

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 3, 2008

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

At 6:30 p.m., An Anticipated “Non-Meeting” with counsel was held regarding Negotiations – RSA: 91-A:2, I (b-c).

I. CALL TO ORDER

Mayor Ferrini called the meeting to order at 7:05 p.m.

II. ROLL CALL

Present: Mayor Ferrini, Assistant Mayor Blalock, Councilors Novelline Clayburgh, Dwyer, Smith, Kennedy, Spear, Raynolds and Pantelakos

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

PROCLAMATION

1. Read Across America

Councilor Spear read the Proclamation declaring March as Youth Art Month. Wendell Purrington thanked Mayor Ferrini and the City Council for their continued support and for issuing this Proclamation.

2. Music in our Schools Month

Councilor Smith read the Proclamation declaring March as Music in our Schools Month. Wendell Purrington thanked Mayor Ferrini and the City Council for their continued support and for issuing this Proclamation.

PRESENTATION

1. “Strawbery Banke A Seaport Museum 400 Years in the Making” – Jeff Gilbert, Chair of Board of Trustees and Larry Yerdon, President of Strawbery Banke

Mr. Gilbert, Chair of the Board of Trustees and Larry Yerdon, President of Strawbery Banke presented the City Council with copies of Dennis Robinson’s book entitled “Strawbery Banke A Seaport Museum 400 Years in the Making”.

Mr. Yerdon advised the City Council that it was fifty years ago, October 9, 1958, that Strawberry Banke was incorporated as a preservation organization. Over the fifty years, the museum has preserved and restored more than thirty-five buildings and used those buildings as the backdrop to educate and entertain hundreds of thousands of visitors from across the US and from throughout the world. He thanked author Dennis Robinson for his three years of devotion to researching and writing this book. In closing, he said Strawberry Banke looks forward to continuing the rich legacy of the past, as they work with the City Council and the citizens of Portsmouth to preserve and celebrate our community's past as Strawberry Banke Museum.

V. ACCEPTANCE OF MINUTES – FEBRUARY 11, 2008

Councilor Smith moved to approve and accept the minutes of the February 11, 2008 City Council meeting. Seconded by Councilor Pantelakos and voted.

Councilor Dwyer requested that page 7, second paragraph and second sentence read as follows: *City Manager Bohenko said he could provide the report back however; the "swap shop" program could not begin until we have additional land available.* The words "swap shop" were added to sentence.

VI. PUBLIC COMMENT SESSION

Nicki Noble, Chamber of Commerce, advised the City Council that she is the new Tourism Manager for the Chamber of Commerce. She thanked the Council for their continued support and announced that the Chamber's Tourism Summit will take place on Wednesday, March 12, 2008.

Bob Pollard said that merit should be given to comments made by School Board member Rebecca Emerson regarding the middle school. He urged the City Council to oppose the funding request of the School Board for a Middle School architect in the amount of \$70,500.00.

Bill St. Laurent spoke opposed to the funding request of the School Board for a Middle School architect in the amount of \$70,500.00. He said that the funding should not be approved until a site has been selected for the Middle School.

VII. PUBLIC HEARINGS

A. CAPITAL IMPROVEMENT PLAN (CIP) FY2009-2014

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

City Manager Bohenko said a presentation will be conducted by various staff members outlining the plan and reviewing the projects. He advised the City Council the Capital Improvement Plan was approved by the Planning Board on January 17, 2008 and the general fund appropriation would be \$1,435,500.00. City Manager Bohenko informed the City Council that action on the Capital Improvement Plan will take place at the March 18, 2008 City Council meeting.

Various staff members provided a presentation of the Capital Improvement Plan reviewing the projects and the requests for funding.

Heather Hurtt, Portsmouth resident, spoke regarding the funding request of \$1,000,000.00 for the indoor pool building rehabilitation project. She advised the City Council that the Recreation Department has provided great services to the community, however she believes that there should be a comprehensive study of the City's recreational needs. She recommended removing \$500,000.00 from FY09 for indoor pool building rehabilitation project and \$100,000.00 from the Citywide Facilities' for the Connie Bean Center/Spinnaker Point upgrades. Ms. Hurtt requested approving \$50,000.00 for a cost analysis study of the city's recreational needs for the community. She said that the City's recreational costs are higher than other communities and suggested reviewing the design of our facilities. She also said that the indoor pool is not cost efficient and does not meet the aquatic needs of the community.

Steve Little, Portsmouth resident, spoke in support of Ms. Hurtt's request for a study of the City's recreational needs. He also feels that the aquatic needs of the community are not being met.

Denise Long, Portsmouth resident, spoke to the need for upgrades to the recreational facilities. She discussed the parking restraints that exist at the Connie Bean Center and the major upgrades needed at the Center.

Carol Chellman, Portsmouth resident, spoke regarding the necessary repairs required at the indoor pool. She also feels a comprehensive analysis of the City's recreational facilities is needed. She recommended that if funding is approved for a study that a firm that specializes in urban centers be hired. In closing, she said it is important that we keep our mind open to solutions.

Matthew Sudduth, Portsmouth resident, spoke in support of a comprehensive study for the City's recreational needs. He said funds we spend to enhance physical activity is important.

Kim Kumph, Portsmouth resident, spoke in support of a comprehensive study of all recreational facilities. She informed the City Council that a growing issue of concern for families is that child care service is not provided at city recreation facilities; therefore residents are joining other facilities which offer the service.

Eric Anderson, Association of Portsmouth Taxpayers, thanked the City Council for allowing the public to comment on the Capital Improvement projects. He spoke to the number of questions and observations that were provided to the City Manager from the Association. He asked when funding is appropriated for a line item project does it remain with the project or does it get shifted to something else and outlined various projects where this is a question. He said project total costs fluctuate and change between fiscal years and asked whether the project expands from its origin presentation purpose or scope and outlined various projects where this raises a question.

City Manager Bohenko said that the questions asked by the Association of Portsmouth Taxpayers have been answered by City staff and if the public would like copies they can request them of him. He said when reviewing projects for out years we do the best we can with the number associated for the project and try not to over estimate the costs. City Manager Bohenko said a great deal of time was spent answering the questions posed by the Association and asked that they take the time to review the answers provided.

Bill St. Laurent, Association of Portsmouth Taxpayers, thanked the City Manager for answering the questions provided by the Association regarding the Capital Improvement Plan (CIP). He said that the CIP is a great plan needed for infrastructure improvements and various projects. He expressed concern with the CIP at times being more of a wish list of projects. Mr. St. Laurent requested that the City Council look to reduce the CIP and take into consideration the taxpayers' ability to pay. He spoke opposed to relocating the Police Department from the Municipal Complex. He expressed concern relative to the funding for the African Burial Ground and it being listed as a public private partnership. City Manager Bohenko said that the funding is a goal under the public private partnership. Mr. St. Laurent spoke opposed to the funding request for artificial turf athletic fields and feels it is a royalty item. He recommended that the funding for a television studio be removed from the CIP. In closing, he requested that the City Council consider reducing the CIP to \$1,000,000.00.

Martin Cameron, Portsmouth resident, spoke in support of the new police station feasibility study because it would determine if the station should be relocated. He also said the other projects outlined in the CIP for the existing station would not be funded if the study shows that the station should be relocated. Mr. Cameron said that he feels the McIntyre building would be a great location for a new police station. He said when Fire Station 2 is relocated there needs to be a clause requiring that the former station be sold.

Mark Brighton, Portsmouth resident, spoke opposed to the funding request of \$50,000.00 for design of artificial turf for athletic fields. He said he feels we could re-sod the fields for less money and artificial turf only has a life expectancy of 10 years. Mr. Brighton said that the economics are not here for this request.

Hugh Jencks, Chair of Peirce Island Committee, spoke in support of the CIP and funding for continued improvements at Peirce Island. He said the resources at Peirce Island are unique to the residents and funds will be used for improvements to signage and the boat launch among other things. He said that the Committee is planning to request an increase for non-resident fees for the boat launch and funding for a full time Park Ranger.

John Gregg, Chair of Cable Television and Communications Commission, spoke in support of the request for funding of a television studio in the CIP. He said that the Commission is in the process of negotiating a new franchise agreement with Comcast and part of the negotiation will be to acquire an additional access channel. Mr. Gregg discussed the survey conducted in 2006 of residents where there was an overwhelming response to acquire an educational and public access channel. He said if the channels are acquired there will be a need to construct a television studio.

Martin Cameron, Portsmouth resident, said many of the individuals that spoke at the public hearing regarding the franchise agreement with Comcast for additional access channels were not Portsmouth residents. He said if additional channels are acquired the City Council needs to insure that they are for residents only.

Bill St. Laurent, Association of Portsmouth Taxpayers, asked if the additional bonding of projects would affect our bonding rating. He said that the funding request for a television studio should be removed from the plan.

John Gregg, Chair of Cable Television and Communications Commission, said during the public hearing with Comcast regarding the franchise agreement there were maybe three or four individuals that were not residents of Portsmouth. He said the programming allowed for the access channels would be controlled by a non-profit board.

Eric Anderson, Association of Portsmouth Taxpayers, said the answers provided to the questions of the Association are appreciated. He said that the Association is trying to present solutions to the plan with the recommendation of the reduction or elimination of projects. He spoke opposed to the feasibility study to relocate the police station. He also recommended the removal of funding for the McIntyre Building. He suggested that the funding for the former stump dump be reviewed in light of previous years funding is now at \$75,000.00 for this project. Mr. Anderson also spoke opposed to the funding request for artificial turf for athletic fields. He expressed concern with the number of items in the plan listed as studies with funding requests of \$25,000.00. He advised the City Council that the Association would like them to take a closer look at the line item request for rolling stock to see if we could extend some life on equipment and vehicles thus reducing the general fund request for 2009. He expressed the Associations opposition with funding for the Riverwalk and asked that the City Council review its obligation when accepting federal funding. In closing, he asked that the City Council consider the costs to the taxpayers with the impact in the tax rate for this plan.

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

B. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO ONE MILLION THREE HUNDRED THOUSAND DOLLARS (\$1,300,000.00) FOR THE PURCHASE OF LAND TO RELOCATE FIRE STATION 2

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

Fire Chief LeClaire provided a brief presentation for the proposed Fire Station 2. He addressed the proposed new site located at 3000 Lafayette Road. He said the new site would not affect the response time by the department. He informed the City Council that the new site would provide for more LEED certification possibilities and the site allows for future growth, if needed. He also addressed the issue of the staff to remain at the existing site while the new station is being constructed. Fire Chief LeClaire said that this is a great opportunity for the City and the department and urged the support of the City Council.

Rick Mason, Portsmouth residents, spoke in support of the resolution and said the proposed site will be efficient and he supports the plans for a new site.

Irene Cvetanovich, Portsmouth resident, said that she strongly supports the resolution and urged the City Council to adopt it this evening.

Rick Condon, Portsmouth resident, said that he represents the Firefighters and advised the City Council that they are in support of the resolution. He spoke to the ability to create larger drive-thru bays for the trucks. He informed the City Council in the past trucks have had to be altered in order to fit in the existing station. Mr. Condon said the proposed site is a great location and urged the City Council to support the resolution.

Eric Anderson, Portsmouth resident, said he is not convinced of the costs presented by the Fire Chief. He said if the sale goes forward at 2700 Lafayette Road the funds should be put towards lowering the bond costs associated with the new station at 3000 Lafayette Road. He said by relocating the station to this new proposed site it will increase the costs associated with the construction of the station. Mr. Anderson requested that the taxpayers be made aware of how much the new facility will cost at the new proposed site.

Chris LeClaire, Fire Chief, informed the City Council that the department will work with the surrounding neighborhood of the proposed new site. He said that there may be additional costs associated with constructing the station at the new site, however, they want to do it right.

Bill McQuillen, Portsmouth resident, spoke in support of the resolution and said the new proposed site makes more sense than the existing site. He advised the City Council that the neighborhood impact would be minimal. Mr. McQuillen said the site is a gateway to the City and will welcome visitors here. He also said the costs presented by the Fire Chief are reasonable and not overstated.

Bill St. Laurent, Portsmouth resident, said the station was deemed adequate at the existing site and asked why we need to build the station on a new site. He expressed concern with the new site being located in a residential area. Mr. St. Laurent said it is important that the funds from the sale of the existing site be used to reduce the bond for the new site. He said that the taxpayers need relief and urged the City Council to consider that.

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

- C. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE ELDERLY REAL ESTATE TAX EXEMPTION TO \$31,640.00 FOR SINGLE AND \$39,030.00 FOR MARRIED AND TOTAL ASSETS MAY NOT EXCEED \$105,470.00 WHETHER SINGLE OR MARRIED

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

City Manager Bohenko said that this resolution is brought forward on an annual basis as requested by the City Council.

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

- D. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE DISABLED REAL ESTATE TAX EXEMPTION TO \$31,640.00 FOR SINGLE AND \$39,030.00 FOR MARRIED AND TOTAL ASSETS MAY NOT EXCEED \$105,470.00 WHETHER SINGLE OR MARRIED

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

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

- E. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING – RALEIGH WAY:
- SOUTHERLY SIDE FROM KEARSARGE WAY TO A POINT 65' WESTERLY OF KEARSARGE WAY
 - NORTHERLY SIDE FROM SARATOGA WAY TO A POINT 55' WESTERLY OF SARATOGA WAY

SECTION 7.336 – ONE WAY STREETS – VEHICULAR TRAFFIC SHALL MOVE ONLY IN THE INDICATED DIRECTIONS ON THE FOLLOWING STREETS:

- CONCORD WAY: IN A EASTERLY DIRECTION FROM CRESCENT WAY TO PREBLE WAY
- PORPOISE WAY: IN A WESTERLY DIRECTION FROM SARATOGA WAY TO CRESCENT WAY
- RALEIGH WAY: IN A WESTERLY DIRECTION FROM RANGER WAY TO CRESCENT WAY

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

David Moore, Assistant Community Development Director, briefly reviewed the ordinance and proposed amendments for the Atlantic Heights area.

JoAnn Fryer, P.E. from CLD Consulting Engineers, Inc., spoke regarding the traffic patterns at the Atlantic Heights neighborhood with the proposed ordinance amendments. She reviewed the process followed with the neighborhood and the various meetings held relative to the traffic pattern changes.

Christy Cardoso, Portsmouth resident, advised the City Council that the neighborhood of Atlantic Heights is in support of the ordinance and the proposed traffic pattern changes. She thanked the City staff for their work on this project.

Andre Cardoso, Portsmouth resident, spoke in support of the proposed ordinance. He said that public safety has been an issue with the narrow streets in the area.

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

At 9:35 p.m., Mayor Ferrini declared a brief recess. Mayor Ferrini called the meeting back to order at 9:50 p.m.

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

Councilor Dwyer moved to suspend the rules in order to take up Item XI. D. - Letter from School Board Re: Funding Request for Middle School Architect. Seconded by Councilor Smith and voted.

XI. D. - Letter from School Board Re: Funding Request for Middle School Architect

Dr. Mitchell Shuldman, Chair of School Board, said he is present this evening on behalf of the School Board, School Department, and the children of Portsmouth to ask the City Council to authorize \$70,500.00 for the School Board to hire JCJR Architects to move forward on developing conceptual design alternatives and attaining cost estimates to renovate the Portsmouth Middle School on Parrott Avenue. He sketched out a brief history of how the School Board got to where they are. For many years the community has realized the middle school is in dire need of repairs. Dr. Shuldman said some of the history goes back to before he was a member of the School Board and long before most members of the current School Board were members. He informed the City Council back in October 2003 the Portsmouth School Board authorized the formation of a Building and Facilities Committee to make recommendations regarding new construction, improved construction, and or renovations of the middle school. At the time, this charge included an educational needs assessment and Team Design was hired to conduct the analysis that was delivered to the School Board in June 2004. Dr. Shuldman reported on August 10, 2004 the School Board voted that renovating the middle school was not an option. Renovation on the existing site was ruled out because it was just not feasible to fit the needs of the education program into the current footprint with out expanding onto the adjacent Peirce property. He said at the time there did not seem to be the political and/or interest to bring up the topic and the School Board asked the Facility Committee to continue its work with Team Design to come up with conceptual drawings for a new middle school. Team Design worked with the committee and found an appropriate property at the time, to house a new middle school, was Jones Avenue. He advised the City Council that this was the point that he and other School Board members joined the process. Dr. Shuldman said he recalls attending the first meeting at the middle school and asked about the Peirce property because it didn't seem like that issue had been addressed.

In 2006, Mayor Marchand established a Joint School Advisory Committee (JSAC) to reconsider the question again "should we build new or renovate". He said that the public was leaning towards renovating the current middle school. JSAC asked Team Design to help determine whether it would be feasible to build on the current site if they expanded onto the Peirce land, and the answer was yes. He spoke to the creation of study circles and the involvement of Portsmouth Listens, which was between April and June of 2007. The recommendation was loud and clear; make the Parrott Avenue site work. One of the many things that came out of that process, one that the School Board had not considered was the possibility of not building on the Peirce land but rather build on the adjacent property to the right of the middle school. In June 2007 a letter from the School Board was given to the City Council stating that they were prepared to support Parrott Avenue and asked that the City provide the necessary funds for architectural design alternatives that included all of the potential properties on Parrott Avenue, to the right, left and center.

The City Council authorized the City Manager to work with the superintendent in order to move the process forward. He spoke to the Request for Qualifications that were sent to architectural firms with a proven track record of renovations of similar urban schools. Dr. Shuldman reported that 5 firms were sent an RFP in early November 2007 and were invited for an onsite visit and a walk through the building.

At this point, he and School Board member Ann Walker joined the process. He said the discussions and deliberations lead to the recommendation of the architectural firm JCJR. It is important to keep in mind that the purpose of this phase of the process was to help the School Board make a final site decision. The scope of the work for this phase includes 4 tasks:

- 1) To review the existing education programs so the architectural firms can better understand our program for the middle school in order to design a building for it
- 2) To evaluate existing building and land conditions
- 3) To hold initial public participation events to help achieve schematic design alternatives
- 4) To develop these designs sufficient to come up with conceptual level cost estimates while also outlining the challenges and opportunities for the site.

Dr. Shuldman said it is anticipated at the end of these 4 tasks the School Board will have enough information to allow for the selection of a site, after which the City Council can bond the funds necessary for the project and establish a Joint Building Committee (JBC). He said what impressed him most about JCJR Architects was communication and they have experience in designing and building 25 middle schools and the renovation and reuse of old buildings. He reported that they have a good understanding of the middle school concept along with the challenges of building in an urban area. He informed the City Council that these references were glowing and positive. The references indicated that the firm guided the twists and turns of their project with trust and energy. In addition, JCJR indicated that the original proposed 1,800 square feet was too large in their estimation for the size of the student population. He reported that he does not believe they will build a school for 750 students; the current student population at the middle school has been hovering between 500 and 550. Dr. Shuldman said this is not a feasibility study; it is the logical next step in our goal to renovate the Portsmouth Middle School on Parrott Avenue. He introduced Mr. LaPosta, the principle architect of JCJR and local partner Lisa DeStefano of DeStefano Architects.

Lisa DeStefano spoke to the experience of JCJR and said she believes that JCJR can do what is right for the community and she looks forward to working with them and the City on this project.

Mr. LaPosta thanked the School Board and City Council for the faith they have shown in selecting their firm. He informed the City Council that the firm has been a national leader in school design. He spoke to their experience in middle schools in small urban sites and designing sustainable schools with several being LEED certified. Mr. LaPosta reported that he feels there are multiple design alternatives for Parrott Avenue and they are anxious to meet with the community and leaders to better understand both the site and the needs. He said he feels we have a tremendous opportunity, transformational opportunities at Parrott Avenue in terms of creating a middle school that will truly serve the City of Portsmouth needs for the next 50 years.

Assistant City Attorney Woodland said that we are looking at a Phase 1 of this project which includes design alternatives and the 4 tasks outlined by Dr. Shuldman.

Councilor Spear told Dr. Shuldman that he is encouraged to hear the population figures for the middle school. He said that conflicting numbers were presented regarding the number of students to plan for in the building program during the interview process. He said another question was whether the School Department or the consultant would be responsible for providing enrollment figures; the answer was the School Department. Councilor Spear asked if there is an opportunity to revisit this and maybe use some expertise from the consultant. Dr. Shuldman informed the City Council that he feels the number would be in the middle, between 550 and 750. Councilor Spear asked if the School Board would be willing to use the expertise that consultants might have in the area to come up with a number. Dr. Shuldman responded affirmatively. Councilor Spear spoke to the issue of a traffic study of the area. The City informed the consultants that there is a traffic study on file but it was done before the creation of the new Library. Therefore, Councilor Spear asked if as part of Phase 1 the School Board would revisit that. Assistant City Attorney Woodland responded if the consultants feel we need to look at the traffic data again we can, but that is not anticipated at this time. Ms. DeStefano reported from her experience with traffic studies in the City of Portsmouth there would have been a study conducted for the Library and assumptions made for the approvals through the City for what the Library traffic would be. She reported that they would use those figures as an assumption but in the next phase there would be a need to do another traffic study.

Councilor Dwyer said people have inquired as to why we cannot move forward sooner with a JBC now that we are at the stage of spending money. Assistant City Attorney Woodland said one of the challenges with the Parrott Avenue existing site is that it is relatively speaking small, and until we receive conceptual designs and input from the community of what the design opportunities are with the adjacent properties on Parrott Avenue it is difficult to actually select the site. Councilor Dwyer said that based on those comments the site has a very particular meaning not simply generic. City Attorney Sullivan said the way he has become fond of describing it is this, Parrott Avenue is not a site, it is a street. He said it seems that everyone is moving towards building somewhere on that street but the site on that street is not even close to being selected. He reported that the consultant will design what the site will be so that the School Board can select the site the City Council can provide the money and the middle school can be built.

Councilor Novelline Clayburgh asked Mr. LaPosta in the letter the School Board sent to the City Council last July to support the Parrott Avenue site if the five conditions could be met – supports grades six, seven and eight; meets the education narrative; provides for sufficient athletic fields; and addresses parking, parent drop off, and bus safety. She asked if Mr. LaPosta feels that this site from a preliminary examination would meet the five conditions. Mr. LaPosta informed the City Council that he shared two design options with the selection committee to meet those conditions or a variation of those conditions. Councilor Novelline Clayburgh said that should make people feel more comfortable with the site, knowing that those conditions that the School Board outlined can be accommodated on Parrott Avenue.

Councilor Kennedy asked if Phase 1 included the four tasks outlined by Dr. Shuldman. Dr. Shuldman advised that Phase 1 includes the four tasks as previously outlined. Councilor Kennedy asked what the \$25,000.00 previously spent was for. Dr. Shuldman reported that was for Team Design under JSAC for designs for whether putting the middle school on the current footprint along with the Peirce property. Councilor Kennedy said Team Design said the footprint would fit. Dr. Shuldman responded affirmatively. Councilor Kennedy asked Dr. Lister if he can or cannot receive a study from the Superintendent Association regarding population figures. Dr. Lister responded affirmatively and said that he can also obtain information from the NH School Boards, and they have been in touch with them. He advised the City Council that they are interested in obtaining whatever demographic information they can find. Councilor Kennedy reported that she has done a quick review and came up with a figure of 560 students. She said that the number of students is very important and affects the size of rooms, materials, number of teachers and the number of custodians. Dr. Lister reported that they are interested in working with JCJR and Lisa DeStefano as experts to get some of that information as well. He said it is all about working together as a team and letting the people that have the expertise do the work. Councilor Kennedy said there should be general logistics given by him and the School Board to the design team. Councilor Kennedy expressed concern with JCJR presentation to the School Board at their last meeting referring to this as a study, which confused people. She said if we are not looking at a feasibility study we need to be careful in choosing our words. Dr. Shuldman said Councilor Kennedy's point is well taken. Councilor Kennedy asked if anything has been added to the plan since it was originated. Dr. Shuldman advised the City Council that nothing has been added to the original plan. He said they are looking to building a middle school as Councilor Novelline Clayburgh said that satisfies the educational needs of six, seven and eight graders, meets the needs for a waiver in terms of dealing with uses relating to the playing fields and parking as well as bus safety for the drop off. Councilor Kennedy said it would be great if the School Board would just commit to the Parrott Avenue site. If something drastic comes up with the Parrott Avenue site we will have to revisit the issue. Dr. Shuldman informed the City Council that there are a number of School Board members who have indicated they do not feel comfortable selecting the site without knowing how much money it will cost.

Councilor Reynolds said everything he has heard about Mr. LaPosta's firm and the team assembled is very impressive. He spoke to their experiences and historic preservation and their accreditation in LEED certification. He asked Mr. LaPosta to speak to their involvement with Steven Winters Associates. Mr. LaPosta informed the City Council that Steven Winters Associates wrote the book on LEED certification. He reported that they have worked with them for a number of years on a variety of projects.

Councilor Smith expressed concern with approving the funding request without a confirmation of the site by the School Board. He said that there is no one in the community that has requested an absolute footprint for the middle school. Councilor Smith said discussion this evening has included indicating the street for the site of the middle school. The School Board is asking for the funds from the City Council without a commitment of a site for the middle school. Councilor Smith also expressed concern regarding the educational narrative and asked how much the architectural firm has reviewed the narrative and how much will be cost driven factors. He said he views the narrative as a wish list.

Councilor Smith said he understands that Team Design went to the teachers and asked them in an ideal world what they would want. He said that Team Design indicated the only way the Parrott Avenue site would work was if the Peirce land was used for a parking lot and a portion of the building. Councilor Smith asked when we start talking about cost items and design. Dr. Shuldman said once the JBC is established there will be a review of items and costs related to those items.

Mr. LaPosta informed the City Council that they have reviewed the narrative and have made some suggestions. He said these things are evolutionary and will continue to be worked on until the time you are ready to do the final construction drawing. Mr. LaPosta said they would provide suggestions from other schools they have seen and worked on. He reported that there would be workshops involving the community and engaging teachers in the process.

Dr. Shuldman said through this whole process no one has heard the School Board talk about any other site or any other street. He reported when the four tasks are completed and the firm comes back with design alternatives and cost estimates then most of the members of the School Board would feel comfortable selecting a site.

Councilor Smith said residents want this site unless it turns out to be an astronomical number. He said he has not heard anyone from the School Board say compelling that the Jones Avenue site is gone. Dr. Shuldman said he has said numerous times, as Chair, that he is committed to Parrott Avenue and there is no other site being discussed at all by the School Board.

Councilor Novelline Clayburgh said when the School Board wrote the letter last July they were saying that Parrott Avenue was the site if the five criteria could be met. She said the Council has heard from Mr. LaPosta that the five criteria can be met.

Councilor Pantelakos complimented the School Board for not voting on a site. She feels it would be irresponsible at this time not knowing what the cost will be without the architecture report.

Councilor Dwyer moved to authorize the City Manager to expend up to \$70,500.00 for design alternatives for a Parrott Avenue site to include architectural and related services for the four tasks required for Phase 1 and reimbursable expenses in accordance with the agreement with JCJ Architects but pending satisfactory completion of two conditions: (1) receipt of a revised letter from the School Board requesting Phase I financial support for design alternatives for a Parrott Avenue site; (2) an agreement that the School Board will provide monthly in person reports to the City Council on the progress, decisions, and discussions during the period of Phase 1. Seconded by Councilor Reynolds.

Councilor Dwyer said when people are still talking about terminology, they are not yet willing to face the issues and willing to face the substance of the issues, and we need to get beyond this. She said that residents have indicated they wished the City Council could have more oversight during this period. She understands legally by the State law why that is not possible.

Councilor Dwyer said we are in a situation where the School Board and the School Department has to rebuild trust with the community. She said the monthly reports during Phase 1 may go a ways towards rebuilding trust with the community and we will need that trust to go forward with the bonding and Phase 2.

Councilor Spear said he supports the motion but does not have that level of trust right now if this matter was before the JBC for a \$40,000,000.00 bond. He said in gaining the trust and confidence we can move in the right direction with the right design and right population and those types of issues.

Councilor Kennedy said she is torn with the monthly reporting. Councilor Dwyer said the monthly reporting would be during a City Council meeting. Councilor Kennedy said she is concerned with overstepping our bounds. Councilor Kennedy moved to amend the motion to include after the first \$35,000.00 is spent the City Council would receive a report as to where we are at. This motion received no second.

Councilor Novelline Clayburgh said she supports the motion because we need to move forward. She said she does not agree with the two conditions but she will vote for the motion. She said that the School Board needs to do their job. She said once the JBC is appointed it is amazing how much power that committee has. Councilor Novelline Clayburgh said she does not feel that the School Board should have to make monthly reports.

Assistant Mayor Blalock said he supports the motion, but he is convinced that the middle school will be on Parrott Avenue. He said we are a responsible City Council and in order to be responsible we need to move forward to build a school.

Councilor Pantelakos said she would support the motion, but is not in favor of the two conditions. She said that the City Council should not interfere with the School Board.

Councilor Smith said he is pleased that the language has been cleared up to indicate that this is not a feasibility study. He said that there is a perception that something else is going on. The letter presented by the School Board in July 2007 was worded in a way that it almost had wiggle room. He said that the monthly reports will help in the long run with public perception. Councilor Smith said he would support the motion because he feels it clears up a great deal of questions.

Mayor Ferrini passed the gavel to Assistant Mayor Blalock.

Mayor Ferrini said he would support the motion and feels it does a lot of things that are helpful. It teaches us that this is not an easy process and going forward through the community process is of great interest. Mayor Ferrini said communication is very important.

Assistant Mayor Blalock returned the gavel to Mayor Ferrini.

On a unanimous roll call 9-0, voted to authorize the City Manager to expend up to \$70,500.00 for design alternatives for a Parrott Avenue site to include architectural and related services for the four tasks required for Phase 1 and reimbursable expenses in accordance with the agreement with JCJ Architects but pending satisfactory completion of two conditions: (1) receipt of a revised letter from the School Board requesting Phase I financial support for design alternatives for a Parrott Avenue site; (2) an agreement that the School Board will provide monthly in person reports to the City Council on the progress, decisions, and discussions during the period of Phase 1.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Authorizing a Bond Issue of up to One Million Three Hundred Thousand Dollars (\$1,300,000.00) for the purchase of land to relocate Fire Station 2

Councilor Dwyer moved to adopt the proposed Resolution, as presented. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy asked what the percentage increase in costs are expected with the operation at the proposed site and new facility. Fire Chief LeClaire said there will be some increase costs with the new facility but there will also be reduction with the LEED certification. Councilor Kennedy said people have expressed concern that there will be increased costs with building a larger facility. She also advised Fire Chief LeClaire that residents are also concerned with the sale of the existing building. Fire Chief LeClaire said that they could build on the existing site; however, they would not be able to do include some of the items the new facility can offer.

City Manager Bohenko said that there is a strong recommendation to sell the existing building at the highest price and for the best use.

Councilor Smith asked if there are any restrictions, which could prevent the sale of the existing building. City Attorney Sullivan and City Manager Bohenko said they are not aware of any restrictions. Councilor Smith asked what happens to the funds from the sale of the existing site. City Manager Bohenko said by City Charter we have to have an appropriation to bond when we sell the property. The funds will come in as unanticipated revenue funds and go into fund balance and could be designated for debt service reserve and reduce the impact of taxes for that given year. Councilor Smith asked if the funds could be set aside for Station 3. City Manager Bohenko said you would need to appropriate the funds from fund balance.

Councilor Reynolds said he supports the resolution but feels there are questions that people have raised that need to be considered. He said the new site would give use considerable enhancements. He inquired as to the additional space for the increase in drive thru bays. Fire Chief LeClaire informed the City Council that the bays will go from 50 feet deep to 80 feet deep. City Manager Bohenko said the station will be built with the funds appropriated but there will be some basic designs that the City will need to comply with. He informed the City Council that the costs for Station 3 has been reduced in the CIP by \$1,000,000.00 with a plan to build a plain vanilla facility with design build.

City Attorney Sullivan said that the City Council is voting this evening on the resolution not the building of Station 2.

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

City Manager Bohenko said he would prefer that the City Council act on a purchase and sale agreement for the land at the next City Council meeting.

Councilor Kennedy asked if we would consider putting Fire Station 2 up for sale now. City Manager Bohenko said that it could take up to 2 years to build the station and it could cost us more money to lease the property back.

- B. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption to \$31,640.00 for single and \$39,030.00 for married and total assets may not exceed \$105,470.00 whether single or married

Councilor Novelline Clayburgh moved to adopt the Resolution Amending Elderly Exemption Income and Asset Limits, as presented. Seconded by Assistant Mayor Blalock and voted.

- C. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption to \$31,640.00 for single and \$39,030.00 for married and total assets may not exceed \$105,470.00 whether single or married

Councilor Smith moved to adopt the Resolution Amending Disabled Exemption Income and Asset Limits, as presented. Seconded by Councilor Novelline Clayburgh and voted.

- D. Second reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Raleigh Way:
- Southerly side from Kearsarge Way to a point 65' westerly of Kearsarge Way
 - Northerly side from Saratoga Way to a point 55' westerly of Saratoga Way

Section 7.336 – One Way Streets – Vehicular traffic shall move only in the indicated directions on the following streets:

- Concord Way: in a easterly direction from Crescent Way to Preble Way
- Porpoise Way: in a westerly direction from Saratoga Way to Crescent Way
- Raleigh Way: in a westerly direction from Ranger Way to Crescent Way

Assistant Mayor Blalock moved to pass second reading and schedule a third and final reading at the March 18, 2008 City Council meeting. Seconded by Councilor Smith and voted.

X. CONSENT AGENDA

- A. Letter from Aaron Wensley, Children's Museum, requesting permission to hold the Annual 5k Road Race and Kid's Fun Run on Saturday, May 3, 2008 at 9:00 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- B. Letter from MaryLiz Geffert, Seacoast Local, Inc., requesting permission to hold the Seacoast Local Festival on Saturday, June 7, 2008 from 1:00 p.m. to 4:00 p.m. and further request to close Pleasant Street between Congress and Porter Streets **(Anticipated action – move to refer to the City Manager with power)**
- C. Letter from Robert Sutherland, Jr., St. John's Lodge, requesting permission to hold a 5k "Out of Hibernation" Road Race on Saturday, April 26, 2008 **(Anticipated action – move to refer to the City Manager with power)**
- D. Letter from Jennifer Kennedy, Blue Ocean Society for Marine Conservation, requesting permission to conduct a coastal cleanup at Peirce Island on Saturday, April 19, 2008 **(Anticipated action – move to refer to the City Manager with power)**
- E. Letter from Kathy Beebe Keefe, Sexual Assault Support Services, requesting permission to hold the 1st Annual KidSafe 5k Run on Pease Tradeport Saturday, April 26, 2008 **(Anticipated action – move to refer to the City Manager with power)**
- F. Letter from Anna Moskov, Cystic Fibrosis Foundation, requesting permission to hold the Seacoast Safari for CF on Saturday, July 19, 2008 and Sunday July 20, 2008 **(Anticipated action – move to refer to the City Manager with power)**
- G. Letter from Peter Somssich, LPPT Parade Committee, requesting permission to hold the 2nd Annual Labor Portsmouth Peace Treaty Parade on Sunday, September 28, 2008 **(Anticipated action – move to refer to the City Manager with power)**

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

Councilor Smith thanked City Manager Bohenko for providing the City Council with the event listing.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Kathie Lynch, Portsmouth Little League, Inc., requesting permission to affix temporary signage to the fences at Plains and Hislop fields from April 12, 2008 through the end of the summer program and further to maintain signage to the rear of the Plains scoreboard

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

- B. Letter from Wendy Segit, Seacoast Mental Health Center, Inc., requesting permission to hold a fundraiser by placing life-size fiberglass dog and cat figures, painted by local artists around the downtown area during July, August and part of September, 2008

Councilor Novelline Clayburgh moved to refer to Art Speak for report back. Seconded by Councilor Pantelakos.

Councilor Dwyer said in no way does Art Speak feel they need to support this request. She said it is inappropriate to do this on our sidewalks in the downtown and it may be more appropriate in parks or playgrounds.

Motion passed.

- C. Letter from Anthony Moulton, Miles for Miracles, requesting permission to set up a treadmill in Market Square in order to raise funds for a child on Saturday, March 15, 2008, Sunday, March 16, 2008, Saturday, April 5, 2008 and Sunday, April 6, 2008

City Manager Bohenko recommended allowing this to take place in Vaughan Mall.

Councilor Pantelakos moved to approve the request at the Vaughan Mall location. Seconded by Councilor Spear and voted.

- E. Letter from Thomas Watson requesting to enter into an agreement with the City for the reconstruction of his dock at 200 Newcastle Avenue

Councilor Pantelakos moved to authorize the City Manager to negotiate and execute a license agreement with Thomas Watson and Kathleen Salisbury to allow a dock to be reconstructed on the northerly side of Newcastle Avenue. Seconded by Assistant Mayor Blalock.

Councilor Dwyer asked if the agreement runs with the property or the owner. City Attorney Sullivan said the agreement has not been negotiated, and it will be the decision of the City Manager.

Motion passed.

- F. Letter from Abigail Wiggin, Seacoast Growers' Association, requesting an amendment to the License Agreement to allow the sale of wine and mead by Piscassic Pond Winery

Assistant Mayor Blalock moved to authorize the City Manager to negotiate and execute the amendment to the City's Agreement with the Seacoast Growers' Association in order to allow the sale of wine and mead by Piscassic Pond Winery. Seconded by Councilor Novelline Clayburgh and voted.

- G. Letter from Portsmouth Listens requesting permission to hold a Celebration of Sustainability on Saturday, April 19, 2008 at the Middle School and Public Library with the closure of Parrott Avenue from the Middle School to the courthouse from 7:00 a.m. – 5:00 p.m.

Councilor Dwyer moved to refer to the City Manager with power. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy said that four members of the City Council are part of the Committee taking an active role working on the Sustainability Fair.

Councilor Pantelakos asked if Portsmouth Listens would require insurance for the event. City Manager Bohenko said he reviewed that issue.

Motion passed.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Request to Dispose of Surplus Vehicles

City Manager Bohenko said that there are 18 vehicles for disposal.

Councilor Smith moved to authorize the City Manager to dispose of surplus vehicles by the sealed bid process. Seconded by Councilor Pantelakos and voted.

- 2. Remcon Associates, Inc. (formerly Avanti Development) Re: Sidewalk Easement Deed

Councilor Pantelakos moved to accept and place this matter on file. Seconded by Councilor Novelline Clayburgh and voted.

- 3. Boarding House Permit

Councilor Novelline Clayburgh moved to refer the request for a Boarding House Permit for 21 Brewster Street to the City Manager with power. Seconded by Councilor Pantelakos and voted.

Informational Items

1. *Report Back Re: Request to Renew Lease of 251 Bartlett Street by the Creek Athletic Club*

City Manager Bohenko reported that he is in the process of negotiating and drafting this Lease, which will be available for the March 18th City Council meeting.

2. *Work Session Re: Capital Improvement Plan (Not on agenda)*

City Manager Bohenko recommended holding a Work Session prior to the March 18, 2008 City Council meeting regarding the CIP.

The City Council agreed to establish a Work Session on Tuesday, March 18, 2008 at 6:00 p.m. in the Eileen Dondero Foley Council Chambers regarding the Capital Improvement Plan.

B. MAYOR FERRINI

1. Appointments to be Voted:
 - Harold Whitehouse – Appointment to Peirce Island Committee
 - Steven Marison – Appointment to Peirce Island Committee
 - Joe Couture – Appointment to Portsmouth Housing Endowment Fund Advisory Board
 - John Howe – Reappointment to Traffic & Safety Committee
 - Christina Westfall – Reappointment to Traffic & Safety Committee
 - David Witham – Reappointment to Zoning Board of Adjustment

Councilor Novelline Clayburgh moved to appoint Harold Whitehouse and Steven Marison to the Peirce Island Committee; the appointment of Joe Couture to the Portsmouth Housing Endowment Fund Advisory Board until March 3, 2011; reappointment of John Howe and Christina Westfall to the Traffic & Safety Committee until January 1, 2009; and the reappointment of David Witham to the Zoning Board of Adjustment until December 1, 2013. Seconded by Assistant Mayor Blalock and voted.

2. Appointment of Blue Ribbon Committee on Housing

Mayor Ferrini announced that he has created a Blue Ribbon Committee on Housing. Details of the Committee as described below:

Timeline: Committee to convene in April and terminate after 180 days. The Committee shall report back to the City Council at the first meeting in October 2008.

Charge of Committee:

- Develop (or frame) a “white paper” on housing options and issues in Portsmouth, including existing data about available housing, existing types or support/programs for housing available in the City, and identification of issues related to housing
- Identify creative solutions that other communities have used to address the housing issues Portsmouth is facing and which are relevant to the local setting, including preserving existing affordable housing stock and creating additional affordable opportunities
- Determine a short list of local opportunities for future policy and actions by the City and other local stakeholders, e.g., financial institutions, nonprofit organizations, etc.
- Identify necessary topics for state legislation that affect the ability to increase affordable housing options.

Recommended Committee Members:

- Two members from the City Council
- One State Legislator
- One Economic Development Commission Member
- One Portsmouth Housing Authority Representative
- One representative from The Housing Partnership
- One representative from Rockingham Planning Commission
- One representative from the real estate/development community
- One representative from the finance/banking community
- Mayor (ex-officio)
- City Manager or his designee (ex-officio)

C. COUNCILOR SMITH

1. *Ten Year Rule (City Council Rule #47 – Appointments to Boards and Commissions)

Councilor Smith moved to postpone this matter until the March 18, 2008 City Council meeting. Seconded by Councilor Kennedy and voted.

2. *Proposed Consolidation of City Committees

Councilor Smith requested that Mayor Ferrini create a Blue Ribbon Committee to review the Board and Commission Listing for the Consolidation of Committees with three members of the City Council. Councilors Smith, Dwyer and Pantelakos volunteered to serve on this Committee. Mayor Ferrini requested that the Committee create a charge to bring back for consideration at the March 18, 2008 City Council meeting.

D. COUNCILOR SPEAR

1. Amendments to Taxi Ordinance

Councilor Spear reported that the Taxi Commission is recommending an increase in taxi rates at the request of the taxi owners.

Councilor Smith moved to refer to the City Attorney to draft amendments to the Taxi Ordinance for first reading at the March 18, 2008 City Council meeting with the following amendments:

- Section 7.219 B.1. – Rates for Taxi Fares: Increase the additional one-eighth mile from \$.35 to \$.45
- Section 7.219 B.2. – Rates for Taxi Fares: Increase the waiting time from \$.25 to \$.45 per minute.
- Section 7.219 B.4. – Rates for Taxi Fares: Increase the discount for passengers who are age sixty or over from 10% to 20%.

Seconded by Councilor Novelline Clayburgh.

Councilor Dwyer suggested reviewing the rates on a yearly basis. City Manager Bohenko said that the Council could review the taxi rates on a yearly basis.

Motion passed.

Councilor Spear advised the City Council that the Taxi Commission is also requesting an amendment to the restoration fee for when a medallion is removed due to failing inspection. The Commission felt it would be prudent to allow a taxi company 24 hours to make the necessary repairs to their vehicle, have the vehicle re-inspected without having to pay a fine.

Councilor Novelline Clayburgh moved to refer to the City Attorney to draft an amendment to Section 7.213 – Fees and Terms for Permits/Licenses of the Taxi Ordinance for first reading at the March 18, 2008 City Council meeting with the following amendment:

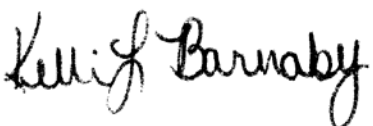
Section 7.213 D. – Fees and Terms for Permits/Licenses: Additional language as follows:
“Any taxi cab failing the vehicle inspection and having their medallion pulled will have 24 hours to make the repairs and be re-inspected without having to pay a fine.”

Seconded by Councilor Pantelakos and voted.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

At 12:00 a.m., Councilor Smith moved to adjourn. Seconded and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk