

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 7, 2007

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

At 6:00 p.m., The City Council held a work session with the Blue Ribbon Committee on Board and Commission Appointment Process.

I. CALL TO ORDER

Mayor Marchand called the meeting to order at 7:15 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 Pantelakos led in the Pledge of Allegiance to the Flag.

PRESENTATION

1. Building Re-use Committee Final Report – Heather Hurtt

Ms. Hurtt thanked City Manager Bohenko for his support to the Committee and staff members Nancy Carmer, Terry Poulin, and Elaine Boucas for their efforts and work with the Committee. Ms. Hurtt reviewed the final report of the Building Re-use Committee and outlined the recommendations for the six properties reviewed.

Former Public Library

Recommendations:

The City retain long-term ownership.

The City issue a Request for Proposal (RFP) for redevelopment of the property using the ground-lease method of long term control. RFP should illicit public and private re-uses, including partnerships, with an emphasis on solid financial plans. Response time should be 90 days.

Lafayette School

Recommendations:

The City retain long-term ownership.

The City issue a Request for Proposal (RFP) for redevelopment of the property using the ground-lease method of long-term control. RFP should include expectations for retention of the playground and park. Response time should be 60 days.

Rock Street Garage

Recommendations:

The City retain long-term ownership.

The City issue a Request for Proposal (RFP) for redevelopment of the property using the ground-lease method of long-term control. Response time should be 60 days.

Plains School & Creek Athletic Club

Recommendations:

The City requires that before the end of the respective leases, current tenants develop and demonstrate a public benefit as part of their mission.

The City assess property and increase the annual rent from \$1/year to the annual property tax amount; increase would begin at the beginning of the next lease period.

The City applies all lease revenues to property stewardship and to adjacent park in the case of the Creek Athletic Club. This procedure should be reviewed annually.

South Meeting House

Recommendations:

The City investigates further opportunities associated with partnerships with neighborhood groups. For example, The Friends of the South End who has already developed a conceptual proposal for the property. Other groups that would complement the building's use in this neighborhood setting should be considered if they appear.

Councilor Dwyer said that the City Council has voted on the recommendations for the former Public Library and Lafayette School and asked if the City Council should take action relative to the recommendations for the Rock Street Garage, Plains School, Creek Athletic Club and the South Meeting House.

City Manager Bohenko advised the City Council that they could take action relative to the recommendations for the Rock Street Garage, Plains School and Creek Athletic Club; however, more information is needed relative to the South Meeting House.

Councilor Dwyer moved to accept and move forward with the recommendations as outlined from the Building Re-use Committee for the Rock Street Garage, Plains School and the Creek Athletic Club properties. Seconded by Councilor Smith.

Councilor Smith thanked Ms. Hurtt for her work on the Committee and for the thorough report provided to the City Council.

Councilor Pantelakos complimented Ms. Hurtt for her efforts and work on the Committee.

Motion passed.

V. ACCEPTANCE OF MINUTES – APRIL 16, 2007 AND APRIL 18, 2007

Councilor Pantelakos moved to approve and accept the minutes of the April 16, 2007 and April 18, 2007 City Council meetings. Seconded by Councilor Hynes and voted.

VI. PUBLIC COMMENT SESSION

Harold Ecker suggested that Portsmouth Listens be provided with an enlarged map of the Jones Avenue lot to review with regards to the possible relocation of the middle school. He also recommended that all meetings of Portsmouth Listens be held at the middle school with a review of the entire building.

Tom Bolko spoke to the bike race held this weekend and advised the City Council that he was very concerned with the number of bicyclist involved without Police coverage. He said that there needs to be more monitoring of events that take place in the City and the impact that it has on traffic. Mr. Bolko advised the City Council that these bicyclist were not obeying the rules of the road and there could have been a serious accident due to the lack of consideration for safety of all vehicles that use the roadways.

Jon Tinios said that he is proud to be operating his business in the City of Portsmouth. He spoke to his request before the City Council this evening for the reconfiguration of his tables and chairs and the bike rack located in front of his establishment Popovers in Market Square. He advised the City Council that the patrons utilizing the tables and chairs have been moving the seating and tables toward the sunny side of the perimeter closes to Congress Street. He asked the City Council to consider his request for the reconfiguration for pedestrian safety and ease of use for their outside guests.

George Carlisle spoke in favor of the request by Popovers for the reconfiguration of their seating area. He advised the City Council that this is a great business and allows people to enjoy the downtown. Mr. Carlisle informed the City Council the new businesses located at 18 Congress Street have changed the walking habits of people. He said that this request and business creates a public benefit and urged the approval by the City Council.

Peter Bresciano thanked the City and Public Works Department for the Hazardous Waste Day that was held this weekend at the Public Works Facility. He spoke relative to the grant funding request regarding Art Speak before the City Council this evening and said it should not be approved until Art Speak has submitted their annual report to the City.

Mayor Marchand advised Mr. Bresciano that Art Speak will be submitting their annual report to the City in June.

Russ Grazier advised the City Council that Art Speak will be submitting their annual report to the City Council in June. He spoke in support of the proposal for the grant and said he would be willing to provide additional information when the City Council takes this item up later in the agenda.

Mark Allinson spoke opposed to the rezoning of Lafayette Road. He advised the City Council that this is a City wide problem as land becomes more scarce, people will come forward to request the rezoning of their property. Mr. Allinson said he feels if this rezoning request is granted the City Council would be setting precedence and supporting spot zoning. He urged residents to come forward and speak during the public hearing relative to this rezoning request at the May 21, 2007 City Council meeting.

Nancy Beach informed the City Council that she was a Portsmouth Listens participant during the Master Plan. The Master Plan included many of the recommendations of Portsmouth Listens and one of those was to consider the rezoning of this property. She spoke in support of the rezoning proposal and urged the City Council to look at the big picture when considering this request. Ms. Beach said that this is a City wide issue and if this rezoning is passed it would improve the area and encourage sustainable use. She advised the City Council that she does not consider this spot zoning and it would create additional jobs and tax revenue.

Brian Vawter spoke in support of the rezoning proposal and advised the City Council that Smutty Nose has been a great benefit to the City. He urged the City Council to support the ordinance.

Liz Doucette spoke in support of the rezoning request to amend the ordinance. She said that the DeMoulas mall has changed the face of the Lafayette Road area of the City. She advised the City Council that the Smutty Nose proposal is beautiful and would be sustainable. She asked the City Council to approve the rezoning.

Tim Stone spoke in support of the rezoning ordinance and advised the City Council that he has followed the process of the zoning change for amendment and they are well thought out and in accordance with the Master Plan. He asked the City Council to thoughtfully consider the recommendation of the Planning Board.

Tim Allison spoke in support of the rezoning ordinance and echoes other comments made this evening. He advised the City Council that the rezoning request meets with the Master Plan and is sustainable. Mr. Allison said he feels that the City Council should encourage the development of this parcel.

Councilor Grasso asked that during the public hearing on this matter that Mayor Marchand remind individuals need to speak to the rezoning issue and the land, not who could own the property. Mayor Marchand said he appreciates the comments of Councilor Grasso.

VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 10, ARTICLE II, SECTION 10-208 – USES IN BUSINESS DISTRICTS – TABLE 4 AND CHAPTER 10, ARTICLE II, SECTION 10-209 – USES IN INDUSTRIAL DISTRICTS – TABLE 5 REGARDING THE REGULATION OF AMUSEMENT PARKS/OUTDOOR RECREATION IN THE INDUSTRIAL & GENERAL BUSINESS DISTRICTS RESPECTIVELY

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

Planning Director Holden provided an overview of the ordinance and reported on the review by the Planning Board. He reported the review of the Planning Board determined that the ordinance did not need to be so broadly written. The Board concluded that as proposed it would exceed the Council's objective of regulating amusement parks and outdoor recreational uses by including outdoor entertainment.

Harold Ecker, Portsmouth resident, said he is not opposed to the ordinance but said that there needs to be teeth in the ordinance.

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

VIII. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Donation from Wal-Mart Foundation for the Portsmouth Police Explorers - \$1,000.00

Councilor Hynes moved to approve and accept the donation to the Portsmouth Police Department as listed. Seconded by Councilor Pantelakos and voted.

- B. Acceptance of Homeland Security Grant from NH Department of Safety to the Police Department for the purchase of 30 APCO-25 complaint digital/analog portable radios - \$50,550.00

Councilor Grasso moved to approve and accept the grant to the Portsmouth Police Department as listed. Seconded by Councilor Smith and voted.

- C. Acceptance of Highway Safety Grant to the Police Department for "Portsmouth DWI Patrols" - \$3,666.66

Councilor Smith moved to approve and accept the grant to the Portsmouth Police Department as listed. Seconded by Councilor Whitehouse and voted.

- D. Acceptance of New Hampshire Charitable Foundation (NHCF) Grant - \$4,650.00

Councilor Hynes moved to accept the NHCF grant award and authorize the City Manager to oversee its administration. Seconded by Assistant Mayor Ferrini and voted.

- E. Acceptance of Donation to the New Library Building Fund - Stephen L. and Susan S. Tober - \$2,750.00

Councilor Smith moved to approve and accept the donation to the New Library Building Fund as listed. Seconded by Councilor Pantelakos and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 1, Article IX, Section 1.901 – Conflict of Interest by the amendment to Mandatory Financial Disclosure in Article IX, and the addition of a new Section 1.902 – Election Candidate Financial Disclosure

Councilor Pantelakos advised the City Council that the Legislature is considering a law relative to the reporting of campaign finances and asked if the City Council should hold off taking action to see how the State will proceed.

Assistant Mayor Ferrini moved to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the May 21, 2007 City Council meeting. Seconded by Councilor Grasso.

Councilor Pantelakos said that the proposed bill is concise and addresses what a candidate should provide on the City and Town level.

Councilor Smith asked Councilor Pantelakos what the time frame for adopting the bill is on the State level. Councilor Pantelakos advised Councilor Smith that it would be signed into law by June 30, 2007, if adopted.

Councilor Whitehouse said he feels the City Council should move forward with the public hearing on the proposed ordinance and then see what action the State takes.

Mayor Marchand said he agrees, it would allow the City Council to move forward and look at the bill the State proceeds with.

Assistant Mayor Ferrini said the Council should move forward with the ordinance and requested that the City Council receive a copy of the proposed bill in the State and be advised as to the status of the bill for the public hearing.

Councilor Grasso suggested having the public hearing and holding off on a vote until we find out where the State is proceeding.

Councilor Reynolds said he concurs with moving forward and the comments made by other Council members.

Motion passed.

- B. First reading of Ordinance amending Chapter 10, Article I, Section 10-102 Definitions by the addition of Light Industry and Article XV, Section 10-1508 - establishing a Process by which to Consider a Non-residential Planned Unit Development Type Use within an Office Research Zoning District

Councilor Whitehouse moved to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the May 21, 2007 City Council meeting. Seconded by Assistant Mayor Ferrini and voted.

- C. Second reading of Ordinance amending Chapter 10, Article II, Section 10-208 – Uses in Business Districts – Table 4 and Chapter 10, Article II, Section 10-209 – Uses in Industrial Districts – Table 5 regarding the Regulation of Amusement Parks/Outdoor Recreation in the Industrial & General Business Districts Respectively

Assistant Mayor Ferrini moved to pass second reading of the amended ordinance, as submitted and hold third and final reading at the May 21, 2007 City Council meeting. Seconded by Councilor Dwyer.

Planning Director Holden advised the City Council that the ordinance would apply to significant outdoor recreation uses.

Councilor Pantelakos asked if the ordinance would affect a restaurant that put in an activity outdoor play area. Planning Director Holden advised Councilor Pantelakos that outdoor entertainment was not regulated in the ordinance.

Motion passed.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Renewal Request for Sidewalk Obstruction Licenses from the following businesses with no changes from last year
- Helen Marks – 1 A-frame sign
 - Riverrun Bookstore, Inc. – 1 Table and 1 A-frame sign

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

- B. Letter from Mary Carey Foley, Student Council Adviser, thanking the City Council for a successful 2007 Student Government Day ***(Anticipated action – move to accept and place the letter on file)***

- C. Letter from Sister Mary Agnes, St. Charles Children's Home, requesting permission to hold a 5k race on Monday, September 3, 2007 at 9:00 a.m. at the Pease International Tradeport (***Anticipated action – move to refer to the City Manager with power***)

Councilor Grasso moved to adopt the Consent Agenda as presented. Seconded by Councilor Pantelakos and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Scott Bogle, Rockingham Planning Commission, requesting permission to hold the annual Bike/Walk to Work Day free Commuter Breakfast event in Market Square on Friday morning, May 18, 2007 from 7:00 a.m. – 10:00 a.m.

Councilor Raynolds moved to refer to the City Manager with power. Seconded by Councilor Whitehouse.

Councilor Smith expressed concern relative to the comments made by Mr. Bolko during the public comment session regarding police coverage of events in the City. City Manager Bohenko explained the process which is followed for the granting of events. He advised the City Council that we had limited control over that particular event because they were passing through the City. City Manager Bohenko informed the City Council that he would contact Mr. Bolko and speak with him regarding his comments and what he experienced with the event. He also advised the City Council that this was a busy weekend for events in the City and our resources were stretched thin.

Assistant Mayor Ferrini said he has no doubt that the level of follow up will continue and be significant.

Motion passed.

Assistant Mayor Ferrini moved to suspend the rules in order to take up Item XII. A.4. - Grant Funding Request Re: Art Speak. Seconded by Councilor Raynolds and voted.

XII. A.4. Grant Funding Request Re: Art Speak

Assistant Mayor Ferrini moved to approve the grant request for \$20,000.00 from the City's UDAG funds to partially cover the labor costs for delivery of Art-Speak services. Seconded by Councilor Dwyer.

Councilor Grasso said she would vote opposed because she does not feel these funds should be used for Art Speak.

City Manager Bohenko advised the City Council that Art Speak has been successful in obtaining grants and donations. He informed the City Council that we are finding that grant agencies want to see some commitment from the community. City Manager Bohenko informed the City Council that there is a correlation between arts and economic development.

Councilor Dwyer said that the use of UDAG funds is appropriate for this purpose.

Councilor Raynolds spoke in support of the motion and requested the support of the City Council.

Councilor Grasso said that the City has provided in-kind services to Art Speak and continues to support them, but she is opposed to granting this funding request.

Councilor Pantelakos said she has a hard time with Art Speak being involved in the Fire Fighter Monument. City Manager Bohenko spoke to the make up of the Committee for the Fire Fighter Monument and said Art Speak was invited in to provide expertise with the development of the Request for Proposals.

Councilor Whitehouse said he agrees with Councilor Grasso on this issue. He said Art Speak was supposed to be self supporting and he is not sure if he will support the motion.

City Manager Bohenko said we need to realize an integral part of our economy comes from the arts. He advised the City Council that we would need to add staff if Art Speak did not exist.

On a roll call vote 7-2, motion passed. Assistant Mayor Ferrini, Councilors Dwyer, Raynolds, Whitehouse, Smith, Hynes and Mayor Marchand voted in favor. Councilors Grasso and Pantelakos voted opposed.

- B. Letter from Susan Turner, Rockingham County Community Resource Network, Inc. requesting permission to hold a memorial service for friends who have died and who have suffered homelessness on May 18, 2007 at 10:30 a.m. – 12:00 p.m. at Goodwin Park

Assistant Mayor Ferrini moved to refer to the City Manager with power. Seconded by Councilor Dwyer.

Councilor Whitehouse said that this is the first time a group has gathered at this location. City Manager Bohenko said that there has been one other request for the location in the past. He said that this is a public space and people can assemble.

Councilor Pantelakos inquired as to their previous request for this event at Prescott Park. City Manager Bohenko advised Councilor Pantelakos that they did not hold the event at Prescott Park and are now requesting to hold the gathering at Goodwin Park.

Motion passed.

- C. Letter from Brendan Cooney, Seacoast Local Festival, requesting permission to hold the Second Annual Seacoast Local Festival on Saturday, September 8, 2007 from 1:00 p.m. – 6:30 p.m. and further request the closing of Pleasant Street from State Street to Porter Street for the event

Assistant Mayor Ferrini moved to refer to the City Manager with power. Seconded by Councilor Reynolds.

City Manager Bohenko reported to the City Council that the route for the event will be discussed during a meeting regarding the event.

Motion passed.

- D. Letter from John Tinios, Popovers on the Square, requesting the reconfiguration of sidewalk tables and chairs and bike rack

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

City Manager Bohenko advised the City Council that this request came in late Wednesday, prior to the deadline for submitting materials for the agenda therefore, he would like an opportunity for the staff to review the request and provide a report back to the City Council at the May 21, 2007 City Council meeting.

Councilor Whitehouse complimented the manager of Popovers who ensured that the tables and chairs were not moved by patrons during the events held in the downtown last weekend.

City Manager Bohenko said it is important to remember that this is a public sidewalk.

Motion passed.

- E. Letter from Dick Samuels, Water Country, requesting permission to hold a City Employee's Day on Saturday, June 16, 2007 from 1:30 p.m. to 6:00 p.m.

Councilor Whitehouse moved to refer to the City Manager with power. Seconded by Councilor Pantelakos and voted.

- F. Letter from Carl Diemer, President, Portsmouth Babe Ruth League, requesting permission to install temporary signage at Leary Field for the 2007 baseball season (Not on Agenda)

Councilor Pantelakos moved to allow the Portsmouth Babe Ruth League to install signage in accordance with the authorization of the City Manager. Seconded by Councilor Whitehouse.

Councilor Grasso asked if the signs would face the inside of the field. City Manager Bohenko said that is correct.

Motion passed.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request to Establish Joint Work Session with the City Council and School Board
Re: Study Circles

City Manager Bohenko advised the City Council that this is a request of Portsmouth Listens to meet with the City Council and School Board on Monday, June 18, 2007 to report back regarding the Middle School Study Circles, which would entail the City Council rescheduling its regular June 18, 2007 City Council meeting to June 25, 2007.

Assistant Mayor Ferrini moved to establish this Joint Work Session on Monday, June 18, 2007 at 6:30 p.m. and reschedule its regular meeting to June 25, 2007. Seconded by Councilor Grasso and voted.

2. Request to Establish City Council Final Budget Review Work Session and Cancel Special City Council Meeting

City Manager Bohenko informed the City Council that this is another scheduling issue. He reported that the City Council needs to establish May 15, 2007 as the Final Budget Review Work Session and cancel the City Council meeting of May 29, 2007 because the City Council will adopt the budget at a Special City Council meeting on May 22, 2007. He also advised the City Council that the City Council will be meeting in a regular session on May 21, 2007 and may be able to adopt the budget at that meeting, if they choose. He said after the Final Budget Review Work Session on May 15, 2007 the City Council will be ready to act on the budget and can make a decision to adopt the budget on May 21, 2007 or May 22, 2007.

Mayor Marchand said his personal opinion is to adopt the budget at the May 21, 2007 regular City Council meeting.

Councilor Whitehouse said he would like to keep the May 29, 2007 meeting on the books at this time.

Councilor Dwyer said the Council should keep the May 22, 2007 date and cancel the May 29, 2007 meeting.

Assistant Mayor Ferrini and Councilor Raynolds said they agree with Councilor Dwyer.

Assistant Mayor Ferrini moved to establish a Final Budget Review Work Session meeting on Tuesday, May 15, 2007 and cancel the May 29, 2007 City Council Special meeting, and further, leave the option of holding a meeting to adopt the budget on May 22, 2007. Seconded by Councilor Smith.

The City Council agreed to advise City Manager Bohenko at the May 15, 2007 Final Budget Review Work Session if they will adopt the budget at the May 21, 2007 or May 22, 2007 meeting.

Motion passed.

3. Planning Board Report Back Re: Perry Silverstein of 10 Commercial Alley Seeking an Easement from the City to Allow for a Foundation and Building Overhangs to Extend Over and Above a Public Right-of-Way

City Manager Bohenko advised the City Council that this matter was referred to the Planning Board for report back in March. He spoke to the report back from the Planning Board and outlined the recommendations as follows:

- Copper gutters and their attachment;
- Window granite heads and sills;
- Exterior lighting fixtures;
- Marquis cornice and drip edge;
- Window trim and sill around the display windows; and,
- Foundation footing

Assistant Mayor Ferrini moved to approve the recommendation of the Planning Board to grant an easement to allow for the following:

- Copper gutters and their attachment;
- Window granite heads and sills;
- Exterior lighting fixtures;
- Marquis cornice and drip edge;
- Window trim and sill around the display windows; and,
- Foundation footing

Seconded by Councilor Pantelakos and voted.

5. Acceptance of Right of Entry and Quitclaim Deed from K.S.C. LLC, 141 Congress Street

City Manager Bohenko said Assistant City Attorney Woodland has advised that it is necessary for the City to obtain a Right of Entry as well as a Quitclaim Deed from K.S.C. LLC with respect to sidewalk work that is being performed on Congress Street. K.S.C. LLC is the owner of the property located at 141 Congress Street and this property is the location of the Sake Restaurant. Apparently, a portion of the 141 Congress Street building's basement is located under the sidewalk on Congress Street, thus the need for the Right of Entry as reflected in the report to the City Council.

Councilor Whitehouse moved to authorize the City Manager to accept the required Right of Entry and Quitclaim Deed from K.S.C. LLC. Seconded by Councilor Grasso and voted.

6. Doble Army Reserve Center Reuse Plan Options

City Manager Bohenko said as you will recall, the City Council held a public hearing on April 4th regarding the Re-use Plan for the Paul A. Doble Army Reserve Center on Cottage Street. At that time, the City Council asked that he develop Re-use options based on the public input received and the letters of interest submitted by agencies in response to the City's Notice of Interest request. Attached are two Re-use Plan options for the Council's consideration. In order to meet BRAC requirements, the Council needs to select one of the two options at your May 21st City Council meeting. He reported that he would then ask staff to complete the Re-use Plan for submission to the Department of the Army as well as the Homeless Assistance Application component that must be submitted to HUD. The final step prior to submission to the federal agencies will be a City Council public hearing on June 4, 2007 on the re-use plan selected.

Councilor Smith moved to allow the City Manager to bring this back for the May 21, 2007 agenda to vote on the preferred option so that we may establish a public hearing for June 4, 2007. Seconded by Assistant Mayor Ferrini.

Councilor Dwyer said when the City Manager brings the options back at the May 21, 2007 meeting her decision would depend upon whether it is recommended for police or recreational use.

City Manager Bohenko advised Councilor Dwyer that the plan can state for municipal use.

Councilor Dwyer said in terms of use it does not depend on municipal versus housing. She said the proposal for housing is specific to workforce housing at 120% of the median income or below.

Motion passed.

Informational Item 2

- Report Back to Councilor Harold Whitehouse Re: Motorized Scooters and Handicapped Flags

City Attorney Sullivan said that he is aware of the concerns expressed by Councilor Whitehouse regarding this matter. He said there is no law requiring those vehicles being equipped with flag.

Councilor Whitehouse said he would like a motion made to request a report back with a policy or recommendation relative to this issue.

Councilor Reynolds said a safety issue exists and an approach may be to provide outreach and educational information regarding the use of flags.

Councilor Smith moved to authorize the City Attorney to conduct an outreach program regarding this matter and report back to the City Council with further recommendations to address this issue. Seconded by Councilor Grasso.

Councilor Smith said that it is not his intent by making this motion to create any hardship for individuals that use motorized scooters.

Councilor Pantelakos suggested that the City Council consider financing the purchase of these flags.

Motion passed.

B. MAYOR MARCHAND

1. Appointments to be Considered:
 - MaryLiz Geffert – Alternate to Planning Board
 - James Melfi – Citywide Neighborhood Steering Committee

The City Council considered the appointment of MaryLiz Geffert as an Alternate to the Planning Board and reappointment of James Melfi to the Citywide Neighborhood Steering Committee. These appointments will be voted on by the City Council at the May 21, 2007 meeting.

2. Appointment to be Voted:
 - Gary Lowe – Alternate to Cable Television and Communications Commission

Councilor Whitehouse moved to reappoint Gary Lowe as an Alternate to the Cable Television and Communications Commission until April 1, 2009. Seconded by Councilor Smith and voted.

3. *Upcoming Appointment Vacancies for the month of June
 - Historic District Commission – 3 Members and 1 Alternate

Mayor Marchand announced that four individual's terms will be expiring June 1, 2007 from the Historic District Commission. The vacancies will consist of 3 regular members and 1 alternate position. Mayor Marchand urged anyone wishing to apply to submit an application with the City Clerk's office or the Mayor's Office. Also, individuals can download applications from the City's website.

4. Safe Routes to School Appointments
 - Steve Pesci, Public Member
 - Bill Lyons, Public Member

Mayor Marchand said that the City Council adopted a Safe Routes to School Committee and two additional public members are being brought forward for recommended appointment to the Committee.

Councilor Raynolds moved to appoint Steve Pesci and Bill Lyons as public members to the Safe Routes to School Committee. Seconded by Councilor Whitehouse.

Mayor Marchand asked the City Attorney to address if additional appointments may be made by the City Council to the Committee. City Attorney Sullivan informed the City Council that who is appointed is in the hands of the City Council.

Councilor Reynolds said that there has been some confusion with the process of appointments to this Committee. He spoke to the email provided in the City Council packet regarding his request for these two additional individuals being voted on to the Committee. He said that he assumed that Mayor Marchand could make additional appointments and it was his confusion, and said he accepts responsibility. He advised the City Council that these two individuals work professionally in this field and he feels that they would be an asset to the Committee.

Discussion followed regarding the creation of this Committee. Mayor Marchand said if the City Council wants to add members the City Council needs to vote on this matter.

Councilor Pantelakos said that she feels the creation of this Committee came very fast and inquired if there is an end date for the Committee.

Councilor Smith said he would vote against the motion, and it has nothing to do with the two applicants or their experience. He said that the City Council does not have formal applications before them for consideration of these two individuals to be voted. Councilor Smith advised the City Council that this Committee was created from information brought forward to the Traffic & Safety Committee and it is a federal program to establish safe routes to school. He spoke to the creation of a subcommittee relative to this matter by the Traffic & Safety Committee that was out of his boundaries to create. He informed the City Council that a vote would need to be taken to expand the Committee. Councilor Smith further discussed the presentation by the Department of Transportation (DOT) at the Safe Routes to School Committee meeting and said it is the intent of the DOT that this be a school issue. He feels the expansion of further appointments would make the Committee too large. Councilor Smith advised the City Council that the Safe Routes to School Committee discussed the creation of several smaller groups to make presentations and perhaps that would be a better use of these two individuals.

Councilor Pantelakos asked what the creation of this Committee will cost the City. Councilor Smith advised Councilor Pantelakos that the Committee is 100% federally funded with no matching grants.

Councilor Grasso said in light of the background information provided by City Attorney Sullivan and Councilor Smith the City Council needs to decide if they want to expand the membership of the Committee. If the vote is in favor, the City Council should receive more information on these individuals before appointments are made. She also informed the City Council that it is her experience if you have more than 7 or 9 members it is very difficult to work with a Committee.

Mayor Marchand said he agrees that the Council needs to receive information before voting on this matter.

Assistant Mayor Ferrini moved to table the motion to appoint Steve Pesci and Bill Lyons to the Safe Routes to the School Committee. Seconded by Councilor Grasso and voted. Councilor Raynolds voted opposed.

Councilor Raynolds moved to expand the Safe Routes to School Committee by two additional members. Seconded by Councilor Dwyer.

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

Councilor Raynolds said the points made regarding the process and procedure of appointments to this Committee are well taken. He advised the City Council that he was told following the appointment of the Committee that additional appointments could be made. He said if he had known that additional appointments would not be made he would have opposed the appointment of 4 individuals from the Traffic & Safety Committee to serve on the Committee to allow additional appointments of public members.

Councilor Dwyer said that the City Council needs to discuss the process and procedure for appointments to Committees. She also advised the City Council that we need to take advantage of expertise in our Boards and Commissions and into our deliberations.

Councilor Smith said that he would not support the motion to expand the Committee. He advised the City Council when the Committee was created every member was named and reported that there are only 2 members of the Traffic & Safety Committee that serve on this Committee.

Mayor Marchand said the best thing is to take a step back and look at how the Council procedurally makes appointments.

On a roll call vote 1-8, motion to expand the Safe Routes to School Committee by two additional members *failed* to pass. Councilor Raynolds voted in favor. Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Pantelakos, Whitehouse, Smith, Hynes and Mayor Marchand voted opposed.

C. ASSISTANT MAYOR FERRINI

1. Rooming House Ordinance

Assistant Mayor Ferrini advised the City Council that this is a verbal report and requested that the City Attorney come back with a draft ordinance to address the creation of a room housing ordinance.

Assistant Mayor Ferrini moved to authorize the City Attorney to come back with an ordinance addressing safety in our community with respect to activities in the Islington Street area. Seconded by Councilor Grasso and voted.

2. Portsmouth Listens Mailing and Other Expenses - \$3,500.00

Assistant Mayor Ferrini said he serves on the Steering Committee for Portsmouth Listens and advised the City Council that they have incurred expenses in moving the issue forward in a timely manner. He informed the City Council that he is requesting an allocation of \$3,500.00 from the Contingency Fund for mailing expenses as well as the transcription of the Joint School Advisory Committee meeting so the Study Circles can have a document to review in their process.

Assistant Mayor Ferrini moved to authorize the City Manager to expend up to \$3,500.00 from the Contingency Fund for expenses incurred by Portsmouth Listens. Seconded by Councilor Grasso.

Councilor Pantelakos said that this is an expense we should not have to pay for. She said that the Portsmouth Listens Study Circles is supposed to be volunteer work. Councilor Pantelakos asked how many households in Portsmouth received the information sent out by Portsmouth Listens to attend their meeting. Further more, it is her feeling that the decision of what to do with the Portsmouth Middle School is for the City Council and School Board, and not to pay someone else to make the decision.

Councilor Dwyer advised Councilor Pantelakos that the money went to postage.

Assistant Mayor Ferrini said that we are not paying anyone to do anything. He reported that 170 residents want to engage in discussion beyond the 3 public comment sessions. Assistant Mayor Ferrini said he feels it is helpful to receive input from the community on this matter.

Mayor Marchand asked if there was anything granted that could set precedence. City Manager Bohenko reported that the City Council decides how to spend the Contingency Fund. He said it is a policy decision and the Council needs to decide if it has value to the community.

Councilor Hynes said that the Study Circles are very well organized and provide input for the Planning Board and the City Council.

Councilor Whitehouse said the expenditure of these funds is for the reproduction of documents and materials.

On a roll call 8-1, voted to authorize the City Manager to expend up to \$3,500.00 from the Contingency Fund for expenses incurred by Portsmouth Listens. Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Reynolds, Whitehouse, Smith, Hynes and Mayor Marchand voted in favor. Councilor Pantelakos voted opposed.

D. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the April 12, 2007 meeting

Councilor Hynes moved to approve and accept the Traffic & Safety Committee action sheet and minutes of the April 12, 2007 meeting. Seconded by Councilor Grasso and voted.

2. Parking Committee Action Sheet and Minutes of the April 12, 2007 meeting

Councilor Hynes moved to approve and accept the Parking Committee action sheet and minutes of the April 12, 2007 meeting. Seconded by Councilor Whitehouse and voted.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT

At 10:45 p.m., Councilor Hynes moved to adjourn. Seconded by Councilor Pantelakos and voted.



Kelli L. Barnaby, CMC
City Clerk