

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, DECEMBER 17, 2007

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

At 6:00 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding negotiations RSA: 91-A:2, I (b-c).

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

Mayor Marchand called the meeting to order at 7:05 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.

## **PRESENTATIONS**

### **1. Outgoing City Councilors**

Assistant Mayor Ferrini said it is with great regret and fondness that the City Council is saying goodbye to 4 outgoing City Councilors this evening. He spoke to each Councilors leadership and knowledge and value to the City over the years.

City Manager Bohenko said he and the staff would like to present the outgoing City Councilors with a token of our appreciation for their years of service to the City of Portsmouth.

Councilor Hynes thanked the City Council, City Manager and staff for their support and work over the years he has served the City of Portsmouth.

Councilor Whitehouse thanked the City Council, City Manager Bohenko, and the people he has served over the years. He also thanked the constituents for their support over the years and said it has been a pleasure serving the City and its residents.

Councilor Grasso thanked the City Council, City Manager Bohenko, City Attorney Sullivan, City Clerk Barnaby and City staff for their hard work and dedication over the years. She also thanked her family and friends for their support. She said she has enjoyed her time on the City Council and serving the residents of the City of Portsmouth.

Mayor Marchand thanked his family for their support over the years. He said that we are fortunate to have a City Manager, City Attorney and City Clerk that are truly the highest level of professionalism. In addition, he thanked the City Council for their support and encouragement over the years. Mayor Marchand said it is important going forward to remember it is okay to disagree. He said that the new City Council is a diverse and qualified group that will serve the City of Portsmouth well.

## 2. Annual Financial Audit

Scott McIntyre, Melanson Heath & Company, reviewed the highlights of the annual financial audit and its recommendations. He reported that the overall reconciliation was well designed and operating effectively and the financial records are in accordance with financial requirements.

Councilor Dwyer spoke to one recommendation which encourages the City to bring our finances under one central control rather than separate departments. Mr. McIntyre said if the City can have it centralized it is the preferred way rather than having it spread throughout other departments.

City Manager Bohenko said we are cognizant of the internal controls and there are new standards that we are going to take into account with new internal audits. Councilor Dwyer said that we need to move forward at integrating the financial operations.

Councilor Whitehouse spoke to filling the position of internal auditor which has been vacant for a year. Mr. McIntyre said an internal auditor is a necessary function.

## 3. Projected FY08 Police Department Shortfall

Police Commissioner Howe advised the City Council that the Street Sweeper Program Grant we have had for 8 years has been removed from the federal budget. He reported that it appears bleak that the funding for the program would be reinstated. Commissioner Howe informed the City Council that we have two officers under this program at a cost of \$89,000.00. He addressed the importance of the program and that the department will do everything they can to economize to make up the shortfall. He did advise the City Council however, that there may be a need for the department to come back to the City Council requesting an appropriation for the shortfall.

Police Chief Magnant provided a brief outline of narcotic enforcement in the department. He advised the City Council that the program started in 1988 and a task force was created from that. Chief Magnant informed the City Council that the department focuses on the street level crimes and narcotics. He reported that the door is not completely closed on this matter and the department may be able to secure some funding. Chief Magnant informed the City Council that the department is trying to make ends meet. If they require an additional appropriation they will request it in the fourth quarter.

Police Captain Chaplain spoke to the operation of the undercover drug task force that was created through the grant program. She spoke to the importance of the program and its need as drugs have become more available. Captain Chaplain advised the City Council that this program is an investment.

**V. ACCEPTANCE OF MINUTES - NOVEMBER, 8, 2007; NOVEMBER 19, 2007 AND DECEMBER 3, 2007**

Councilor Pantelakos moved to approve and accept the minutes of the November 8, 2007 November 19, 2007 and December 3, 2007 City Council meetings. Seconded by Councilor Grasso and voted.

**VI. PUBLIC COMMENT SESSION**

Harold Ecker said that the reason he ran for Police Commissioner during the Municipal Election was to take votes away from other candidates.

Elena Maltese, The Music Hall, advised the City Council that the Music Hall would like to withdraw their request for an extension of the closure of Chestnut Street.

Gene Fisk, representing The Rockingham House Condo Association, spoke regarding the closure of Chestnut Street and its impact on the residents of The Rockingham. He said that the City Council needs to make a final decision on this matter in a timely matter. Mr. Fisk informed the City Council that the residents were not happy to hear that the Music Hall was requesting an extension of the closure.

Bobby Kessling, City Year, thanked the City Council for their support of the Martin Luther King March for Justice Walk. He reported that this year marks the first Young Heroes Program in the City and the need for active service in the community. He invited the City Council to attend the walk scheduled on Monday, January 21, 2008.

**VII. PUBLIC HEARING**

- A. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO TWELVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$12,500,000.00) FOR THE PURCHASE OF A FEE INTEREST IN A PORTION OF AN UNDERGROUND PARKING FACILITY CONTAINING NOT LESS THAN 325 PUBLIC PARKING SPACES

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

City Manager Bohenko reported that this is the second reading and adoption of the resolution. He advised the City Council that Josh Anderson, Dana Levenson, Judie Belanger and Nancy Carmer will be making presentations and providing an overview of the project.

Josh Anderson, Parade Office LLC, spoke to the economic impact of the project. He said that this project will provide a great gateway to the City and it will be pedestrian friendly. Through the use of Powerpoint he provided various views of the project and spoke to the design of the building. He also addressed the construction schedule and phases of the project. Mr. Anderson spoke to the increase in revenue to the downtown businesses by the creation of this project and the increase in real estate taxes.

Dana Levenson, Economic Development Commission Chair, advised the City Council that the EDC unanimously endorsed the project. He spoke to the creation of new public parking in the Northern Tier and the economic sustainability. In addition, the project promotes future development and redevelopment in the area and preserves the Worth Lot. Mr. Levenson reported that the High Hanover Parking Facility reached capacity 48 times this year and addressed the cost comparisons of the two garages (Worth Lot / Portwalk). The Portwalk project creates 650 spaces of which 325 will be owned and paid for by the City and 325 will be owned and paid for by Parade Office LLC.

Judie Belanger, Finance Director, spoke to the annual payment bond amortization. She advised the City Council with the \$12,500,000.00 over 20 years at a rate of 4.5% the annual payment would be \$960,952.00. Finance Director Belanger reported a conservative estimate of 40% occupancy of the 325 spaces at a rate of \$.75 per hour the City would generate \$854,100.00 in revenue. In addition, the City has estimated revenue from transient parking to be \$178,000.00. She reported that the annual operating expenses to the City for the 650 spaces are estimated to be \$289,250.00. In closing, Finance Director Belanger reported that that parking revenues exceeding expenditures are estimated to be \$1,465,541.00.

Nancy Carmer, Economic Development Program Manager, addressed the development in the Central Business District since 2005. She reported that over 1.3 million square feet of development has been constructed/permitted. The current assessment on new construction has generated \$50 million in valuation and \$815,062.08 in property tax revenue. In closing, she informed the City Council that 284 parking credits have been purchased for a total of \$195,000.00.

Eric Rush, Portsmouth resident, read a letter in support of the project outlining that all necessary approvals have been met and this would have a positive impact on the City. It will create an additional 325 spaces of much needed parking. In addition, a great deal of care and planning has been done in connection with the project and this offers an exciting opportunity for the City.

Harold Ecker, Portsmouth resident, expressed concern with the increase in taxes with this additional bonding request. He said that this is an undemocratic way to move forward and that this issue should be placed on the ballot for the voters to decide.

Steve Scott, Portsmouth resident, spoke in support of the project and adoption of the resolution. He advised the City Council that he is a continual user of the High Hanover Parking Garage and there were many occasions over the summer that the facility reached capacity and he was unable to use the garage. He urged the City Council to adopt the resolution.

Pete Winthrop, Portsmouth resident, said that this is a great City to be a part of and this is a destination community. He spoke to the difficulty in finding parking in the downtown and the need for this project to move forward.

Ed Hayes, Portsmouth resident, spoke in favor of the project and to his service on the EDC. He said that this is a great project for our vibrant downtown which continues to grow.

Bill St. Laurent, Portsmouth resident, representing the Portsmouth Taxpayers Association, said he would support the project only at no cost to the taxpayer. He said he does not feel there are enough figures to move forward with the project. Mr. St. Laurent said he feels as though the City Council is fast tracking this project and that the matter should be moved to the next City Council before a vote is taken. In addition, he said he does not feel the new garage would meet the 40% estimated capacity rate and that there are many questions and not enough answers.

Duncan MacCallum, Portsmouth resident, spoke against the resolution and advised the City Council that he is not opposed to the project on its merits because he does not have a handle on the merits. He feels the project is being rushed through without enough meaningful input from the public. He urged the City Council to table this matter for two or three months to provide reasonable opportunity for the public to review the proposal. Mr. MacCallum spoke opposed to the entanglement of public funds with private funding.

Tom Nies, Portsmouth resident, expressed concern with funding this project. He said that the City Council should take a closer look at the project and cautioned the City Council about not questioning some of the information brought forward this evening. He said that the zoning ordinance is out of date with parking fees and spoke to the capacity being reached at the High Hanover Parking Garage. He indicated that during the presentation it did not indicate how long full capacity was reached at the facility. Mr. Nies said the additional parking would not serve residents, but it would serve businesses. He spoke to the strict time line for the project and said that the City should not be held responsible if the court orders us to withdraw from proceeding with the project.

Art Kerry, Portsmouth resident, spoke in support of the project. He said he is excited with the thought of this project. This is a wise investment for the City and urged the City Council to approve the resolution.

Martin Cameron, Portsmouth resident, spoke to the 40% occupancy rate at the High Hanover Parking Garage and how long it took for the facility to reach capacity. He expressed concern with the concept of the project and said he does not feel this new facility would reach a 40% occupancy rating with it being located outside of the downtown.

John Dussi, owner of the Sports Page, said he has reviewed the project and feels it cannot be complete without the proposed parking garage. He said that the proposal provides better access to the area and additional revenue will be created for downtown businesses and the City with the project. He spoke in support of the project and urged the City Council to support the resolution.

Lenore Weiss Bronson, Portsmouth resident, said she does not see how this project relates to sustainability. She expressed concern with the short time table and said that the public should be made more a part of the process.

Everett Eaton, EDC Vice Chair, said that the facility would increase usage of the downtown and we need to consider this as an investment. He spoke to the importance of providing additional parking for the City.

Peter Loughlin, Portsmouth resident, spoke to the financial analysis provided by the City. He said that this project is smart growth in the downtown and the City should be investing and promoting the project. He said that the City Council should not be made to feel badly for moving forward in this direct manner. Mr. Loughlin said that this is an opportunity that is available to the City and urged the support of the resolution.

Christine Mayuex, Portsmouth resident, said that this is a great deal for the Parade Office LLC. She said that the City Council and EDC continue to make inaccurate statements and the City Council is a rubber stamp for the EDC.

Harold Ecker, Portsmouth resident, said that the taxpayers need numbers before the City Council acts on this matter.

Bill St. Laurent, Portsmouth resident, said that the taxpayers should not have to pay for this parking garage. He feels there are too many questions to approve the resolution this evening and asked the City Council to delay its adoption.

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

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

- A. Acceptance of Donation to the New Library Building Fund
- Gerald F. & Judith A. Giles - \$1,000.00 (*Fulfill pledge*)

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

- B. Acceptance of New Hampshire State Council on the Arts Grant for *Overnight Art!*  
- \$2,500.00

Councilor Hynes moved to accept the \$2,500.00 grant from the New Hampshire State Council of the Arts and authorize the City Manager to administer the grant through Art-Speak in compliance with City requirements. Seconded by Councilor Pantelakos and voted.

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Authorizing a Bond Issue of up to Twelve Million Five Hundred Thousand Dollars (\$12,500,000.00) for the Purchase of a Fee Interest in a Portion of an Underground Parking Facility Containing not less than 325 Public Parking Spaces (***Please note: A Two-Thirds Vote is Required for Passage***)

Councilor Pantelakos moved to adopt the proposed Resolution, as presented. Seconded by Councilor Grasso.

City Manager Bohenko said that a few items need to be clarified. He spoke to a story that appeared in the newspaper stating that this project would increase the tax rate by \$.27 and that is incorrect. He also indicated that we cannot be sure that the capacity rate would meet 40% but we feel that is a very conservative figure and we have \$1.4 million dollars in parking revenues exceeding expenditures. City Manager Bohenko spoke to the importance of parking in the downtown as indicated by the EDC. He also spoke to the creation of a designated parking fund and said that the City would be operating the garage as well as receiving the transient revenue. The EDC is doing there due diligence in the area of parking. In 1999 the Council adopted an ordinance relative to unmet parking fees and the EDC recommended \$5,000.00 per space and it was reduced by the Council to \$500.00 per space

Councilor Smith said the original figure was \$5,000.00 but was modified to \$1,200.00 and the fee it tied to the consumer price index.

Councilor Whitehouse said there were many comments on this project being fast tracked. City Manager Bohenko said that this matter is moving forward quickly but we have been given an opportunity that we need to seize. He said opportunities as this do not happen often. He said that this is a policy decision of the City Council.

Councilor Pantelakos said she is in favor of the resolution and feels the project benefits the City. She said that this project will generate revenue for the City and this is a great opportunity for the City to create underground parking. She said there are many times that she hears people saying they could not locate a parking place in the downtown so they went outside of the City.

Councilor Reynolds spoke in support of the project and the resolution. He spoke to his knowledge of the project while serving on the HDC and the EDC. He said the project has been approved fully with above ground development of 325 spaces. He said it was not until recently that the possibility was realized that we can create an additional 325 spaces. Councilor Reynolds said this is a real opportunity for the City and creates value and much needed parking.

Councilor Dwyer said by the creation of this parking facility an additional 650 spaces will be available. She spoke to the need to increase the rate by twenty five cents.

Councilor Hynes spoke in favor of the project and said that this will encourage business growth. Councilor Grasso said that the City needs the parking spaces and parking is a nutrient for businesses to stay viable.

Assistant Mayor Ferrini spoke in support of the resolution and the need for additional parking. He said that municipalities cannot have favorable tax rates if you do not invest in the infrastructure.

Councilor Smith said as Chair of the Parking Committee he receives comments on the expansion of cars parking in neighborhoods. He said that he is a downtown business owner and spoke to the letter on the agenda this evening and discussed that his wife signed the letter in support of the project.

Councilor Whitehouse said he agrees with Councilor Grasso that a thriving downtown is important. He said that Peter Loughlin was correct in stating that this project is smart growth and that this time of opportunity only presents itself once in a lifetime.

Mayor Marchand said he echoes the positive statements made by the City Council. He said that this proposal will generate revenue and help the taxpayer. He said that sustainability is gained by fewer cars circling the downtown looking for a parking spot and having the parking facility available. He said he supports the resolution and its adoption this evening.

On unanimous roll call 9-0, motion passed.

At 10:20 p.m., Mayor Marchand declared a brief recess. At 10:30 p.m., Mayor Marchand called the meeting back to order.

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

Councilor Smith moved to suspend the rules in order to take up Item XII. A.2. - Request for Approval of Portsmouth Historical Society Old Library Lease Agreement. Seconded by Councilor Pantelakos and voted.

Assistant City Attorney Woodland provided a brief review of this matter outlining the key provisions in her memorandum dated December 12, 2007.

#### Key Provisions of the Three-Year Lease

***Rent:*** *The City will receive no rent during the three year term. The only consideration that the City is receiving under the draft Lease Agreement is: (1) continued use of the basement of the Academy building for library storage purposes and (2) use of the parking lot during the winter months if the City chooses to plow and otherwise maintain the lot during the winter period. PHS presently anticipates use of the old library during the summer months only during this three (3) year period.*



**Payment In Lieu of Taxes:** *Taxes/payments in lieu of taxes will not be assessed during this three-year period provided that PHS and any approved sub lessee meet the test for “charitable” use under State law.*

**Risk for substantial maintenance:** *PHS has committed to making minor repairs and improvements to the building necessary to facilitate its proposed use. PHS cannot, however, commit at the present time to maintaining the building in the event that the building requires some substantial work such as replacement of the roof or replacement of the HVAC system. As such the draft lease provides that PHS is not required to undertake substantial repairs and improvements and may terminate the lease early if a substantial repair is required. The City has the reciprocal right to terminate the lease early if a substantial repair is required but, as a practical matter, it is a right that provides little benefit to the City. In order to preserve the value of the building and meet the requirements under the existing historic preservation easement, the City would likely have to undertake the substantial repair pending reconsideration of a different re-use. In summary, notwithstanding the proposed PHS lease the City could find itself a year from now needing to make substantial and costly repairs to the building.*

**Utilities:** *Due again to a limitation of presently available funds, PHS requested that the City be responsible for maintaining the heat during the winter months (Nov 1- March 31). Steve Parkinson has estimated this cost to be approximately \$16,000.00 for the season. PHS does not foresee using the building during that time and the heat would be kept at the minimum necessary to protect the building. PHS has also requested that the City continue to maintain responsibility for tree trimming.*

**Early Termination:** *PHS has requested the right to terminate the lease early if it appears that its goals outlined in its proposal of May 15, 2007 are not feasible/cannot be met.*

**Renewal Provision:** *PHS seeks a renewal provision which binds the City to a future long-term lease if PHS is able to satisfy funding concerns. PHS asserts that in order to raise funds successfully, the prospect of a long-term lease and a long-term partnership with the City, must be a reality. I have set forth the draft renewal language below:*

*Section 3.3 Renewal Terms: At least six (6) months prior to the expiration of the lease term, PHS shall demonstrate to the City adequate financing, or an ability to obtain adequate financing, for the future phases of the Project as well as an ability to provide operation, maintenance and participation in a capital improvement plan for the Premises. Adequate funding shall include at a minimum \$1,000,000.00 in available funds for the Project. PHS shall also, at a minimum, provide a preliminary capital pro forma showing the detailed sources and uses of funds to implement the Project and maintain the Premises. In the event that PHS is able to demonstrate adequate financing, the City and PHS shall enter into negotiations for a long-term ground lease. Nothing in this section shall require the City to provide the Premises on the same terms and conditions as this Lease Agreement, including but not limited to seeking rent and/or payments in lieu of taxes. Correspondingly, PHS may reevaluate its Project goals as part of long- term lease negotiations.*

Councilor Whitehouse moved to approve the Lease Agreement between the City of Portsmouth and the Portsmouth Historical Society for the old Library and authorize the City Manager to execute the Lease Agreement. Seconded by Councilor Smith.

Councilor Dwyer spoke to a sub-lease. Assistant City Attorney Woodland said that any sub-lease would need to be approved by the City Manager.

City Manager Bohenko said that this relationship will need to be fluid for this to be successful. He said if there was a request for a sub-lease he would bring the matter before the City Council.

Councilor Grasso said in the lease it speaks to the old state house being the façade of the building and stated her opposition to that.

Assistant Mayor Ferrini said he has reviewed the lease and it is an interesting idea but expressed concern with the lease being three-years with a non-profit organization. He suggested that bench marks be in place on how the Historical Society will attain funding and there needs to be a regular reporting mechanism to the City. Assistant City Attorney Woodland said that this proposal is uncharted territory for the City. Councilor Dwyer said bench marks and regular reporting to the City will help with the Historical Society achieving funds.

Councilor Whitehouse said that the information on the use of the building should be provided to David Engel, Chair of Save the Old State House Committee. Assistant City Attorney Woodland said that the information has or will be provided to Mr. Engel and the Committee.

Councilor Smith spoke to providing a mechanism to allow alcohol in the building for fundraising events only. Assistant City Attorney Woodland said the matter would go before the City Manager and the City Liquor Committee for review and consideration.

City Manager Bohenko advised the City Council that he would not sign an agreement without bench marks.

Mr. Candee, Portsmouth Historical Society said that reports would be provided to the City Council on funds raised.

Motion passed with Councilor Grasso voting opposed.

- B. Third and final reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Parking Ordinance (October 1, 2006 – April 30, 2007)
  - 1. Section 7.324: LIMITED PARKING – ONE HOUR
    - A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than one hour at any time between the hours of 8:00 a.m. and 6:00 p.m., Sundays and Holidays not included, on the following streets and locations:

~~9. Public Library: All areas adjacent to and part of the public land contiguous to the Public Library. (See Map #1)~~

2. Section 7.402: AREAS ESTABLISHED, DESIGNATED, AND DESCRIBED

A. Bridge Street Off-Street Parking Area

1. ~~The first five parking spaces along the Bridge Street side of the lot from Islington Street shall be designated and marked "thirty minutes parking only. (See Map #2)~~

A. Wright Avenue Off-Street Parking Area

The following area to be known as the Wright Avenue Off-Street Parking Area is hereby established for off-street parking of motor vehicles:

That piece of land bounded by State Street on the South, the Memorial Bridge Traffic Island on the East, Daniel Street on the North and the Community Center on the West.

All of said area not otherwise designated by the placement of parking meters shall be limited to parking not to exceed 4 2 (four ~~two~~) hours at any one time.

It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked in violation of this Section and said violation may be subject to be removed by towing.

**(See Map #3)**

I. Old Public Library Off-Street Parking Area

All areas adjacent to and part of the public land contiguous to the old Public Library on Islington Street are hereby established for the off-street parking of motor vehicles. All of said area in the Old Public Library off-street parking area is designated as a two-hour parking meter zone. **(See Map #1)**

3. Section 7-A.402: BUS STOPS DESIGNATED

- D. Hanover Street: southerly side of Hanover Street 140 feet east of Fleet Street to a point 285 feet east of Fleet Street ~~from a point located 100 feet west of Market Street to a point 54 feet westerly.~~  
**(See Map #4)**

4. Section 7A.406: HORSE DRAWN CARRIAGES

~~A. There is hereby established an area comprised of one parking space on the westerly side of Pleasant Street adjacent to Congress Street to be marked, "Horse and Carriage Stand, 12 Noon to 12 Midnight". All vehicles parking in that location in contravention of this limitation shall be subject to towing by the City with the costs to be borne by the owner of the vehicle. (See Map #5)~~

5. Section 7A- 408: TAXI STANDS DESIGNATED

The following areas are hereby designated as Taxi stands:

- A. ~~High Street: easterly side, first two parking spaces from Market Square. Pleasant Street: easterly side, first parallel parking space north of State Street. (See Map #6)~~
- B. Market Street:
  - 1. westerly side, second parking space from Market Square.
  - 2. easterly side, first parking space north of Bow Street, from 10:00 p.m. to 6:00 a.m. only. (See Map #7)
- C. Hanover Street: southerly side, first parking space west from the bus stop. (See Map #8)

6. Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED

Unless otherwise designated below, the following locations are established as exclusive "Truck Loading Zones" on Mondays through Saturdays between the hours of 6:00 a.m. and 7 6:00 p.m. During these times only trucks, vans and other commercial delivery vehicles engaged in loading or unloading of product, merchandise or equipment may park. Such vehicles may park at the designated locations for a period not to exceed 30 minutes. Unless otherwise determined by ordinance, at all other times these zones shall be open parking for all vehicles. **(No Map Attached)**

Councilor Grasso moved to pass third and final reading for the proposed changes to Chapter 7 of the Parking Ordinance, as submitted. Seconded by Councilor Smith.

Assistant Mayor Ferrini moved to suspend the rules in order to allow for an amendment of the ordinance. Seconded by Councilor Smith and voted.

Councilor Smith moved to amend the ordinance by removing Item 2.I. – Old Public Library Off-Street Parking Area - All areas adjacent to and part of the public land contiguous to the old Public Library on Islington Street are hereby established for the off-street parking of motor vehicles. All of said area in the Old Public Library off-street parking area is designated as a two-hour parking meter zone. Seconded by Councilor Pantelakos and voted.

Main motion passed as amended.

## **X. CONSENT AGENDA**

### ***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A. Letter from Paul Brogan, AIDS Response Seacoast, requesting permission to hold the 12<sup>th</sup> Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 4, 2008 from 10:00 a.m. – 5:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
  
- B. Acceptance of Donation to the New Library Building Fund
  - Dani M. & Thomas P. Rooney - \$100.00***(Anticipated action – move to approve and accept the donation to the New Library Building Fund as listed)***
  
- C. Letter from Sarah Curtin, American Foundation for Suicide Prevention, requesting permission to hold the 4<sup>th</sup> Annual Out of the Darkness Community Walk on Saturday, September 27, 2008 ***(Anticipated action – move to refer to the City Manager with power)***

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

## **XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Roger and Jacky Brown regarding probable name change for Jenkins Avenue

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

- B. Letters of support for the Portwalk Project
- Brad Halstead and Jennifer Cann, Harbour Hill Condo Association
  - Jay McSharry – Jumpin' Jay's Fish Café
  - Paul Sorli, Chair of Downtown Business Association
  - The Deer Street Merchant's Group – Aerial Sillanpaa and Chrissy Jackson, Chrisrial & Co. Fine Jewelry; Marlen Allen, Stiletto, Shoes; Vincent Colella, Jardiniere Flowers; Terri Beyer, Ashley & Victoria; Delia Kerley, Delia's Boutique; Linda Schuler, Linda Taylor; Ken and Deborah Smith, Maine-ly New Hampshire; Irene Rhodes, La Femme Intimates; and Darlene Fletcher and Lynn Raughtigan, Upscale Nails

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

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

### **A. CITY MANAGER**

1. Request for Approval of Memorandum of Understanding Re: Portwalk

Assistant Mayor Ferrini moved to authorize the City Manager to negotiate and execute a Memorandum of Understanding with Parade Office LLC in substantial conformance with the draft of that agreement presented on the agenda for this meeting. Seconded by Councilor Dwyer and voted.

4. Request for Approval of Pole License Agreements #63-442 & #63-0449

Councilor Pantelakos moved to approve the request from PSNH for Pole License Agreements #63-442 and #63-0449 as recommended by the Public Works Department. Seconded by Assistant Mayor Ferrini and voted.

### **Informational Item**

1. Report Back Re: Wentworth School

City Manager Bohenko said as a result of the December 3<sup>rd</sup> City Council meeting, the City Council requested a report back regarding the Wentworth School. He referred to the memorandum from School Business Administrator Stephen Bartlett, regarding the Wentworth School Budget. The memorandum indicated that there is \$7,864.00 that had been budgeted and still available for the Wentworth School in the FY08 School Department Budget. City Manager Bohenko advised the City Council that he will be requesting that the Superintendent of Schools freeze this line item so that it can be authorized for any potential expenditures for the Wentworth School in the future.

**B. MAYOR MARCHAND**

1. Resignation – Eric Spear from Traffic & Safety Committee, Peirce Committee

Assistant Mayor Ferrini moved to accept with regret the resignation of Eric Spear from the Traffic & Safety Committee and the Peirce Island Committee. Seconded by Councilor Dwyer and voted.

Councilor Smith requested Mayor Marchand send a letter to Mr. Spear thanking him for his service to the City.

2. Resignation – John Golumb from Historic District Commission

Councilor Grasso moved to accept with regret the resignation of John Golumb from the Historic District Commission. Seconded by Assistant Mayor Ferrini and voted.

Councilor Smith requested Mayor Marchand send a letter to Mr. Golumb thanking him for his service to the City.

3. Appointments to be Voted:
  - James Feehley – Reappointment to the Taxi Commission

Councilor Grasso moved to reappoint James Feehley to the Taxi Commission until December 31, 2009. Seconded by Assistant Mayor Ferrini and voted.

- Peter Bresciano – Reappointment to the Taxi Commission

Councilor Whitehouse moved to reappoint Peter Bresciano to the Taxi Commission until December 31, 2009. Seconded by Councilor Pantelakos and voted.

- Brendan Cooney – Appointment to the Traffic & Safety Committee

Councilor Whitehouse moved to table the appointment of Brendan Cooney to the Traffic & Safety Committee. Seconded by Councilor Smith.

Councilor Whitehouse said he has received comments relative to this appointment and feels it should be held over for the next City Council to consider. Councilor Smith said he has also received comments on this appointment.

Councilor Hynes said he disagrees with tabling a person for appointment after their name has been brought forward on the agenda.

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

Councilor Reynolds moved to appoint Brendan Cooney to the Traffic & Safety Committee until January 1, 2010. Seconded by Assistant Mayor Ferrini.

On a unanimous roll call vote 9-0, motion passed. This appointment becomes effective January 1, 2008.

- Norman Patenaude – Appointment as an Alternate to the Planning Board

Councilor Hynes moved to appoint Norman Patenaude as an Alternate to the Planning Board until December 31, 2008. Seconded by Councilor Whitehouse and voted. Mr. Patenaude is filling the unexpired term of Timothy Fortier.

- Thomas Grasso – Appointment as a Regular member to the Zoning Board of Adjustment

Councilor Pantelakos moved to appoint Thomas Grasso as a regular member to the Zoning Board of Adjustment until December 1, 2011. Seconded by Assistant Mayor Ferrini and voted. Mr. Grasso is filling the unexpired term of Henry Sanders.

- Robin Rousseau – Appointment as an Alternate to the Zoning Board of Adjustment

Councilor Grasso moved to appoint Robin Rousseau as an Alternate to the Zoning Board of Adjustment until December 1, 2008. Seconded by Assistant Mayor Ferrini and voted. Ms. Rousseau is filling the unexpired term of Thomas Grasso who was appointed as a regular member.

- Elena Maltese – Appointment as a Regular member to the Historic District Commission

Councilor Dwyer moved to appoint Elena Maltese as a regular member to the Historic District Commission until June 1, 2009. Seconded by Councilor Pantelakos and voted. Ms. Maltese is filling the unexpired term of John Golumb. This appointment becomes effective January 1, 2008.

- George Melchior – Appointment as a Alternate to the Historic District Commission

Councilor Whitehouse moved to appoint George Melchior as an Alternate to the Historic District Commission until June 1, 2009. Seconded by Councilor Dywer and voted. Mr. Melchior is filling the unexpired term of Elena Maltese who was appointed as a regular member. This appointment becomes effective January 1, 2008.



4. \*Reports

Mayor Marchand said this has been an amazing experience and wished the new City Council well.

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

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

Kelli L. Barnaby, CMC/CNHMC  
City Clerk