber of Commerce, said that he supports this ordinance which provides a usable tool for individuals. He spoke to the need for local action for affordable housing and that the City is taking the lead on this matter in the Seacoast. He urged the City Council to move the ordinance forward.

John Bosen, Portsmouth Housing Authority, said that the Portsmouth Housing Authority is in favor of the ordinance and affordable housing and would like to be on record as such.

Shaun Rafferty, Portsmouth resident, said the proposed ordinance is for the oldest and dense sections of the City. He expressed concern as to whether this is in the right area to create work force housing. He questioned who would benefit from the ordinance and asked if the units would house those with a connection to the City or outside individuals. He asked if the City should look for a regional approach with this ordinance. He also asked who would be first in line to qualify for the units and what happens if their income increases, can they remain in the unit. He also addressed the increase in traffic that this may have on the area.

Attorney Doug McDonald, representing the Fusegni family, said that the ordinance has some loose ends and suggested changes to the definition portion of the ordinance. He questioned affordable housing prices and how do you determine rental amounts. He expressed concern with the restrictions on the property. Attorney McDonald asked if anyone has given thought as to what happens if a person exceeds the affordable costs, would they be required to leave the unit. He expressed concerns with F.1., G.1., and I.1. of the ordinance in terms of reference points. He also advised the City Council that he feels there is too much flexibility with the ordinance. He said that there are many individuals in the Atlantic Heights neighborhood that are against this ordinance. He suggested halting the process to fix the areas of concern as outlined this evening.

Delmira Morse, Portsmouth resident, advised the City Council that many residents in the Atlantic Heights neighborhood are opposed to the proposed ordinance.

Christie Hiller, Portsmouth Regional Hospital, spoke in favor of the ordinance and advised the City Council that many individuals have turned down positions at the hospital due to the high costs of rentals and real estate in the City. She said that every year it becomes more difficult to find affordable housing in the City.

David Choate, Portsmouth resident, said he has tried to bring affordable housing in the City since 1983. He said everyone believes in work force housing but people do not want it near them. This project happens when you have sympathetic sellers. He advised the City Council that this ordinance should apply to all zones. He expressed concern with the provision for one acre minimums. He said that one acre parcels do not exist and feels that will present a problem. He also expressed concerns regarding G.1., G.3. I.1., L.3. and M.1. of the ordinance. He urged the City Council to move the ordinance forward to third reading.

Attorney Sharon Somers, Representing The Housing Partnership, thanked the Planning Board and staff for the time devoted to developing this ordinance. She advised the City Council that this ordinance would benefit people in the City. She said that she disagrees with Attorney McDonald that there are loose ends in the ordinance. She reported that many items would be addressed during the site review process. She provided City Clerk Barnaby with a letter from Christopher Davies of Great Bridge Properties in support of the ordinance to be placed on file. She reported that the City has taken steps to be mindful of affordable housing.

Jay Waterman, Evergreen Communities, said that he is interested in development in Southern New Hampshire. He said that the ordinance provides many tools and the City needs to decide if they can absorb the density. He said that well designed projects will work well in the City. He spoke in favor of expanding the ordinance to the entire City.

Tom Frangos, Portsmouth resident, advised the City Council that he is a developer and he feels that the ordinance is good for the City. He said that there is a need for work force housing and there is little chance that any land would be purchased and combined. He said it is important to remember that density means different things in different communities.

Stephanie Skylar, Portsmouth resident, spoke in support of work force housing. She said many people have difficulty renting or purchasing homes because of the high costs. She read a letter from Brian Agnew in support of the ordinance to create more work force housing.

Kim O'Connell, Portsmouth Listens, said that she would support listening circle groups on this matter.

Leo Gagnon, Portsmouth resident, spoke to the difficulty of purchasing a home in the City that is affordable. He said he is in favor of the ordinance and the creation of affordable housing.

Patricia Martine, Portsmouth resident, spoke in support of work force housing. She said she is aware of the statistics of employees to keep jobs in the area. The community needs to address the needs of individuals that want to live in the City. She said the tool required to create this is density. She said she would like her children to have the ability to live in the community. She advised the City Council that everyone needs to work together on this matter and adopt the ordinance.

Laurie Gagnon, Portsmouth resident, spoke in support of work force affordable housing. She said that there is a real need for affordable housing.

David Murray, Portsmouth resident, spoke opposed to the ordinance. He said that the ordinance could be refined. He advised the City Council that working class people need a place to buy a home. He said he is finding it difficult to stay in the City due to the increase in costs. He suggested establishing incentives for working class people.

Wilbur Perkins, Portsmouth resident, advised the City Council that he has been a resident for 81 years and is opposed to the ordinance. He expressed concern with the added traffic with the creation of affordable housing. He said that Atlantic Heights is densely populated now.

Brian Wyatt, said the ordinance has been attached to The Housing Partnership project and that they would consider current residents for the housing selection process.

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

At 9:20 p.m., Mayor Marchand declared a brief recess. At 9:35 p.m., Mayor Marchand called the meeting back to order.

Councilor Grasso moved to suspend the rules in order to take up Item IX. A. - Second reading of Ordinance amending Chapter 10, Article XV of the Ordinances by the Adoption of a New Section 10-1508 entitled Residential Density Incentive Planned Unit Development (RDI-PUD) Ordinance; Addition of Definitions to Article 1, Section 10-102A of the Zoning Ordinance. Seconded by Assistant Mayor Ferrini and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Ordinance amending Chapter 10, Article XV of the Ordinances by the Adoption of a New Section 10-1508 entitled Residential Density Incentive Planned Unit Development (RDI-PUD) Ordinance; Addition of Definitions to Article 1, Section 10-102A of the Zoning Ordinance

Councilor Dwyer moved to pass second reading and schedule a third and final reading on the proposed Residential Density Incentive Planned Unit Development (RDI-PUD) Ordinance at the January 8, 2007 City Council meeting. Seconded by Assistant Mayor Ferrini.

Councilor Reynolds said he feels this is a great ordinance and is the right step to take. He said we have heard many comments this evening and he feels that the City Council should move the ordinance forward. He also said it would be useful to have Portsmouth Listens conduct one or more study circles for broader community discussions.

Councilor Reynolds moved to amend the motion to hold third and final reading at the February 12, 2007 City Council meeting. Seconded by Councilor Whitehouse.

Councilor Dwyer said as a member of the Planning Board she has dealt with this matter for a long time. She said it would be helpful for Portsmouth Listens to warm up the community to affordable and work force housing. She advised the City Council that she does not feel it is appropriate to hold up the ordinance at this time. She spoke to the number of meetings held regarding this ordinance.

Assistant Mayor Ferrini said that he agrees with Councilor Dwyer and that Portsmouth Listens can discuss this in general terms.

Councilor Smith spoke opposed to the amendment. He said to delay this ordinance would send the wrong message.

The amendment failed to pass. Councilor Reynolds voted in a favor. Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Whitehouse, Smith and Mayor Marchand voted opposed.

Councilor Dwyer said the Planning Board would review each instance in which this ordinance would be applied. She asked the City Attorney to speak to the covenants and why specifically the Planning Board's determination was to not specify in great detail some items but rather allow the Legal Department to review the covenants on a case by case basis. City Attorney Sullivan advised the City Council that this was discussed at the Planning Board and on staff levels in great detail. He said the reason is because they believe the best policy to create affordable housing is to allow developers to make proposals and use creativity and allow ideas to be brought forward and reviewed by the Planning Board and the Legal Department. He reported that there are probably countless way that a developer can guarantee that units are affordable and that only people that qualify, live in the units.

Assistant Mayor Ferrini said he would support the ordinance. He feels it is important to distinguish the economical and emotional needs that we have and how it actually plays out in terms of the details of the document. He said that many of the criticisms of the ordinance as offered this evening were right or at least worthy of significant consideration. He advised the City Council that he would support second reading of the ordinance this evening. He reported that he would like to see more of an out sell easement component so there is a better expectation up front. Assistant Mayor Ferrini said he would like the Planning Board to review this for further details and look at other areas that could be established for this zone.

Councilor Smith spoke in favor of the ordinance and said that work force housing is strongly needed. He asked what happens in the resale and feels we need to get something back and would like to see something from the City Attorney for third reading. He also questioned the time frames and asked are they the normal time frames of 99 years or a different set. He also expressed concern to ensure that the affordable units are built to the same standards as the other units and that something is put into the ordinance to protect that.

Councilor Whitehouse asked if this ordinance is voted down would the Atlantic Height project be in jeopardy.

Assistant Mayor Ferrini moved to suspend the rules in order to allow comments from Attorney Somers who is representing The Housing Partnership. Seconded by Councilor Whitehouse and voted.

Attorney Somers advised the City Council if the ordinance is not passed the project would be required to obtain a variance and it would be difficult to obtain. She said if the ordinance is not passed it would be very difficult to move the project forward.

Councilor Reynolds said he would vote for second reading but expressed concern with Section M, which deals with the quality and affordable housing. He advised the City Council that he would like to propose an amendment at third reading to require that the units be built to green standards.

Councilor Whitehouse asked if any City Councilors are concern with the items pointed out by David Choate. Councilor Dwyer said she highlighted the areas of concerns expressed by Mr. Choate. She advised Councilor Whitehouse that the kinds of things Mr. Choate mentioned push it to something other than a pilot program.

Councilor Smith expressed concern that the standards for building the affordable units deal with the exterior and not interior items. City Attorney Sullivan cautioned against any changes this evening. Councilor Dwyer said that she concurs with City Attorney Sullivan.

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

Assistant Mayor Ferrini said many of the concerns expressed can be addressed during the Planning Board review.

City Attorney Sullivan advised the City Council that the only way amendments can be made at third reading is by suspending the rules with a two-thirds vote.

On a unanimous roll call vote 7-0, main motion passed.

VIII. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Police Department Grants and Donations
- Grant from the US Department of Justice for "Operation Streetsweeper" in the amount of \$119,583.00
 - Grant from the Department of Justice Award Program for the replacement of bulletproof vests in the amount of \$3,185.00
 - Donation from Wal-Mart Foundation in the amount of \$1,750.00

Councilor Smith moved to approve and accept the grants to the Portsmouth Police Department as listed. Seconded by Assistant Mayor Ferrini and voted.

- B. Acceptance of a Grant from the New Hampshire Charitable Foundation – Piscataqua Region

Councilor Reynolds moved to authorize the City Manager to accept and expend funding in the amount of \$3,000.00 from the New Hampshire Charitable Foundation – Piscataqua Region to hire an intern to assist the City with the ICLEI milestones listed in the City Manager's Comments dated December 14, 2006. Seconded by Councilor Smith and voted.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donations to the New Library Building Fund
- Eleanor J. Morelli - \$20.00
 - Robert T. Menk & Luce Aubry - \$50.00
 - M. Christina Perri - \$50.00
 - Peter J. & Nancy Loughlin - \$100.00
 - Russell & Barbara R. Vanbilliard - \$100.00
 - Roberta A. Wood - \$200.00

(Anticipated action – move to approve and accept the donations to the New Library Building Fund as listed)

- B. Donation to the Coalition Legal Fund from the Town of Carroll in the amount of \$1,000.00 ***(Anticipated action – move to approve and accept the contribution as listed, to be placed in the Coalition Legal Fund)***
- C. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the 17th Annual Children's Day on Sunday, May 6, 2007 and the 30th Anniversary of Market Square Day on Saturday, June 9, 2007 ***(Anticipated action – move to refer to the City Manager with power)***

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Erik Anderson, Portsmouth Taxpayers Association Sub-Committee on Tax Controls, regarding City of Portsmouth Contract Renewals

Assistant Mayor Ferrini moved to refer to the City Manager for report back. Seconded by Councilor Smith.

Councilor Grasso requested that Mayor Marchand along with the City Manager supply a response to Mr. Anderson and report back to the City Council.

Assistant Mayor Ferrini accepted that as part of the motion and Councilor Smith as part of the second.

Motion passed as follows: Move to refer to the City Manager and Mayor Marchand for a response and report back to the City Council.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

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

City Manager Bohenko advised the City Council that the Creek Athletic Club is requesting an extension to their lease.

Councilor Whitehouse moved to authorize the City Manager to extend the Lease with the Creek Athletic Club for the property at 251 Bartlett Street for a period of April 1, 2007 through March 31, 2008. Seconded by Assistant Mayor Ferrini and voted.

2. Portsmouth Housing Authority Request for Loan

City Manager Bohenko reported that Joseph Couture, Executive Director of the Portsmouth Housing Authority, is requesting a loan in the amount of \$100,000.00 interest free for a period of two years at which time it will be paid back in full. He advised the City Council that the loan is being requested in order to help bridge a budget shortfall that the Housing Authority has as it relates to the Senior Center programs including the transportation component of the program. City Manager Bohenko said that HUD has terminated the use of federal housing funds for non-federal programs due to budget restrictions.

Councilor Whitehouse moved to authorize the City Manager to enter into a loan agreement to lend to the Portsmouth Housing Authority \$100,000.00, as presented by the City Attorney's Office. Seconded by Councilor Grasso.

Assistant Mayor Ferrini moved to suspend the rules in order to allow Judy Bunnell, Director of the Senior Center to speak. Seconded by Councilor Whitehouse and voted.

Judy advised the City Council that this loan will ensure that the many programs offered at the center would continue.

Motion passed.

3. Request to Rescind Unused Borrowing Authorizations

City Manager Bohenko reported because of various reasons, the City does not always use the total borrowing authorization for capital projects.

City Manager Bohenko advised the City Council that unissued loan authorizations remain on the City's books indefinitely until such time that they are borrowed or rescinded. As a part of financial housekeeping, the city should rescind the following unissued bond/loan authorizations:

4. Establish Several Work Sessions

City Manager Bohenko said that he is requesting that the City Council establish the following work sessions:

- Building Re-use Committee Re: Library Re-use on January 22, 2007 at 6:00 p.m., in City Council Chambers prior to the City Council regular meeting.
- Blue Ribbon Committee on Board and Commission Appointments Process (Term Limits) on January 29, 2007 at 6:30 p.m., in City Council Chambers.
- Re-use of Dobles Reserve Center on January 29, 2007 at 7:30 p.m., (immediately following Committee of Boards and Commission work session).

City Manager advised the City Council that the sessions for January 29, 2007 would need to be changed to February 5, 2007 as January 29, 2007 the City Council would be conducting the work session regarding the Capital Improvement Program.

Councilor Dwyer requested that the session regarding the Dobles Reserve Center be held first on February 5, 2007.

Councilor Smith moved to establish the aforementioned work sessions: January 22, 2007 at 6:00 p.m. Re: Building Re-use Committee – Library Re-use; February 5, 2007 at 6:30 p.m. Re: Re-use of Dobles Reserve Center; and 7:00 p.m. Re: Blue Ribbon Committee on Board and Commission Appointment Process (Term Limits). Seconded by Assistant Mayor Ferrini and voted.

5. Request for Approval of Easement to City of Dover

City Manager Bohenko advised the City Council that the City of Dover is requesting an easement over land owned by the City of Portsmouth near the Bellamy Reservoir in Madbury to facilitate the start up of a new well on Dover property.

Assistant Mayor Ferrini moved to authorize the City Manager to grant to the City of Dover a utility easement as described. Seconded by Councilor Grasso and voted.

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

City Manager Bohenko said that this is an extension to the agreement which we have had in place since 1999. He advised the City Council that there are 69 parking spaces.

Councilor Raynolds moved to allow the City Manager to enter into this Agreement with the Masonic Association from January 1, 2007 through December 31, 2007. Councilor Whitehouse abstained from voting. Seconded by Councilor Grasso.

Councilor Smith asked how well the lot is utilized. City Manager Bohenko reported that there is a large utilization of the lot.

Councilor Whitehouse said that there are 25 to 30 vehicles utilizing the lot every day. He also advised the City Council that he would be abstaining from the vote as he is a long time members of the Masonic Lodge.

Motion passed with Councilor Whitehouse abstaining.

7. Request for Acceptance of Borthwick Avenue Sewer Easements

City Manager Bohenko advised the City Council that we are preparing to replace an existing sewer line in the area of Borthwick Avenue. He reported that the Legal Department has approved the form of the easement. The property owners who have granted, or are in the process of granting an easement, are as follows:

Griffin Family Corporation (2 easements) (Map 234 Lots 2 and 3)
HCA Realty Inc. (Map 234, Lot 7 – 4A)
Northern Utilities, Inc. (Map 234, Lot 1)
Public Service Company of NH (Map 234, Lot 2A)
Portsmouth Hospital Office Building Association (Map 234, Lot 2 -2)

Councilor Whitehouse moved to authorize the City Manager to accept easements from the Griffin Family Corporation, HCA Realty, Inc., Northern Utilities, Inc., PSNH and Portsmouth Hospital Office Building Association to facilitate the Borthwick Avenue Sewer project. Seconded by Councilor Smith and voted.

8. Request for Approval of Verizon Pole License Agreement 6AACHH

City Manager Bohenko advised the City Council that the Public Works Department has reviewed the request and recommends approval of this license.

Councilor Smith moved to approve the request from Verizon for pole license agreement 6AACHH, as recommended by the Public Works Department. Seconded by Councilor Grasso and voted.

Informational Items

1. Economic Development Commission WiFi Referral Report

City Manager Bohenko said in response to the City Council referral, the EDC established a subcommittee to investigate the potential benefits and costs of expanding WiFi in the city. It limited its analysis to WiFi expansion for the purposes of adding value to the economic vitality of the city. The EDC has completed its task under the referral and at its December 1, 2006

meeting the EDC voted to submit this report to the City Council. He advised the City Council that the EDC is working with the Chamber of Commerce to find partners to do additional sites for WiFi. He said that we would like to look at 3 sites and it would cost approximately \$35,000.000 with no use of local tax dollars.

City Manager Bohenko reported that the CPI came in at 2% which is the lowest in the last 10 years.

Councilor Smith asked about the Riverwalk. City Attorney Sullivan reported that easement requests were sent to property owners and are due back by January 10, 2007.

B. MAYOR MARCHAND

1. Appointment to be Considered:
 - Appointment of Jody Record – Board of Library Trustees
 - Appointment of Megan Tehan – Board of Library Trustees
 - Appointment of Paige Roberts – Planning Board from Alternate to Regular Member
 - Appointment of Christine Lukacz – Portsmouth Housing Endowment Fund Advisory Board
 - Charles LeMay – Zoning Board of Adjustment Alternate Member
 - Henry Sanders – Zoning Board of Adjustment from Alternate to Regular Member
 - Carol Eaton – Zoning Board of Adjustment from Alternate to Regular Member

The City Council considered the appointment of Jody Record and Megan Tehan to the Board of Library Trustees, the appointment of Paige Roberts from an alternate to a regular member of the Planning Board, the appointment of Christine Lukacz to the Portsmouth Housing Endowment Fund Advisory Board, the appointment of Charles LeMay as an alternate to the Zoning Board of Adjustment, the appointment of Henry Sanders and Carol Eaton from alternates to regular members of the Zoning Board of Adjustment. The City Council will vote on these appointments at the January 8, 2007 City Council meeting.

2. Appointments to be Voted:
 - Appointment of Gary Lowe – Cable Television Communications Commission Alternate Member
 - Reappointment of Jerry J. Hejtmanek – Planning Board
 - Reappointment of Anthony Coviello – Planning Board
 - Reappointment of Alain R. Jousse – Zoning Board of Adjustment
 - Reappointment of Duncan MacCallum – Zoning Board of Adjustment
 - Reappointment of Arthur E. Parrott – Zoning Board of Adjustment

Councilor Whitehouse moved to appoint Gary Lowe as an alternate to the Cable Television and Communications Commission filling the unexpired term of Brian Gregg until April 1, 2007. Seconded by Councilor Smith and voted.

Councilor Smith moved to reappoint Jerry Hejtmanek to the Planning Board until December 31, 2009. Seconded by Councilor Dwyer and voted.

Councilor Dwyer moved to reappoint Anthony Coviello to the Planning Board until December 31, 2009. Seconded by Councilor Grasso and voted.

Councilor Whitehouse moved to reappoint Alain Jousse to the Zoning Board of Adjustment until December 1, 2011. Seconded by Councilor Whitehouse and voted.

Assistant Mayor Ferrini moved to table the reappointment of Duncan MacCallum to the Zoning Board of Adjustment until the January 8, 2007 City Council meeting. Seconded by Councilor Dwyer and voted.

Councilor Smith moved to reappoint Arthur Parrott to the Zoning Board of Adjustment until December 1, 2011. Seconded by Assistant Mayor Ferrini and voted.

C. COUNCILOR RAYNOLDS

1. Article from Los Angeles Times: Global Warming Local Initiatives

Councilor Raynolds advised the City Council that he provided this article for informational purposes. He said that we have joined other communities with our vote for global warming local initiatives.

2. Re: Zoning Ordinance and Affordable Housing

- Article from New York Times Cities - Compete in Hipness Battle to Attract Young
- Seacoast Ventures Vital Statistics – A Look at the Trends for the Year Ahead

Councilor Raynolds advised the City Council that he provided these articles for informational purposes. He spoke to the statistics and how they relate to the community.

XIV. ADJOURNMENT

At 11:15 p.m., Councilor Whitehouse moved to adjourn. Seconded by Councilor Smith and voted.



Kelli L. Barnaby, CMC
City Clerk