

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, OCTOBER 6, 2008

PORTSMOUTH, NH  
TIME: 6:00PM [or thereafter]

At 6:00 p.m., a Work Session was held regarding a review of Debt Service Requirements for Proposed Major Capital Projects.

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

Mayor Ferrini called the meeting to order at 7:20 p.m.

### **II. ROLL CALL**

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

### **III. INVOCATION**

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

### **IV. PLEDGE OF ALLEGIANCE**

Councilor Novelline Clayburgh led in the Pledge of Allegiance to the Flag.

### **MAYOR'S AWARDS**

1. Portsmouth High School Girls Softball 2007-2008 State Champions

Mayor's Awards and shirts were presented by Mayor Ferrini to the Portsmouth High School Girls Softball 2007-2008 State Champions.

2. Portsmouth High School Boys Varsity Baseball 2007-2008 State Champions

Mayor's Awards and shirts were presented by Mayor Ferrini to the Portsmouth High School Boys Varsity Baseball 2007-2008 State Champions.

### **PROCLAMATIONS**

1. The Pipes of Portsmouth Day

Assistant Mayor Blalock read the Proclamation declaring October 19, 2008 as The Pipes of Portsmouth Day. Mayor Ferrini presented the Proclamation to Reverend Dawn Shippee who accepted it with thanks and appreciation.

2. National Depression Screening Day 2008

Councilor Dwyer read the Proclamation declaring the week of October 6, 2008 as National Depression Screening Week.

**PRESENTATION**

1. Quarterly Wastewater Master Plan Update – Dave Allen, Deputy Public Works Director

Deputy Public Works Director Allen and Peter Goodwin from Weston and Sampson provided a quarterly review of the Wastewater Master Plan.

Deputy Public Works Director Allen provided a summary of the on-going tasks and status of interim measure evaluations. He announced a more detailed overview of the Wastewater Master Plan status will be presented on October 22, 2008 at 6:30 p.m. at the Levenson Room in the Portsmouth Public Library.

Peter Goodwin of Weston and Sampson reported on the following areas:

Task 4 – Flow Monitoring – As part of the Long Term Control Plan (LTCP) portion of the study, this task included installation of flow meters in the sewer lines at strategic locations throughout the City. The data from these meters is used to assist in the decision making process related to sewer separation projects as well as quantifying overall flow in the system for treatment plant design purposes.

Task 5 – Technology Alternatives Evaluation – Work sessions were held with the Regulatory Agencies as well as Non-Governmental Organizations (NGO) to review and evaluate the various treatment options.

Task 14 – Interim Measures – Work sessions were also held with the Regulatory Agencies and NGO's to review the potential measures that are being evaluated for implementation to reduce pollution being discharged into the Piscataqua River during the permit period, which is the next four years.

**V. ACCEPTANCE OF MINUTES – AUGUST 18, 2008 AND SEPTEMBER 15, 2008**

Councilor Smith moved to approve and accept the minutes of the August 18, 2008 and September 15, 2008 City Council meetings. Seconded by Councilor Pantelakos and voted.

## **VI. PUBLIC COMMENT SESSION**

Rebecca Emerson announced that this Wednesday is the first International Walk to School Day. She encouraged people to walk their children to school in order to increase awareness of a walkable community.

Katrina Quintans spoke to the petition submitted to the City Council from the Islington Creek Neighborhood requesting new sidewalks throughout the neighborhood and traffic calming measures along McDonough Street. She informed the City Council that the petition contains more than 100 signatures. She advised the Council that sidewalks will increase safety of the area and spoke to the area being densely settled with residential homes and businesses. Ms. Quintans strongly urged the City Council to consider the request outlined in the petition.

Joshua Cyr spoke in support of the petition from the Islington Creek Neighborhood and this is a safety issue that needs to be addressed by the Council.

Nicole LaPierre spoke in support of the petition and said it is impossible to navigate through the area. She addressed the safety issues and strongly urged the City Council to consider the request of the neighborhood.

Erik Anderson said the work session was very informative and advised the Council it would be helpful to have information relative to the projected tax rate increase for proposed capital projects.

Bill St. Laurent expressed concern with the financial situation of the country and requested that the City Council scale back some of the projects.

## **VII. PUBLIC HEARING**

- A. IN CONNECTION WITH THE POTENTIAL RENOVATION AND EXPANSION OF THE PORTSMOUTH MIDDLE SCHOOL LOCATED AT 155 PARROTT AVENUE. THE HEARING WILL CONCERN THE ACQUISITION OF ANY NECESSARY REAL PROPERTY INTERESTS, INCLUDING BUT NOT LIMITED TO THE REMOVAL OF ANY DEED RESTRICTIONS, REGARDING PROPERTY LOCATED ON PARROTT AVENUE GENERALLY BETWEEN THE PORTSMOUTH PUBLIC LIBRARY AND THE EXISTING MIDDLE SCHOOL. THE PROPERTY IS IDENTIFIED AS ALUMNI FIELD, CITY TAX MAP 128, LOT 16 AND WAS ACQUIRED BY THE CITY OF PORTSMOUTH BY DEED OF JOSEPH W. PEIRCE, ET ALS ON NOVEMBER 14, 1913, RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS AT BOOK 673, PAGE 447. THE CITY COUNCIL WILL DETERMINE WHETHER THE ACQUISITION OF THE PROPERTY INTERESTS ARE FOR A PUBLIC PURPOSE, FOR THE PUBLIC BENEFIT AND NECESSITY

City Attorney Sullivan reviewed the meaning of eminent domain. He said that this is a restriction on real estate that no longer exists. The interest in real estate is not titled to the property itself because the City owns it but there are restrictions. He said we acquired the property in 1913 and he spoke to the 3 restrictions contained in the deed. City Attorney Sullivan said a public hearing must be held and the City must find that the use of land is for public use.

Dr. Shuldman, School Board Chair, said the City entered the fifth year of the process. He reviewed the process that has been followed thus far. He said in June 2004, the Middle School Needs Assessment Study Committee decided that Parrott Avenue was not an option because it could not meet the needs without additional acquired land. He reported that the committee chose Jones Avenue and asked Team Design to move forward with conceptual designs and the Peirce land was not part of the design. In January 2006, there was a new make up of the committee and the question was re-raised of the Parrott Avenue site. In August 2006 the Joint School Advisory Committee was formed to re-examine the questions of where to place the Middle School. The Committee decided in February that both sites were viable. Dr. Shuldman spoke to the Study Circles that were formed to consider the Middle School. The School Board then decided that it would support the Parrott Avenue site if certain criteria were met. In December, JCJ & DeStefano Architects were selected and outlined the various meetings held. He advised the City Council that in August 2008, the School Board notified the City Council that they prefer to go to the left.

Jim LaPosta, JCJ Architects, spoke to the existing building and said that there is some structural movement in the further end of the 1930 building. He advised the City Council that there is a lack of power and data receptacles and inadequate environmental controls. Mr. LaPosta informed the City Council that the State requires 900 square feet per classroom and the current class sizes are 740 square feet. He advised the City Council originally they looked to the right and 3 options were prepared. In order to meet the needs for a Middle School without the Peirce property they would need to build a 6 story building. He said building to the left will preserve the character of the neighborhood and said it gives the best school design.

City Attorney Sullivan said the process going forward would be the adoption of a Resolution at the October 20, 2008 City Council meeting. He said that an appraiser would be hired to place a value on the removal of the restriction. He advised the City Council that approval of the bonding resolution will require a two-thirds vote of the Council.

Dr. Shuldman, School Board Chair, said the School Board realizes the enormity of the decision before the City Council this evening. He said this is a time when the community must apply its best critical thinking and being open to the idea that things change over time. A decision needs to be made whether to move the process forward or not.

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

Amy Brgner, Board of Library Trustees, spoke to the letter outlining concerns with the Middle School project. She said that with the renovations to the Middle School parking would diminish at the new Library. Ms. Brgner informed the City Council that the Library receives 1,000 visitors per day and the 3 meeting rooms are in constant demand. She said that the Trustees have agreed to work together with the City and School Board to find a good solution. In conclusion, she advised the City Council that the Trustees would like to be part of the Joint Building Committee.

Bob Hopley spoke regarding the need for alumni field to remain and discussed the various organizations that rely on the field. He expressed concern with the lack of a replacement field and said that this field is one of the best in the State.

Martha Fuller Clark, State Senator, spoke in favor of eminent domain and urged the City Council to support the Resolution for adoption at the October 20, 2008 meeting. She said the reuse of an existing building will serve the needs of the educational program. The decision to keep the school in the downtown is smart growth and this is an opportunity to enhance the downtown.

Carol Chellman spoke in favor of eminent domain and said it is in the best interest of the City.

Richard Adams spoke in favor of eminent domain and said that this is a different process and you are not taking someone's home. He said this land has been used as a field for many years and the heirs of the Peirce family have not voiced an objection.

Bill St. Laurent, Association of Portsmouth Taxpayers said that this is a cost factor and eminent domain will cost the City money. He said that the Middle School does not need such a large space. He informed the City Council that population projections do not call for the number of students that we are building for and said the school should be scaled down.

Erik Anderson said there needs to be chronological order to show necessity before eminent domain can take place. He said we do not know the size of the proposed school. Mr. Anderson said we need to remove the restriction from the deed because we are violating the terms of the trust.

Allen Nelson said he has spoken with the Attorney General's office and in no way do they condone the taking of the property. He discussed building options to the front and said he has not received an answer as to why that option was not reviewed. He urged the Council to do a cost analysis for that option. Mr. Nelson expressed concern with the parking and said that there needs to be adequate parking for the Library.

Harold Whitehouse said eminent domain is a concern and expressed his opposition. He spoke in support of renovating the Middle School to the front of the building which would allow for a campus style school.

Katherine Brandon spoke opposed to taking the property by eminent domain and said the loudest voice should not dictate for the entire community. She said the students will not receive the same education during construction and said there are options that this is not a necessity.

Anthony Coviello said that this is a difficult decision for the City Council and the community has indicated they want the Middle School to remain on Parrott Avenue. He said that this is a well thought out plan and urged the City Council to move forward.

Kathy Pearce echoes the comments of Anthony Coviello and said that this has been a thorough process. She advised the City Council that this is a good plan and reflects the needs of the community.

Shaula Levenson spoke opposed to eminent domain and said the City Council needs to know the economic impact for the community. She informed the City Council lifting the deed restriction does not meet the needs of the community.

David Whitham said that eminent domain does not apply to this situation. He spoke in support of amending the deed restriction.

Kevin Slover spoke opposed to eminent domain to build a middle school. He said the site does not meet the needs of kids and the community for the future. He said he supports the Jones Avenue site.

David Forman complimented the City Attorney, Dr. Shuldman and JCJ Architects on their presentation. He said we have spent enough time on this matter and costs will continue to increase over time. He advised the City Council that he would like to see comparisons of costs with schools providing similar programs. He suggested using parking stickers for teachers to park off site. He recommended moving the tennis courts to the High School and using the area for parking.

Christopher Serlin spoke to the strong feelings of residents relative to this matter. He said he does not want to see a battle ensue because of the Middle School. He said that the City Council can renegotiate any contract.

Risto Kauppinen spoke opposed to eminent domain and said the City will spoil this land.

Kent LaPage said that Alumni Field is not just a softball field. He spoke opposed to eminent domain and moving the fields across the street. He said that the Recreation Department has also expressed their opposition to taking the fields. Mr. LaPage said this is the wrong message to send to the children and residents of the community that may be considering leaving property to the City.

Carl Diemer spoke opposed to moving forward with the eminent domain process. He said all other site options have not been considered or reviewed. He spoke to the unanimous vote of the Recreation Board opposed to taking the property by eminent domain. Mr. Diemer requested that the Recreation Board be included on the Joint Building Committee and urged the City Council to oppose the eminent domain.

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

Bill St. Laurent spoke opposed to eminent domain and said this matter is of great concern to the community. He urged the City Council to consider those organizations that utilize the field when making the decision.

Allen Nelson said that the heirs do not carry any weight on this decision.

Mary Mower said she is opposed to having the Middle School relocated to the Jones Avenue site. She is in favor of eminent domain in order for the Middle School to remain downtown. She said we can't have 5 more years of this; a decision needs to be made.

Bob Hopley said that residents maintain the Alumni Field and are opposed to losing the field. He expressed his support of moving the Middle School to the High School.

Dave Forman said the School Board has spoken regarding this matter and said he is in favor of eminent domain.

Carl Diemer said the community has high respect for the School Board and what they are doing. He does not feel they have had significant comments from the community on this matter. In conclusion, he asked the City Council to consider the concerns of parking and fields when making their decision.

Jeffrey Cooper submitted a letter to the Council in support of the eminent domain process.

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

At 10:10 p.m., Mayor Ferrini declared a brief recess. At 10:15 p.m., Mayor Ferrini called the meeting back to order.

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

- A. Acceptance of Police Department Grants
- Police Standards & Training Council to send Lt. Frank Warchol to the Massachusetts Police Leadership Institute Program - \$1,000.00
  - Department of Justice Office of Juvenile Justice and Delinquency Prevention to fund the Internet Crimes Against Children Task Force - \$420,000.00

Councilor Pantelakos moved to approve and accept the grants to the Portsmouth Police Department, as listed. Seconded by Councilor Smith and voted.

- B. Acceptance of Donation Re: Bench in Memory of William Mouflouze - \$1,200.00

Councilor Smith moved to approve and accept the donation for a bench in memory of William Mouflouze, as listed. Seconded by Councilor Pantelakos and voted.

## **IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A – Pearl Street – westerly side of Pearl Street after 8:00 a.m. and before 5:00 p.m., Monday through Friday

Councilor Smith moved to pass first reading and schedule a public hearing and second reading of the proposed ordinance, as submitted, at the October 20, 2008 City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.

- B. First reading of Ordinance amending Chapter 7, Article VI, Section 7.601 – Truck Loading/Unloading Zones Established and Section 7.602 – Truck Loading/Unloading Zones (24 Hours)

### Section 7.601

#### Daniel Street:

- northerly side, 123 feet east from Bow Street for a distance of 45 feet
- northerly side, 215 feet east from Bow Street for a distance of 35 feet
- southerly side, 55 feet west from Penhallow Street for a distance of 80 feet

#### Market Street:

- easterly side, south for a distance of 50 feet, beginning at Commercial Alley
- easterly side, south for a distance of 40 feet, beginning at Bow Street

#### State Street:

- northerly side, 40 feet east from Pleasant Street for a distance of 20 feet
- southerly side, 20 feet west from Atkinson Street for a distance of 29 feet



Section 7.602

Pleasant Street:

- westerly side, south from State Street a distance of 50 feet

Porter Street:

- northerly side, 15 feet west from Fleet Street for a distance of 40 feet
- southerly side, 145 feet east from Middle Street for a distance of 45 feet

Councilor Smith moved to pass first reading and schedule a public hearing and second reading of the proposed ordinance, as submitted, at the October 20, 2008 City Council meeting. Seconded by Councilor Hejtmanek and voted.

- C. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A – Parrott Avenue:
- on the northerly side from 300' easterly of Richards Avenue to a point 355' easterly of Richards Avenue
  - on the southerly side from 310' easterly of Richards Avenue to a point 355' easterly of Richards Avenue

Councilor Smith moved to pass third and final reading of the proposed ordinance, as amended at the September 15, 2008 City Council meeting. Seconded by Councilor Pantelakos and voted.

**X. CONSENT AGENDA**

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

- A. Letter from Zhana Morris, The Music Hall, requesting permission for parking meter bags for the 2008-2009 Season (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Heidi Roy, National Multiple Sclerosis Society, requesting permission to hold the 2009 Walk MS on Saturday, April 18, 2009 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Claudia Cauchon, Seacoast Striders requesting to hold the Seacoast Striders Walk on Saturday, November 15, 2008 (***Anticipated action – move to refer to the City Manager with power***)

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

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

- A. Letter from Sarah Hamill and residents regarding the renovation of the Portsmouth Middle School

Councilor Kennedy moved to accept and place the letter on file. Seconded by Councilor Novelline Clayburgh and voted.

- B. Request of Hayscales Trust (Dr. Terry Bennett, principal) for redemption and waiver of statutory penalty in connection with tax deeded property located at 236 Union Street

City Attorney Sullivan reported that this is the former Pro Portsmouth property. He reported that after more than 2 years of unpaid taxes, 5 unpaid tax bills, and 2 registered letters seeking the taxes, the City deeded the property to itself for nonpayment of taxes on May 30, 2008. Dr. Bennett seeks to have it returned to him without his being required to pay the \$51,500.54 penalty otherwise imposed by RSA 80:89 and 90. Furthermore, neither Dr. Bennett nor his former tenant in the building, Reliable Plumbing and Heating Inc., have paid rent to the City for the time they have been occupying the City's building, in spite of repeated demands. He said for that reason, an eviction proceeding against Reliable Plumbing and Heating has been commenced. City Attorney Sullivan advised the City Council that Dr. Bennett has an absolute right to redeem his property from the City by paying the amounts required. However, Dr. Bennett wishes to have the City waive collection of the \$51,500.54 in penalty. In conclusion, City Attorney Sullivan informed the City Council that authorization to waive the penalty is solely within the authority of the City Council.

Councilor Dwyer asked what the history is on such cases. City Attorney Sullivan advised the City Council that this is the first time any City Council has received this question in 25 years.

Councilor Spear moved to honor the request as presented by the City Manager for payment of taxes one year in advance and waive the penalty. Motion received no second. There was no action taken by the City Council on this matter.

- C. Petition from Islington Creek Neighborhood requesting new sidewalks throughout the neighborhood and traffic calming measures along McDonough Street  
**(Sample motion – move to refer this matter to the Planning Board for their consideration during the Capital Improvement Plan process for FY2010-2016)**

Councilor Dwyer moved to refer this matter to the Planning Board for their consideration during the Capital Improvement Plan process for FY2010-2016. Seconded by Councilor Pantelakos and voted.

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

### **A. CITY MANAGER**

1. Request for License Agreement from Coventry Assets Ltd.

City Manager Bohenko reported that the Historic District Commission approved the plan as presented.

Councilor Hejtmanek moved to refer this matter to the Planning Board for a report back to the City Council. Seconded by Councilor Novelline Clayburgh and voted.

2. Request to Dispose of Surplus Vehicles

City Manager Bohenko reported the City currently has surplus vehicles for disposal. In the past, we have sold the surplus vehicles through a sealed bid process to the highest bidder. According to City Ordinance Section 1.505, property valued at \$500.00 or more must receive approval from the City Council prior to bidding.

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

3. Report Back Re: Recommendations for the Future Disposition of Municipal Property located at 2700 Lafayette Road (Currently the site of Fire Station 2)

City Manager Bohenko reported at the August 28<sup>th</sup> Planning Board meeting, Site Plan approval was granted to the City to construct a new Fire Station 2 on property located at 3000 Lafayette Road. In taking this action, the Board also reviewed and discussed the disposition of the existing station (2700 Lafayette Road) and what steps should be taken following the commissioning and opening of the new station. Based on this discussion the Board offered the following recommendations to the City Council:

1. When the new Fire Station is occupied, that the existing station should be declared surplus; unless, some other municipal interest or use is identified; and,
2. If no such use or interest is identified, then, the zoning for the property should be changed from Municipal to General Business, which is the same district as most of the surrounding area.

Councilor Pantelakos moved to accept the report to dispose of the fire station property at 2700 Lafayette Road after the new fire station is completed and occupied. Seconded by Councilor Novelline Clayburgh and voted.

City Manager's Informational Items

2. *Household Hazardous Waste Collection Day*

City Manager Bohenko announced that Household Hazardous Waste Collection Day will be held on Saturday, October 11, 2008 between 8:00 a.m. and noon. Residents of Portsmouth, Newington and Greenland may bring unwanted household chemicals to the Recycling Center behind the Department of Public Works facility at 680 Pevery Hill Road.

3. *Budget Award*

City Manager Bohenko inform the City Council that the City of Portsmouth's budget document has received the highest form of recognition in governmental budgeting for a third straight year.

4. *Holiday Parade*

City Manager Bohenko announced that Mayor Ferrini has authorized Saturday, December 6, 2008, as the date for the 2008 Holiday Parade. The parade will begin at 6:00 p.m.

He advised the City Council that bands from Portsmouth High School, Dover High School, Somersworth High School and the Ancient Order of Hibernians have agreed to participate. The Spaulding High School Band is unavailable this year due to a scheduling conflict.

In addition, Mayor Ferrini is proposing that the theme of this year's holiday parade again be "Vintage Christmas in Portsmouth" to coincide with the 4<sup>th</sup> annual Vintage Christmas in Portsmouth program sponsored by The Music Hall, Strawberry Banke, City of Portsmouth and Banks Gallery.

The parade will be sponsored by The City of Portsmouth and coordinated by Pat Remick, with assistance from the Recreation Department.

5. *Report Back Re: Memorial Plaque Re: John F. Kennedy at the new Library*

City Manager Bohenko reported on the plans for a memorial plaque at the new Library in honor of John F. Kennedy (JFK). The plaque will be designed to do the following two things:

- Record the architectural history of the former armory building in accordance with the Memorandum of Agreement with the NH Division of Historical Resources, and
- Honor the memory of John F. Kennedy for whom the JFK Recreation Center was named

He informed the City Council that Todd Hanson, AIA, former New Library Building Committee member, has agreed to volunteer his time to assist with this project. He said it is the intent is to have the plaque installed before May 1, 2009.

**B. MAYOR FERRINI**

1. Appointments to be Considered:
  - Susanne Delaney – Appointment to Economic Development Commission
  - John O’Leary – Appointment to Board of Library Trustees
  - Joel Look – Appointment to Taxi Commission
  - Kent Kirkpatrick – Appointment to Taxi Commission

The City Council considered the appointments which will be voted on by the City Council at the October 20, 2008 meeting.

2. Appointment to be Voted:  
William Gladhill – Reappointment to the Economic Development Commission

Councilor Smith moved to reappoint William Gladhill to the Economic Development Commission until October 1, 2012. Seconded by Councilor Pantelakos and voted.

3. \*Request to appropriate \$5,000.00 from contingency for the USS NH Commissioning

Mayor Ferrini recommended the appropriation of \$5,000.00 from contingency for the USS NH Commissioning.

Councilor Smith moved to appropriate \$5,000.00 from the contingency fund for the USS NH Commissioning. Seconded by Councilor Novelline Clayburgh.

Councilor Smith said that he would like this to encourage other surrounding communities to make funds available for this incredible event.

Motion passed.

4. \*Reports

Mayor Ferrini announced that he has appointed Damien Frampton to the Fishing Fleet Blue Ribbon Committee.

**C. COUNCILOR SMITH**

1. Traffic & Safety Committee Action Sheet and Minutes of the September 11, 2008 meeting

Assistant Mayor Blalock moved to approve and accept the action sheet and minutes of the September 11, 2008 Traffic & Safety Committee meeting. Seconded by Councilor Novelline Clayburgh and voted.

2. Parking Committee Action Sheet and Minutes of the September 11, 2008 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the September 11, 2008 Parking Committee meeting. Seconded by Councilor Pantelakos.

Councilor Smith reported that the Snow Parking Ban Coupon System has been successful and they will continue it this year.

Motion passed.

**D. COUNCILOR KENNEDY**

1. Various Items Re: School Building Aid

Councilor Kennedy said that the last meeting there were questions on the process and she has provided documents to the City Council regarding this matter for their reference.

**E. COUNCILOR PANTELAKOS**

1. Skateboard Ordinance

Councilor Pantelakos said she would like to review the regulations of the Skateboard Ordinance. She said she understood that the ordinance would only prohibit skateboards in the downtown district but that is not the case.

Councilor Pantelakos moved to refer to the City Attorney for report back regarding the Skateboard and Rollerblading Ordinances. Seconded by Councilor Smith.

Mayor Ferrini suggested that the City Manager and City Attorney speak with the Traffic & Safety committee on potential areas to allow the use of skateboards and rollerblades.

Councilor Kennedy recommended a clarification of the definition for a skateboard.

Councilor Smith said that this issue was brought forward at the Safe Routes to School Committee as an area of concern as other means of transportation.

Councilor Spear said that skateboarding and rollerblading should be allowed in other areas of the City except for the Central Business District.

Motion passed.

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

At 11:00 p.m., Councilor Smith moved to adjourn. Seconded 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