

MINUTES
REGULAR COUNCIL MEETING
FEBRUARY 10, 1999
DOVER CITY COUNCIL
COUNCIL CHAMBERS
7:00 P.M.

1. **MOMENT OF SILENCE**

2. **PLEDGE OF ALLEGIANCE**

Councilor Reese led the pledge of allegiance.

3. **ROLL CALL**

Members present: Councilor Reese, Councilor Wilson, Councilor Berry, Councilor Johnson, Councilor Landry, Mayor Pro Tem Perry, Councilor Rawding, and Mayor Boc.

4. **PUBLIC HEARING**

1. Ordinance #1-1/13/1999. Chapter 3, Administrative Code, Purchasing. Sponsored by Mayor Wil Boc, by Request . **(See Item 10A-1)**

The Mayor opened the Public Hearing on this ordinance. Seeing no speakers, the Mayor closed the Public Hearing.

2. Ordinance #2-1/13/1999. Chapter 166, Vehicles and Traffic, Section 56, Schedule I: No Parking at Any Time, Greenfield Drive. Sponsored by Councilor David Landry. **(See Item 10A-2)**

The Mayor opened the Public Hearing on this ordinance. Seeing no speakers, the Mayor closed the Public Hearing.

3. Resolution RE: Funding of City Transportation Improvements. Sponsored by Councilor David Landry, Chairman, Parking and Traffic Committee. ***(NOTE: This item was correctly advertised for a public hearing, but inadvertently left off of the original Agenda notice). (See Item #10C-1)***

The Mayor opened the Public Hearing on this resolution.

Richard Kane – 55 Horne Street. Mr. Kane stated he understands this is an additional levy on vehicle registrations. He stated he feels the council should consider this levy to be for only one (1) vehicle per registrant since some people have multiple vehicles.

Erv Sparkman – 232 Tolend Road. Mr. Sparkman stated he is in opposition of the new assessment in taxes – not because of the amount. He stated it hides the true burden of taxes on the taxpayer. Mr. Sparkman stated he doesn't

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believe it is a user tax. He stated he feels the traffic on roads in Dover comes from outside of Dover. Mr. Sparkman stated the newspaper says this will offset 13 ½ ¢ of the tax rate. He stated he does not believe this will happen. Mr. Sparkman feels it is just another loophole to collect more taxes.

Bernie Stillwagon - 20 Littleworth Road. Mr. Stillwagon stated he is opposed. He stated we are paying here and also at Sears when tires are changed. He feels more taxes are ridiculous.

Dan Morris – 8 Durham Road, the Garrison. Mr. Morris stated he supports the tax.

Seeing no more speakers, the Mayor closed the Public Hearing.

5. CITIZEN'S FORUM

The Mayor opened the Citizen's Forum.

Dan Morris – 8 Durham Road, the Garrison. Mr. Morris stated he is here regarding the Route 16 Corridor Study. He stated he has a notebook with the results and projections of the study and also the videos narrated by Fritz Weatherby of the Route 16 Study.

Bernie Stillwagon – 20 Littleworth Road. Mr. Stillwagon takes us back when we first had Sawyer's and Pacific Mills, then shoe shops came to town. He went on to say what he feels we need here in town. Mr. Stillwagon stated he feels his area has done their fare share for the city. He stated he does not want more industry in his area of Littleworth and Knox Marsh Rd.

Erv Sparkman – 232 Tolend Road. Mr. Sparkman stated he is not here to speak against rezoning, he hopes they will reject it tonight. He stated this has been a long, hard battle. Mr. Sparkman urges the City Council to reject the rezoning. He stated if they do, the Planning Department will come back with a revised plan. Mr. Sparkman stated he wants to see the citizens more involved this time with their input.

Sherry Picardy – 155 Columbus Avenue. Ms. Picardy presented a map with the folks highlighted against rezoning. She stated their position remains the same and hopes the council votes no to rezoning.

Anna Kay and Richard Kay – 45 Littleworth Road. Mrs. Kay thanked the council for listening to everyone and hopes the council supports their position.

The Mayor closed the Citizen's Forum.

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6. MINUTES

A. Minutes of January 13, 1999 – Regular Meeting

Perry moved to adopt, seconded by Berry. Motion passed on a vote of 6-0. Rawding abstained.

7. MAYOR'S REPORT

The Mayor stated on January 14, he met with Beth Thompson, the Economic Director and Tim Dargen, Vice President of the Bank of New Hampshire. Mr. Dargen is a new appointee of DEDC. The meeting was to familiarize him with DEDA.

On January 14, he also attended a retirement ceremony for Don Mullen.

On January 21, the Mayor and the City Manager and most of the city council had a Tri-City meeting with the Strafford County Delegation. Their next meeting will be in Rochester and they will form an executive committee to study regionalization.

On January 25, he attended the School Budget meeting.

On January 26, he attended the DEDC meeting in which they discussed the Main Street Program and the riverfront development. This was specifically to seek financial resources to push that development.

On February 1, he attended a 2nd School Board budget workshop.

On February 8, he attended another School Board regular meeting.

The Mayor made two appointments. Bob Berry will be chair of the appointments committee and Jerry Reese will be added to replace Jalbert on that committee.

The Mayor read the Arbor Day Proclamation. Arbor Day will be April 30, 1999.

The Mayor stated last month Councilor James Jalbert presented his resignation. His seat will be filled in March. He stated he had two (2) people apply for consideration.

Peter Schmidt – 53A Fourth Street. Mr. Schmidt stated he owns a three-unit apartment building. He has lived in Dover approximately 15 years. He stated he was pleased to have come within 20 points of Jalbert when they ran for council. Mr. Schmidt stated he got to know more than his neighborhood when he ran before.

Mr. Schmidt stated many things need doing in walking his neighborhood, such as sidewalks. He stated someone must do this job and he does have the time.

He has a quality education, he is diligent, and he is a former marine, and has taught at the University of New Hampshire.

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Mr. Schmidt stated he has all parameters to meet the job criteria. He stated the contacts he has made in Concord he feels will help him and he knows all the councilors.

Kathy Taylor – 5 Country Club Estates. Ms. Taylor stated she is a representative for district 11, Wards 1, 2, and 3.

She stated she served in 1996 and 1997 as chair of the financial planning committee and as Mayor Pro Tem. Ms. Taylor listed the committees she is currently serving on. She stated she has been a resident for 21 years and lives with her daughter at Country Club Estates. She thanked everyone.

Perry moved to accept, seconded by Reese. Motion passed on a vote of 8-0.

8. REPORTS OF STANDING AND SPECIAL COMMITTEES

A. Solid Waste Advisory – Councilor David Landry

Wilson filled in for Landry. The first meeting was held on January 14 the discussion started with the new green trash bags. He stated people seem to like the color. Wilson stated there was a lengthy discussion regarding the budget and submitting it on time. He stated, they also discussed reducing the cost of the bags. Wilson stated they conducted a study on price.

Wilson stated they also discussed recycling in the high school. He stated they discussed the availability of bins.

Wilson concluded this meeting.

Landry continued. He stated he appreciated Wilson covering the first meeting.

Landry stated the second meeting was held on February 4. He stated they had a visit from Larry Bird of Waste Management to speak.

Dover's waste will be accepted until 2010 Landry stated a contract will go out this June for solid waste.

Landry stated we are purchasing 500 - 18 gallon, dark green, recycle bins at approximately \$6.00 each. He stated this is an esthetics compliance. He stated the fund is projected to have over \$100K in about a year. They also determined there will a reduction in the price of the bags

30 gallon bags will be \$1.00

15 gallon bags will be 65¢ or 75¢

A resolution will be on the agenda on March 10, 1999 to change the price of the bags.

There were concerns that there will be a new contract with the waste hauler.

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FY 2000 Budget – 2 different orgs

1. Residential Solid Waste Fund
2. Recycling Fund

Landry stated the next meeting is scheduled for February 18, 1999. The bag price change will occur on or about April 1.

There was discussion on the new Public Works facility.

Perry asked about surplus – has there been any consideration about subsidizing the cost of recycling?

B. Planning Board – Councilor Jerry Reese

Reese stated on January 26 they Considered and Accepted and application for a minor lot line adjustment for Phyllis Pelczar and Gerard Rainey on Maplewood Ave

C/A an application for a minor subdivision of land for Richard Kay – Old Littleworth Road

Considered and did not accept an application for a minor subdivision for the estate of Dorothy Jocelyn of Dover Point Road. It is being worked on by the applicant.

C/A an application for a minor lot line adjustment for Middleton Building Supply on Old Rochester Road.

C/A an application on the same piece of land and the Planning board did a site walk.

C/A site review for Shaw's for expansion and parking lot improvements.

He stated they voted on TIP improvements.

They had a discussion and acceptance for a change of use for Seaborn Drive Voted on the CIP submitted by the School Board.

Reese stated on February 9 there was a Public Hearing. C/A extraction permit for Severino Trucking on city owned property on Mast Road.

C/A conditional use permit for Norm Hendricks on Dover Point Road.

C/A and approved a minor lot line adjustment for Greg and Helen Koutrelaskos on County Farm Road.

Approved a site review for Middleton Building Supply.

Berry asked Reese regarding Portsmouth Christian Academy and traffic on Back River Road and Garrison Road.

Reese deferred to Steve Stancel.

Wilson asked regarding Middleton Lumber and a privacy fence at the back and highway side.

Reese believes it is still in the plan.

C. Joint Building Committee – Councilor W. Scott Rawding.

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Rawding stated they met on February 9 and went over the contractors' report.

Rawding stated the school is on schedule. He stated the concrete floor footings are complete. One to two floors are being poured each week and are 75% complete.

The roof on the gym and cafeteria are complete; these are flat rubber roofs. Rawding stated the left side of the classroom wing is 75% complete. He stated the core of the truss work is complete. Rawding stated the studs are 85% complete on the first floor. He stated we already have over three miles of plumbing. Rawding stated they are moving at a great pace. He stated they had a discussion about a midyear transition.

Rawding stated this is an exciting project and is on budget and on schedule. He stated the next meeting is March 9 at the Dover Public Library at 7:00 p.m.

D. Parking and Traffic Committee – Councilor David Landry
None.

E. Joint Building Committee – Kindergarten, Councilor Bill Wilson
Wilson stated there was no report because there was no meeting.

Reese moved to accept the reports, seconded by Berry. Motion passed on a vote of 7-0.

9) CITY MANAGER'S REPORT

The City Manager stated regarding Economic Development matters. \$1.4 million in building permits. The city collected \$7,900 in fees and issued 9 new single family building permits.

Perry moved to accept, seconded by Berry. Motion passed on a vote of 7-0.

10) UNFINISHED BUSINESS:

A. ORDINANCES IN 2ND READING

1. Ordinance #1-1/13/1999. Chapter 3, Administrative Code, Purchasing. Sponsored by Mayor Wil Boc, by Request .

Perry moved to refer to a 3rd reading on March 10, seconded by Reese. Motion passed on a vote of 7-0.

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2. Ordinance #2-1/13/1999. Chapter 166, Vehicles and Traffic, Section 56, Schedule I: No Parking at Any Time, Greenfield Drive. Sponsored by Councilor David Landry.

Landry moved to adopt, seconded by Berry to adopt.

Landry explains this is one side of the street.

Motion passed on a roll vote of 7-0.

B. ORDINANCES IN 3RD READING

1. Ordinance #25 – 12/9/98, Chapter 170, Zoning. Sponsored by Councilor Jerry Reese.

Reese moved to adopt, seconded by Berry. Perry moved to divide, seconded by Berry. #1, #5, and #17.

All in favor of dividing.

Motion passed on a vote of 7-0.

#1. Littleworth Road – The Mayor states this requires a 2/3 vote in favor to pass.

Landry speaks to this. He stated he has been to 10 meetings on this and feels the Planning Board worked quite hard on this. Landry feels it's a credit to the group that they brought forth their concerns in a joint effort. He stated he respects their opinion.

Landry moved to reject this resolution #1 and send it back to the Planning Board, seconded by Wilson.

Johnson stated he does plan to support rezoning. He stated there are three questions, 1) Is the rationale for the rezoning sound, 2) will the rezoning accomplish the objective, 3) Is the benefit worth the impact to the residents (cost)? Johnson then answers the questions. Johnson stated he feels studies substantiate the rezoning. He continues by stating we need to listen to the experts.

Johnson feels rezoning is in the best interest of most citizens of Dover. He stated he wants a final decision tonight and does not want to send it back to the Planning Board tonight.

Perry first stated as he understands it, an affirmative vote would be to reject rezoning – yes means no. He stated he is not convinced about Johnson's facts. Perry stated he wants to see Claremont settled for one. He also stated Columbus Avenue and Littleworth Road area is not the only area for rezoning.

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Berry stated after a lot of email and reviewing data, we need to do more compromise in this area. He stated he is in favor of voting it down and sending it back. Berry stated the Planning Board and Director has done an outstanding job.

Johnson makes a point regarding the Claremont decision. He stated he does not feel it will change things that much.

Rawding stated his hat is off to the Planning Board. He stated he is convinced rezoning has to happen in the City of Dover. Rawding stated he appreciates the hard work the Planning Board has done. He stated we compromised twice regarding Week's Traffic Circle rezoning. Rawding stated he feels this area is troublesome. He stated he wants the Planning Board to take another look at the area.

Landry restated his motion to the Ordinance #25-12/9/98, Section 2. To reject the amendment. He motioned to amend this item to return it to the Planning Board, seconded by Wilson. Motion passed on a roll call vote of 6-1 to reject. Johnson opposed.

Section #6 Perry moved to accept, seconded by Berry. Perry stated he is inclined to vote for this.

Berry stated he supports this amendment.

Wilson stated he would like to clarify the amendment as it stands. He stated he feels it is an opportunity to strip mall this section of the city. He stated this would be the beginning of the end.

Landry stated he is inclined to vote yes, but the corner on Bellamy is zoned R-20. Can we keep the corner R-20 and move the rest from RM20 to a B4 district.

Steve Stancel stated you could do this. He stated you would be able to get a single-family unit on that piece of property.

Landry stated his understanding is there are two different zones, but one piece of property. He stated he wants to protect the corner. Landry also is concerned with maintaining the integrity of Bellamy Park.

Landry stated the city is not in a position to purchase this property. He stated he could be in favor if they do not rezone the corner. Landry stated this wouldn't affect the ability to develop the rest of the property.

Landry moved to amend Section 6 to keep the present R-20 zone as is. Wilson and Reese seconded the amendment. The balance would be B-4 after the vote.

The Mayor says he needs 5 votes to carry this amendment.

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The amendments fails on a roll call vote of 4-3. Berry, Johnson, and Rawding opposed.

Motion to accept Section 6, fails on a roll call vote of 4-3. Reese, Wilson, and Landry opposed.

Reese moved to accept Section 18, seconded by Berry. Motion passed on a roll call vote of 6-0. Perry abstained.

Perry moved to adopt the remaining Sections, seconded by Berry. Motion passed on a roll call vote of 7-0.

2. Ordinance #22 – 12/9/98, Chapter 66, Bicycles, Skateboards, and Scooters. Sponsored by Councilor W. Scott Rawding.

Rawding moved to adopt, seconded by Perry.

Rawding explained the ordinance.

Landry stated he has questions. Do we have a truant officer. The Police Chief stated we have a part-time one.

Landry stated he doesn't understand about the hours and parental supervision of children. Why do we need a special ordinance for rollerblading and not one for when the children are fishing or at the bowling alley? (and not in school)

Perry clarifies stating the city shouldn't be providing entertainment during the school session.

Motion passed on a roll call vote of 4-3. Wilson, Johnson, and Landry opposed.

C. RESOLUTIONS

1. Resolution RE: Funding of City Transportation Improvements. Sponsored by Councilor David Landry, Chairman, Parking and Traffic Committee.

Perry moved to refer to a workshop on February 17, seconded by Berry. Motion passed on a vote of 7-0.

11. NEW BUSINESS:

A. CONSENT CALENDAR

1. Resolution RE: Permission to File a Grant Application for New Hampshire Ice Storm Community Forestry Grants. Sponsored by Mayor William E. Boc, by Request.
2. Resolution RE: Award of Purchase Order for a Specialized Multi-User Recreation Computer Software Program. Sponsored by Mayor Wil Boc, by Request. **(now 11.B.9.)**
3. Resolution RE: Naming of Access Road to New Middle School as Daley Drive. Sponsored by the Council as a Whole. **(now 11.B.10.)**
4. Resolution RE: Re-Naming of the Sixth Street Connector. Sponsored by Mayor Wil Boc. **(now 11.B.11.)**
5. Resolution RE: Award of Bid #B99042 for Intersection Traffic Signal Repairs. Sponsored by Mayor Wil Boc, by Request.
6. Resolution RE: Award of Bid #B99040 for Miscellaneous Work and Fitness Footwear. Sponsored by Mayor Wil Boc, by Request.
7. Raffle Permit – Friendly’s Restaurant (on behalf of Easter Seals)
8. Tagging Permit - Dover South Side Little League
9. Raffle Permit – St. Thomas Aquinas High School
10. Parade Permit – Dover Cooperative Ministries (Walk for Hunger)
11. Wetlands Application – 401 Dover Pt. Rd., Norman Hendricks
12. Wetlands Application – Three Rivers Farm, 125 River Farm Road, c/o Daniel J. Philbrick

Perry moved to adopt, grant the permits, and file the applications; seconded by Reese.

Rawding stated he would like to remove 11.A.6. to become 11.B.8.
Wilson stated he would like to remove 11.A.2. to become 11.B.9.
Berry stated he would like to remove 11.A.3. to become 11.B.10 and
remove 11.A.4. to become 11.B.11.

All in favor to approve those left. Motion passed on a vote of 6-0. Wilson absent.

B. RESOLUTIONS

1. Resolution RE: Authorizing Participation in the New Hampshire Main Street Program and Designating a Municipal Official to Represent the City of Dover on the Local Nonprofit Main Street Governing Board of Directors. Sponsored by Mayor Wil Boc, by Request.

Perry moved to refer to a workshop on February 17, seconded by Reese. Motion passed on a vote of 6-0. Wilson absent.

2. Resolution RE: Award of Bid #B99047 for a Police Motorcycle. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Berry.

Rawding questions will the motorcycle be fully funded by Federal Grant.

The City Manager stated, yes.

Motion passed on a roll call vote of 6-1. Wilson opposed.

3. Resolution RE: Award of RFP #B99036 for Professional Consulting Architectural and Engineering Services for Construction of a New Public Works Facility. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Landry. The City Manager defers to Landry who explains. Landry stated he has concerns. He stated he would like to support the feasibility study phase and move forward. Landry stated this is a negotiable bid. He stated they need a quality building to use for the next 40 years. Landry stated he needs support on the feasibility study phase to move forward.

Reese stated he is concerned about the cost. He stated he was assured each phase will come back to the Council.

Rawding stated he knows we need a new public works facility. His question is why didn't we pass it in the CIP – because we can't afford it. He stated we are struggling to digest a new kindergarten program and a new middle school. Rawding stated he doesn't believe we need outside agencies. He stated we need to use in-house engineering to move forward.

Rawding stated Durham has done a lot of engineering themselves. He stated the priority is low for this – now is not the time to spend.

Berry believes it is the time. He stated we need to plan for it now. Even if we don't build it next year or the year after.

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The City Manager clarified maybe at the end of the first phase we will be able to do some things ourselves. He stated we need to gather as many facts as we can; we need clear answers.

Rawding responds to the City Manager. He stated but the bottom line with this is we should not be moving forward. Rawding cautions once, we have to watch our pennies or our budget will be much more than people can afford.

Perry supports this. He stated he agrees with Rawding about our engineering staff, but they do not have the time.

Johnson wants to move forward with this. He feels this is the right time to do it.

Wilson asked the City Manager if each phase will keep coming back to the Council. The City Manager stated it will.

Wilson moved to eliminate the second further be it resolved, seconded by Berry. Motion passed on a vote of 6-1. Rawding opposed to the amendment.

Resolution passed on a roll call vote of 6-1. Rawding opposed.

4. Resolution RE: Award of Bid #B99041 for Mobile Radios. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Reese. Motion passed on a roll call vote of 7-0.

5. Resolution RE: Award of Bid #B99038 for Employee Uniform Rental and Cleaning Services. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Berry. Motion passed on a roll call vote of 7-0.

6. Resolution RE: Award of Bid #B99045 for a Sand/Salt Spreader. Sponsored by Mayor Will Boc, by Request.

Perry moved to adopt, seconded by Reese. Motion passed on a roll call vote of 7-0.

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7. Resolution RE: Acceptance of the City Transportation Improvements Program (TIP) and Proposed Applications for Project Acceptance into Regional and State FY01-03 TIP and Long Range Transportation Plan. Sponsored by Mayor Wil Boc, by Request.

Perry moved to adopt, seconded by Landry.

Bruce Woodruff explained the resolution.

Perry stated he has questions regarding the County Farm Road Bridge.

Woodruff explained this portion of the resolution.

Perry asked about the improvements of the **S** curve on Eric Drive and Watson Road.

Motion passed on a vote of 7-0.

8. Resolution RE: Award of Bid #B99040 for Miscellaneous Work and Fitness Footwear. Sponsored by Mayor Wil Boc, by Request. **(11.A.6.)**

Perry moved to adopt, seconded by Berry.

Deferred to Rawding. Rawding stated he had objections to riding boots for the mounted police.

The City Manager stated we will still buy them at Red's, but it won't be out of the General Fund.

Motion passed on a roll call vote of 7-0.

9. Resolution RE: Award of Purchase Order for a Specialized Multi-User Recreation Computer Software Program. Sponsored by Mayor Wil Boc, by Request. **(11.A.2.)**

Perry moved to adopt, seconded by Reese.

Wilson has a problem. He stated he doesn't understand this.

Gary Bannon explains this is needed for the time involved, this is a comprehensive package. He stated this also helps the School Department and eliminates duplication.

Wilson stated it will do a more efficient job.

Rawding stated okay, Gary Bannon answered his question.

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Landry stated he has questions. He stated the city and most companies are on a software binge. He asked if there is a personnel savings factor?

Gary Bannon mentioned other cities that have this software. He stated we are getting a \$4K discount over two years ago.

Johnson defends technology regarding Newmarket Software out of Portsmouth. He stated this is a new multi-million dollar outfit. This will make good use of the money.

Perry stated he is in favor. The money will be well spent.

Motion passed on a roll call vote of 5-2. Wilson and Landry opposed.

10. Resolution RE: Naming of Access Road to New Middle School as Daley Drive. Sponsored by the Council as a Whole. **(11.A.3.)**

Berry moved to adopt, seconded by Johnson.

Berry moved to substitute the amended version, seconded by Perry.
Motion to substitute passed on a vote of 7-0.

Motion to pass resolution passed on a vote of 7-0.

11. Resolution RE: Re-Naming of the Sixth Street Connector. Sponsored by Mayor Wil Boc. **(11.A.4.)**

Mayor Boc moved to adopt, seconded by Perry.

Resolution passed on a vote of 7-0.

C. ORDINANCES IN THEIR 1ST READING

1. Ordinance #3-02/10/1999, Chapter 3, Administrative Code, Article IV, Boards and Commissions, Section 3-59, Recreation Advisory Board. Sponsored by Councilor Robert Berry.

Berry moved to refer to a Public Hearing on March 10, 1999, seconded by Johnson. Motion passed on a vote of 7-0.

D. COUNCIL CORRESPONDENCE

1. Letter of Resignation – James Jalbert, Ward 2 Councilor

Perry moved to accept, seconded by Reese. Motion passed on a vote of 7-0.

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Landry moved to suspend the rules, seconded by Berry. Motion passed on a roll call vote of 7-0.

Landry moved to introduce Ordinance #4-2/10/1999, Chapter 166, Vehicles and Traffic, Section 50, Schedule C: Stop Intersections – Browning Drive.

Landry moved to refer to a Public Hearing on March 10, 1999, seconded by Perry. Motion passed on a vote of 7-0.

12. COUNCIL MATTERS OF INTEREST

1. Perry stated he is concerned about Route 16 Study matters. He stated he would like this filed at the Library.

13. NON PUBLIC SESSION RE: Labor

Withdrawn.

14. ADJOURNMENT

Reese moved to adjourn, second by everyone.

JUDY GAQUETTE
CITY CLERK