

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 4, 2008

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

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, Smith, Kennedy, Spear and Pantelakos

Absent: Councilor Raynolds

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

ACCEPTANCE OF RESIGNATIONS

1. City Councilor Edward Raynolds

Councilor Smith moved to accept with regret the resignation of Edward Raynolds from the City Council. Seconded by Councilor Pantelakos and voted.

2. Planning Board Member Jerry Hejtmanek

Councilor Smith moved to accept with regret the resignation of Jerry Hejtmanek from the Planning Board. Seconded by Councilor Pantelakos and voted.

OATH OF OFFICE

1. Jerry Hejtmanek – City Councilor

The City Clerk Barnaby administered the Oath of Office to Jerry Hejtmanek to the City Council filling the vacancy of Edward Raynolds.

V. ACCEPTANCE OF MINUTES – JULY 21, 2008

Councilor Pantelakos moved to approve and accept the minutes of the July 21, 2008 City Council meeting. Seconded by Councilor Smith and voted. Councilor Hejtmanek abstained from voting.

VI. PUBLIC COMMENT SESSION

Steve Marchand spoke on behalf of City Year NH and requested support of the Council for the funding request for the Young Heroes Program. He said that the Young Heroes Program will be an asset and benefit the City. Mr. Marchand informed the Council that every \$1.00 leveraged has a return of up to \$10.00 in private and corporate dollars.

Lisa Newman spoke regarding the importance of the Young Heroes Program and the benefits her son Michael received being part of the program. She informed the City Council that Michael spent his Saturdays thru out the winter months with kids from all over the seacoast participating in this program to learn about a variety of issues that affect all of us. Ms. Newman advised the City Council that when a child knows that they can make a real difference in making their world a better place, they feel more confident and more in control of what is going on around them and who they associate with.

Bob Hopley spoke of the importance of Alumni Field and the need for it to remain as recreational use for the various organizations that utilize the field. He informed the City Council that the men's softball organization he is affiliated with uses the field and he assists with maintaining the field.

Carol Chellman asked the City Council to let the discussion of eminent domain regarding the Peirce Property focus on the facts. She said that the Peirce Property is not a taking of land but the removal of a restriction from the deed. It is important to note, that this is City land.

Bill St. Laurent, Association of Portsmouth Taxpayers, said the proposed Teachers' contract on for approval this evening is generous and expressed concern with the 10-year rolling COLA (cost of living adjustment). He said the Association feels that the Council is rushing this contract through and residents cannot afford continued increases in the future.

Allen Nelson spoke to the Peirce Property and said that the deed has been pushed to its recreational limits. He informed the City Council that he has spoken with the Attorney General's office regarding the Peirce Property and they indicated that the eminent domain process can be done but in no way are they implying that they agree. Mr. Nelson advised the City Council that there are other alternatives available rather than the Peirce Property and urged them to explore the options.

Erik Anderson said he feels that contract negotiations are extremely guarded from the public until completed with virtually no public participation or knowledge of the negotiations. In this concept your approval of any contract as a Council binds an obligation with the costs passed on to the taxpayer. He said we are all aware that the collective bargaining contracts of the City consume 85+ percent of annual budget costs, these renewals represent one of the most important events from a fiscal perspective. He advised the City Council that he feels there should be future improvements to this process.

Dr. Mitchell Shuldman, School Board Chair, requested the City Council to approve the Teachers' contract, as presented. He spoke to the major points of the contract as follows:

- Term: 5-Year agreement, commencing July 1, 2008 and expiring June 30, 2013
- Health Insurance: Employee contribution to Comp100 and Blue Choice will increase to 19% in 2008-2009 and to 20% in 2010-2011. Matthew Thornton will increase to 15% in 2008-2009 and to 15.5% in 2010-2011. The School District may offer 2 new plans under Blue Choice and Matthew Thornton and the Association of Portsmouth Teachers' will serve on City-wide committee to study health insurance options
- Salaries: 10-year rolling COLA average, beginning in 2008-2009
- Modifications to the Advanced Degree Schedule
- Teachers' will work 2 additional work days (1 in 2008-2009 and 1 in 2011-2012)
- Modifications to Longevity
- Creation of a Professional Learning Projects (PLP)
- Creation of Interdisciplinary Council – Teachers with more than 25 years of service in the District are eligible to join the Council. Eligible teachers join the Interdisciplinary Council will be eligible for a \$4,000 base rate adjustment in lieu of a longevity adjustment
- Coaching, Extracurricular, and Special Services Compensation – Increase all stipends by 2% in 2008-2009; no increase thereafter; add stipend of \$750.00 for Portsmouth teachers who coach a high school or middle school sport for 8 years or more; add a stipend of \$250.00 for Portsmouth teachers who coach an elementary school sport
- Department Heads and Team Leaders: Increase Department Heads stipends to \$4,000.00 and Team Leaders to \$3,000.00 in 2008-2009 in exchange for Board proposal they are appointed to 3-year terms and serve at the discretion of the Superintendent
- Coaches Evaluations: A Committee will be formed to determine the evaluation process. The current evaluation process will stay in place pending agreement on new process
- Short-Term Leaves and Absences: Modify provision requiring District to pay benefits to persons on disability leave from 5 years to 2 years
- Notifications of Non-renewal: The deadline has been extended from March 15 to April 1
- Staff Development Credits: Only staff development hours in excess of those used for certification may be used for movement on the Advanced Degree Schedule

Councilor Pantelakos moved to suspend the rules in order to allow for one additional speaker under the Public Comment Session. Seconded by Councilor Smith and voted.

Wayne Barrows expressed concern regarding eminent domain but indicated that in the case of Portsmouth Middle School this realty practice makes perfect sense. He said preliminary contact with the heirs of the Peirce family has indicated the surviving family members likely would not oppose the school expansion onto Alumni field if the City was able to compensate the losted recreational area. He suggested that the City use the roughly \$2 million dollars it will cost to adequately compensate the Alumni field value and tear down the Lafayette School and expand and improve on one of the City's recreational gems.

VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 7, ARTICLE VII, SECTION 7.702 – TRUCK TRAFFIC PROHIBITED – MAPLEWOOD AVENUE: FROM CENTRAL AVENUE TO WOODBURY AVENUE

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

Susan Lewis, Portsmouth resident, expressed concern with trucks utilizing Woodbury Avenue in order to get to the downtown. She said that this is a residential area that has a high level of truck traffic that creates safety issues and concerns for the neighborhood.

Diane Maryak, Portsmouth resident, expressed concern with truck traffic on Maplewood Avenue. She informed the City Council that there is a hole that has been patched on Maplewood Avenue but when large trucks go over the bump it causes cracks in her windows. She urged the City Council to resurface the roadway.

Fred Lewis, Portsmouth resident, spoke in favor of the ordinance but asked that the City Council not tie in these discussions with the rotary.

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

VIII. APPROVAL OF GRANTS/DONATIONS

(There are no items under this section of the agenda this evening)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits sub-section B – 20 MPH – Leavitt Avenue, McClintock Street, Moffat Street, Swett Avenue and Woodworth Avenue

Councilor Smith moved to pass first reading and schedule a public hearing and second reading of the proposed ordinance, as submitted, at the August 18, 2008 City Council meeting. Seconded by Councilor Pantelakos and voted.

Councilor Kennedy asked what the current speed limit is for these streets. Councilor Smith informed the City Council that there is currently no speed limit, therefore in accordance with State law it reverts to 35 MPH.

- B. Second reading of Ordinance amending Chapter 7, Article VII, Section 7.702 – Truck Traffic Prohibited – Maplewood Avenue: from Central Avenue to Woodbury Avenue

Councilor Smith moved to pass second reading and hold a third and final reading of the proposed ordinance, as submitted, at the August 18, 2008 City Council meeting. Seconded by Councilor Pantelakos.

Councilor Smith stated that this ordinance has no connection to the rotary. He said the purpose of the ordinance is to get the trucks out of the neighborhood.

Councilor Smith moved to suspend the rules in order to allow a member of the public to ask a question. Seconded by Councilor Pantelakos and voted.

Fred Lewis asked about the deliveries by trucks into the downtown. Councilor Smith said the trucks will be allowed from Central Avenue into the downtown area to make deliveries.

Motion passed.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Anonymous Donation to the Blue Ribbon Cemetery Committee in the amount of \$145.00 ***(Anticipated action – move to approve and accept the donation to Blue Ribbon Cemetery Committee, as listed)***
- B. Letter from Julie Slayton Frank, South Church, requesting renewal of Dumpster License Agreement for Church Street ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Dawn Burnett, PNF Realty, Inc., requesting renewal of Dumpster License Agreements for Peter Floros and the State Street Saloon for Church Street ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Sister Mary Agnes, St. Charles Children's Home, requesting permission to hold the annual St. Charles Children's Home 5k Road Race on Monday, September 1, 2008 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

Councilor Smith moved to adopt the Consent Agenda. Seconded by Councilor Kennedy and voted.

Councilor Spear moved to suspend the rules in order to take up Item XII A.4. - Report Back Re: Young Heroes Program Funding Request. Seconded by Councilor Novelline Clayburgh and voted.

XII. A.4. Report Back Re: Young Heroes Program Funding Request

Assistant Mayor Blalock moved that the School Department fund 50% from their existing budget and the City fund 50% from the prior year contingency account. Seconded by Councilor Novelline Clayburgh.

Deputy City Manager Hayden spoke to the letter from Dr. Robert Lister, Superintendent indicating that the School Department is unable to provide any financial support to City Year, but he and his staff would commit other resources and collaborate with the Young Heroes Program.

Assistant Mayor Blalock said that the School Department can find the funds within their budget to support this program.

Assistant Mayor Blalock moved to suspend the rules in order to allow for comments from Pawn Nitichan of City Year. Seconded by Councilor Kennedy and voted.

Ms. Nitichan said if the City contributes funds towards the program it provides more creditability for the program for federal funding. She reiterated the remark of Steve Marchand that for every \$1.00 given the return is up to \$10.00 in private and corporate dollars.

Councilor Kennedy asked how many local students were involved in the program. Ms. Nitichan informed the City Council that there were 30 students involved in the program.

Councilor Smith asked Ms. Nitichan if City Year would be looking for funding in future years. Ms. Nitichan said it is their hope to reduce the amount requested in future years. Councilor Smith stated that he would support the funding this year but not in future years. He feels it sets a precedent to fund other similar programs.

Councilor Pantelakos said that she concurs with Councilor Smith to only allow funding for one year.

Councilor Hejtmanek said he would support the motion with the understanding that outreach for funding must be done by City Year for future years.

Motion passed.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Michael Capalare requesting that the City find a way to honor John F. Kennedy's name again

Assistant Mayor Blalock moved to refer the request to the City Manager for report back. Seconded by Councilor Pantelakos.

Assistant Mayor Blalock said that the City Manager could provide recommendations of locations other than the Library.

Councilor Spear said he supports the motion.

Motion passed.

- B. Petition from patrons of the Portsmouth Farmers' Market requesting the ban on legally processed local NH chicken sales be lifted

Councilor Pantelakos moved to accept the petition and place it on file and further to request a report back from the Health Department as they work with the State to address this matter. Seconded by Assistant Mayor Blalock.

Councilor Spear asked if the City has the resources to have inspections done. Deputy City Manager Hayden said it is not so much the resources, it is the authority to do so. She said different States have different regulations. She advised the City Council that the Health Department will work with the State to address this matter. Councilor Spear suggested bringing this matter forward at the next Legislative Delegation meeting.

Councilor Kennedy said that this is a big issue and expressed concern with the City banning the sale of locally processed NH chicken when other communities are not. Deputy City Manager Hayden stated that this is a national issue and selling locally processed chickens on City property with out regulations is a liability issue. Councilor Kennedy said that more people want to buy locally.

Health Officer McNamara informed the City Council that there is currently one vendor at the Farmers' Market that sells locally processed chickens. She advised the Council that chicken producers have been exempt from following slaughtering laws.

City Attorney Sullivan said that everything at the Farmers' Market is under the authority of the Health Officer. He said this decision was made by the Health Officer with consultation with other City Departments.

Councilor Kennedy asked Health Officer McNamara if the chickens were certified through a licensed facility could they be sold at the Farmers' Market. Ms. McNamara responded affirmatively.

Motion passed.

- C. Letter from Jay Somers, Comcast, regarding Preparing for the Broadcast Digital Television (DTV) Transition

Councilor Pantelakos moved to accept Comcast's offer to provide informational sessions regarding the transition to digital television. Seconded by Councilor Novelline Clayburgh.

John Gregg, Chair of Cable Television & Communications Commission, advised the City Council that Comcast wishes to provide information on the process for the conversion to digital television. He said that Comcast will be changing some channels to the digital program package and they will go over that and other items.

Councilor Spear said he wants to ensure that this is an educational session and not a sales session for Comcast.

Councilor Spear moved to amend the motion to instruct Comcast that this would be an educational session and not a sales session. Seconded by Councilor Kennedy and voted.

Councilor Smith requested that Comcast have available the forms to assist individuals with the conversion.

Main motion passed as amended.

- D. Letter from Peter Egelston, The Portsmouth Brewery, requesting permission to use Vaughan Mall to hold the Saint Baldrick's Celebration fundraiser for children's cancer research on Sunday, September 28, 2008 from 12:00 p.m. – 4:00 p.m.

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

- E. Letter from David Caswell, Portsmouth Sign Company, requesting permission on behalf of Optima Bank and Trust to hang a sign over the City sidewalk

Councilor Novelline Clayburgh moved to authorize the City Manager to negotiate and execute a license agreement with Optima Bank & Trust to hang a sign over the City sidewalk. Seconded by Councilor Pantelakos and voted.

- F. Letter from Geoffrey O'Hara, U.S. Chamber of Commerce, requesting permission to park a VoteForBusiness bus on Wednesday, August 20, 2008 at the Vaughan Mall in the Worth Lot from 11:00 a.m. – 2:00 p.m.

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Proposed Adoption of the Association of Portsmouth Teachers' Contract for the period July 1, 2008 through June 30, 2013

Councilor Novelline Clayburgh moved to adopt the Association of Portsmouth Teachers' Contract for the period July 1, 2008 through June 30, 2013. Seconded by Councilor Pantelakos.

Tom Flygare, Negotiator, reviewed the salient points of the contract as follows:

- Term: 5-Year agreement, commencing July 1, 2008 and expiring June 30, 2013
- Health Insurance: Employee contribution to Comp100 and Blue Choice will increase to 19% in 2008-2009 and to 20% in 2010-2011. Matthew Thornton will increase to 15% in 2008-2009 and to 15.5% in 2010-2011. The School District may offer 2 new plans under Blue Choice and Matthew Thornton and the Association of Portsmouth Teachers' will serve on City-wide committee to study health insurance options
- Salaries: 10-year rolling COLA average, beginning in 2008-2009
- Modifications to the Advanced Degree Schedule
- Teachers' will work 2 additional work days (1 in 2008-2009 and 1 in 2011-2012)
- Modifications to Longevity
- Creation of a Professional Learning Projects (PLP)
- Creation of Interdisciplinary Council – Teachers with more than 25 years of service in the District are eligible to join the Council. Eligible teachers join the Interdisciplinary Council will be eligible for a \$4,000 base rate adjustment in lieu of a longevity adjustment
- Coaching, Extracurricular, and Special Services Compensation – Increase all stipends by 2% in 2008-2009; no increase thereafter; add stipend of \$750.00 for Portsmouth teachers who coach a high school or middle school sport for 8 years or more; add a stipend of \$250.00 for Portsmouth teachers who coach an elementary school sport
- Department Heads and Team Leaders: Increase Department Heads stipends to \$4,000.00 and Team Leaders to \$3,000.00 in 2008-2009 in exchange for Board proposal they are appointed to 3-year terms and serve at the discretion of the Superintendent
- Coaches Evaluations: A Committee will be formed to determine the evaluation process. The current evaluation process will stay in place pending agreement on new process
- Short-Term Leaves and Absences: Modify provision requiring District to pay benefits to persons on disability leave from 5 years to 2 years
- Notifications of Non-renewal: The deadline has been extended from March 15 to April 1
- Staff Development Credits: Only staff development hours in excess of those used for certification may be used for movement on the Advanced Degree Schedule

Dianna Fogarty, Human Resources Director, spoke to the provision by the State for calculating retirement and its affect on communities. She also discussed the effective date for the change is for any new contracts approved after September 1st.

Councilor Kennedy asked what this would mean in real dollars if this contract was not approved prior to September 1st. Negotiator Flygare said it would cost the City \$189,000.00 per teacher which would equate to \$9,000,000.00 if this contract was not passed by September 1st.

Councilor Hejtmanek moved to amend the motion to approve the contract subject to the School Department funding the extra \$117,081.00 required. This motion received no second.

Mayor Ferrini said the motion is to adopt the contract and the funding of the contract comes at a later date.

Negotiator Flygare advised the City Council that the contract meets the guidelines as requested by the City Council.

Councilor Smith said that this is an expensive contract however; he is concerned with the potential liability of \$9,000,000.00 by not approving the contract by September 1st, due to the new requirements for calculating retirement. He suggested the City Council consider holding off voting on this matter until Councilor Dwyer is present. Negotiator Flygare informed the City Council that the vote must take place this evening due to the requirement of a vote by the Council within 30 days of submittal of the contract by the City Manager.

Assistant Mayor Blalock spoke to the many discussions held by the City Council regarding this contract. He said there is a great deal of positives with this contract. He advised the Council that he supports the 10 year rolling COLA provision because it allows for predictability with future costs.

Councilor Novelline Clayburgh also spoke in support of the contract and the 10 year rolling COLA and the creation of the PLP for teachers. She said that Portsmouth have the top teachers in the State educating our children.

Mayor Ferrini passed the gavel to Assistant Mayor Blalock.

Mayor Ferrini spoke in support of the contract and said it shows innovation on the part of the School Board, School Department and teachers. He said he concurs with the comments made by Assistant Mayor Blalock.

Assistant Mayor Blalock returned the gavel to Mayor Ferrini.

On a unanimous roll call vote 8-0, motion passed.

2. Report Back Re: USS New Hampshire Commissioning Celebration

Deputy City Manager Hayden said the USS New Hampshire submarine is scheduled to arrive at the Portsmouth Naval Shipyard on or some time after October 17, 2008 and the Commissioning ceremony is scheduled for Saturday, October 25, 2008.

City staff met last week with Doug Bates and Renee Riedel of the Commissioning Committee, and Michael Warhurst of Prescott Park to discuss the activities proposed by the Commissioning Committee. She advised the City Council that we will continue to work with the Commissioning Committee as they further develop their proposed activities. A summary of the proposed celebration activities is as follows:

a) Event parking requests:

- Request to allow remote viewing of the commissioning from Four Tree Island, Prescott Park.
 - Request for permission to park vehicles at Portsmouth High School and the Masonic Temple and to place appropriate signage to direct people to parking lots.
- b) Request for temporary installation of a Jumbotron viewing screen on Four Tree Island or Prescott Park for remote viewing of the commissioning ceremony.
- c) Event Banners: The Commissioning Committee has requested permission to hang event banners including sponsors' names on poles in the city.
- d) Request that the City of Portsmouth officially adopt the submarine.
- e) Request for use of city parks for event fundraising with area non-profits.
- f) Media correspondence and relations and letter from Mayor in official commissioning program.

Deputy City Manager Hayden referred to the memorandum by City Attorney Sullivan regarding pole banners. She said that the concern relates to the first amendment principle that once the City has allowed any location to be used as a public forum for expressive conduct, such as a banner, then the City must thereafter allow that forum to be used by any party for expressive conduct without reference to the content of that expression. She further stated that Mr. Bates understands the issues relating to the banners and has no objection to the City's ruling on this matter.

Assistant Mayor Blalock moved to accept the report back including the City Attorney's recommendation with regard to banners, and refer the aforementioned requests to the City Manager with power. Seconded by Councilor Pantelakos.

Assistant Mayor Blalock moved to amend the motion to direct the City Manager not to allow for the hanging of banners as requested by the USS New Hampshire Commissioning Committee. Seconded by Councilor Spear and voted.

Main motion passed as amended.

3. Report Back Re: Request for Approval of Dumpster License Agreements for Porter Street

Councilor Smith moved to authorize the City Manager to enter into license agreements with Jay McSharry and with the Salvation Army for waste receptacles on Porter Street. Seconded by Councilor Kennedy and voted.

5. Polling Hours for September 9, 2008 State Primary Election

Councilor Pantelakos moved to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State Primary Election on Tuesday, September 9, 2008. Seconded by Councilor Novelline Clayburgh and voted.

Informational Items

Atlantic Heights Re: New Traffic Circulation Pattern

Deputy City Manager Hayden said the City Council adopted an ordinance on March 18, 2008, regarding the new traffic pattern. This City ordinance allowed the City Manager to determine the effective date upon completion of the first phase and report back this date to the City Council and City Clerk so that it would become part of the adoption of the ordinance. The new traffic circulation pattern in Atlantic Heights will take affect on August 4, 2008.

Councilor Smith advised the City Council that this was endorsed by the Neighborhood Association and the Traffic & Safety Committee.

Report Back Re: Timeline for Acquiring the Property to the Left of the Middle School

City Attorney Sullivan spoke to the timeline provided regarding the Peirce restriction as it relates to the proposed Middle School renovation. He reported that the acquisition process will likely take about 6 to 9 months from the date on which the City Council votes to commence the process. Given the nature of restrictive covenants in general and the role that Division of Charitable Trusts plays, it is not possible to simply negotiate with the Division of Charitable Trusts a voluntary relinquishment of the deed restriction. However, based on preliminary discussions with the Division of Charitable Trusts, the Division is aware of no grounds for objection to a taking based on necessity and the proposed public use of Alumni Field to expand the existing Portsmouth Middle School. In addition, preliminary contact by the Legal Department with one of the heirs of the original grantors suggests that the heirs may have no objection to the expansion of the middle School onto Alumni Field if there is adequate compensation in the form of new park and recreation lands to offset the loss. If the Council votes to adopt the condemnation resolution, the City staff will have Alumni Field appraised in the manner prescribed by law. The City already has an appraiser, Harvey Cohen, MAI, approved by the Director of Charitable Trusts available to appraise the property as preliminary efforts were made to appraise the property several years ago when the encroachment of the existing Middle School onto the Alumni field property was discovered.

Councilor Spear inquired as to the time line for the building process. City Attorney Sullivan responded that building cannot commence until the acquisition of the land is completed.

Deputy City Manager Hayden advised the City Council that this matter will be placed on the August 18th City Council agenda for action.

B. MAYOR FERRINI

1. Appointment to be Considered:
 - Stephen McCarthy – Appointment to Building Code Board of Appeals

The City Council considered the appointment of Stephen McCarthy to the Building Code Board of Appeals which will be voted on by the City Council at the August 18, 2008 meeting.

2. Appointment to be Voted:
 - Steve Miller – Reappointment to the Conservation Commission
 - Barbara McMillan – Reappointment to the Conservation Commission
 - Allison Tanner – Reappointment to the Conservation Commission
 - Brian Wazlaw – Reappointment to the Conservation Commission
 - Nancy Beach – Reappointment to the Cable Commission
 - Richard Katz – Reappointment to the Historic District Commission

Councilor Pantelakos moved the following appointments:

- Steve Miller – Reappointment to the Conservation Commission until April 1, 2011
- Barbara McMillan – Reappointment to the Conservation Commission until April 1, 2011
- Allison Tanner – Reappointment to the Conservation Commission until April 1, 2011
- Brian Wazlaw – Reappointment to the Conservation Commission until April 1, 2011
- Nancy Beach – Reappointment to the Cable Commission until April 1, 2011
- Richard Katz – Reappointment to the Historic District Commission until June 1, 2011

Seconded by Councilor Kennedy and voted.

3. Resignation
 - Jonathan Bailey – Safe Routes to School Committee

Councilor Smith moved to accept with regret the resignation of Jonathan Bailey from the Safe Routes to School Committee and requested that Mayor Ferrini send a letter thanking Mr. Bailey for his service to the City. Seconded by Councilor Kennedy and voted.

C. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the June 12, 2008 and July 10, 2008 meetings

Councilor Smith moved to approve and accept the action sheet and minutes of the June 12, 2008 Traffic & Safety Committee meeting. Seconded by Councilor Novelline Clayburgh and voted.

Councilor Pantelakos moved to approve and accept the action sheet and minutes of the July 10, 2008 Traffic & Safety Committee meeting. Seconded by Assistant Mayor Blalock and voted.

2. Parking Committee Action Sheet and Minutes of the June 12, 2008 meeting

Councilor Pantelakos moved to approve and accept the action sheet and minutes of the June 12, 2008 Parking Committee meeting. Seconded by Councilor Hejtmanek and voted.

D. COUNCILOR KENNEDY

1. *Recognition of the Fishing Fleet

Councilor Kennedy spoke to the economic portion of the Master Plan and the suggestion to promote a working waterfront and the fishing fleet. She informed the City Council that the fishing fleet does not feel like they have been recognized by the City. She spoke to the difficulties fishermen have experienced over the years and the need for the City's support.

Councilor Kennedy moved to establish a committee to support the fishermen and the fleet. No second received.

Mayor Ferrini said the City should look at mechanisms to accomplish Councilor Kennedy's intent. He suggested that Councilor Kennedy work with City Manager Bohenko on this matter and a report back could be provided to the City Council at a future date.

Councilor Kennedy said she does not mind working with the City Manager but she thought her motion would allow for her to move forward to work with City Manager Bohenko to set up the committee.

Mayor Ferrini said it is important that the committee has a charge and a sunset date.

Councilor Smith said he supports the concept but feels the Economic Development Commission should be involved in this.

Councilor Kennedy said she would like to include the Fisherman's Association to be part of the committee and suggested Erik Anderson be appointed as he serves on the Association.

The City Council requested that the City Manager provide a report back on this matter.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Kennedy announced that this Sunday Peirce Island will be celebrating 45 years.

Councilor Pantelakos asked if the City Council would consider establishing a work session with the Director of Prescott Park Arts Festival and the Trustees of the Trust Fund regarding the perimeters of the Prescott Park land and the guidelines for its use.

Mayor Ferrini suggested that the City Council request to receive a report from the Trustees of the Trust Fund rather than scheduling a work session.

The City Council will request a report from the Trustees of the Trust Fund regarding the perimeters of the land and their guidelines for the use of the land.

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

At 9:30 p.m., Councilor Smith moved to adjourn. Seconded by Assistant Mayor Blalock 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