

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 3, 2001

PORTSMOUTH, NH
TIME: 7:00PM

At 6:00 p.m., an Anticipated "Non-Meeting with counsel was held regarding Coalition Communities.

I. CALL TO ORDER

Mayor Sirrell called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Mayor Sirrell, Assistant Mayor Clews, Councilors Hanson, Grasso, Wagner, Hynes, Marconi, Whitehouse and Pantelakos

Absent: None

III. INVOCATION

Mayor Sirrell asked everyone to join in a moment of silent prayer

IV. PLEDGE OF ALLEGIANCE

Assistant Mayor Clews led in the Pledge of Allegiance to the Flag followed by the singing of the National Anthem by Wendell Purrington.

PRESENTATIONS TO:

1. Assistant Mayor Clews

Mayor Sirrell and Councilor Hanson presented Assistant Mayor Clews with a chair in recognition for her service to the City as Assistant Mayor.

Assistant Mayor Clews accepted the chair with gratitude and thanked the Council members and citizens for allowing her to serve the City as Assistant Mayor.

2. Councilor William V. Wagner

Mayor Sirrell and Councilor Hanson presented Councilor Wagner with a chair in recognition of his years of service to the City as a City Councilor.

Councilor Wagner accepted the chair with gratitude and thanked the Council members and the citizens for allowing him to serve the City for many years.

3. Retired Fire Chief Ricky A. Plummer

Mayor Sirrell presented a Proclamation and a chair to Retired Fire Chief Plummer in recognition of his years of service to the City of Portsmouth Fire Department.

Chief Plummer accepted the chair with gratitude and thanked the City Council and City Manager Bohenko for their assistance while he served as Fire Chief.

4. Elaine Hussey – Class of 1940 Service in World War II

Elaine presented a book to Mayor Sirrell outlining the individuals from the Class of 1940 who served in World War II. Elaine briefly explained the book to the City Council that took 8 months to complete. She advised the City Council that copy of the book would be on file at the Portsmouth Naval Shipyard, Portsmouth Public Library and Mayor Sirrell's office for the public to review.

V. VOLUNTEER COMMITTEE REPORTS

1. Update of Issue of Wetlands Buffer Zone at Pease Tradeport – Eileen Foley and Peter Loughlin, Pease Development Authority Board of Directors

Eileen and Peter provided the City Council with an update regarding the Wetlands Buffer Zone at the Pease Tradeport. Eileen said that a number of City staff attended to provide various views of the City at the Public Hearing of the PDA regarding this issue. Peter advised the City Council that various areas of the Tradeport would be examined to come up with a recommended buffer zone.

2. Joint Building Committee Report – William Wagner, City Councilor, and Kent LaPage, School Board Chairman Re: Team Design, Joint Building Committee Architect, will provide an update on plans for renovations to Portsmouth High School and New Franklin School

Councilor Wagner, School Board Chairman LaPage, School Business Administrator Torrey, Dan Bisson and Dan Bragg of Team Design provided an update. Team Design advised the City Council that renovations to the New Franklin School are scheduled to be completed by September 2002. Renovations to New Franklin School would include more classroom space, updates to the gym and the creation of a cafeteria along with a reconfiguration of the parking area. Parking spaces at the school are proposed to increase by 25 spaces. Discussion followed regarding the renovations of the High School. There would be a third story constructed at the High School and various renovations would be completed in phases. All renovations to the High School would be completed by September 2004.

VI. ACCEPTANCE OF MINUTES – NOVEMBER 19, 2001

Councilor Pantelakos moved to accept and approve the minutes of the November 19, 2001 City Council meeting. Seconded by Councilor Grasso and voted.

VII. PUBLIC COMMENT SESSION

Martin Cameron, Portsmouth resident, spoke regarding the proposed wetlands buffer zone at the Pease Tradeport. He also expressed concern regarding the ground water at Pease.

Peter Bresciano, Portsmouth resident, expressed concerns regarding the upcoming revaluation. He requested that the Revaluation Committee be reactivated to handle concerns of residents regarding the revaluation process.

City Manager Bohenko said that the Revaluation Committee would be reactivated once the new Assessor takes office after the first of the year.

Adolph Berounsky, Portsmouth resident, expressed concern regarding the cost of living increases given to the city employees.

Joshua Cyr, Portsmouth resident, spoke in support of the Olympic Torch passing through the City on Friday, December 28th.

VIII. PUBLIC HEARINGS

A. TO RECEIVE PUBLIC INPUT ON THE FINAL REPORT OF THE MAYOR'S BLUE RIBBON COMMITTEE ON ARTS AND CULTURE

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

Ellen Fineberg and Jeffrey Gable provided the final report of the Mayor's Blue Ribbon Committee on Arts and Culture.

The following is a list of the recommendations of the Committee:

- ☞☞Market the Assets of the City
- ☞☞The Preservation of the unique character of the City
- ☞☞Creation of space for activities and events
- ☞☞Engage youth for the City's future
- ☞☞Partner with businesses
- ☞☞Coordinate via a Cultural Agency

The desired outcome would be that City government, business, non-profit sector and citizens working together to invest in the health of our community.

Ellen acknowledged the leadership of Councilor Grasso in chairing this Committee.

Kate Morrison, Portsmouth resident, spoke in support of the Arts and Culture Committee plan. She suggested the creation of an art coop for individuals.

David Norton, Portsmouth resident, spoke in support of the final report and urged the City Council to support the recommendations of the Committee.

George Hosker, Portsmouth resident, expressed his appreciation of this Committee and its work. He urged the City Council to support the report from the Arts and Culture Committee.

Wendell Purrington, Portsmouth High School Arts Director, endorsed the Arts and Culture Committee report. He suggested the creation of a Center for the Arts, which would be affordable, and accessible to all interested in arts and culture. He said that art is the heart of education.

Joshua Cyr, Portsmouth resident, spoke in support of the report from the Arts and Culture Committee and urged the adoption of the plan by the City Council.

Peter Lamb, Portsmouth resident, urged the City Council to keep the momentum going on this project. He said that arts and culture are a tremendous resource of the City.

Doug Knight, Executive Director of Pro Portsmouth, spoke in support of the Arts and Culture Committee report. He said that this is a wonderful start to a wonderful process and urged the City Council to continue the process.

Jeff Warner, Portsmouth resident, spoke in support of the report from the Arts and Culture Committee. He recommended that the organization be non-profit and they create a mission statement and establish a policy of how members would be selected to serve on the Committee.

Marge Hubbard, Tourism Director of Chamber of Commerce, spoke in support of the report.

Patsy Lorenz, Portsmouth resident, spoke in support of the report.

Councilor Grasso read a letter of support from Superintendent Tracy and Assistant Superintendent Lister of the final report from the Arts and Culture Committee.

After three calls and no further speakers, Mayor Sirrell declared the Public Hearing closed.

Assistant Mayor Clews moved to suspend the rules in order to take up Item XII C.1. – Action on Final Report of the Mayor’s Blue Ribbon Committee on Arts and Culture. Seconded by Councilor Whitehouse and voted.3

Councilor Grasso moved to refer the final report of the Mayor’s Blue Ribbon Committee on Arts and Culture to the Planning Board to include the Cultural Plan in the City’s Master Plan. Seconded by Councilor Pantelakos. On a unanimous roll call 9-0, voted to pass the motion.

Councilor Grasso moved to authorize the City Manager to work with Councilor Grasso on the implementation of the Cultural Plan following its adoption by the Planning Board with approval by the City Council. Seconded by Assistant Mayor Clews.

Councilor Grasso said that some members of the Committee would remain on to work with her and the City Manager to implement the plan following its adoption by the Planning Board.

Councilor Hanson said that this plan would come back before the City Council for approval following its adoption by the Planning Board.

Motion passed.

At 9:05 p.m., Mayor Sirrell declared a brief recess. At 9:20 p.m., Mayor Sirrell called the meeting back to order.

B. ORDINANCE AMENDING CHAPTER 8, ARTICLE I, SECTION 8.130 – SCOPE, SIGNS INCLUDED BY AMENDING 8.103 C – REMOVAL REQUIRED

Mayor Sirrell read the legal notice, declared the Public Hearing open and called for speakers. After three calls and no speakers Mayor Sirrell declared the Public Hearing closed.

IX. APPROVAL OF GRANTS/DONATIONS

- A. U.S. Department of Justice funding under the COPS MORE01 Program Grant to be used for the purchase of computer equipment

Councilor Grasso moved to approve and accept the grant award to the Portsmouth Police Department as listed. Seconded by Assistant Mayor Clews and voted.

- B. Acceptance of Donation from the Levine Family Charitable Trust for the Seacoast Emergency Response Team

Councilor Hanson moved to approve and accept the donation to the Portsmouth Police Department as listed. Seconded by Councilor Pantelakos and voted.

- C. Acceptance of Donation from Hoyle, Tanner & Associates for the Portsmouth Police Honor Guard

Assistant Mayor Clews moved to approve and accept the donation to the Portsmouth Police Department as listed. Seconded by Councilor Hynes and voted.

X. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Ordinance amending Chapter 8, Article I, Section 8.130 – Scope, Signs Included by amending 8.130 C – Removal Required

Councilor Grasso moved to pass second reading of the amendment to Section 8.103 C, Temporary Sign Ordinance, as drafted, and establish a third and final reading at the December 17th City Council meeting. Seconded by Councilor Marconi.

Councilor Whitehouse moved to amend the ordinance that signs must be removed within 72 hours versus 15 days. This motion received no second.

Motion passed.

XI. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Mark Rooney, Salt Lake 2002 Olympic torch Relay, requesting permission to bring the Olympic Flame into the City on Friday, December 28, 2001

Councilor Hanson move to refer to the City Manager with power. Seconded by Assistant Mayor Clews and voted.

- B. Letter from Robert and Nackey Scagliotti requesting permanent use of a portion of a paper street right-of-way for Livermore Street

Councilor Hanson moved to refer to the Planning Board for a report back. Seconded by Assistant Mayor Clews and voted.

- C. Letter from Alanson Sturgis requesting that vehicles with prisoner of War or Purple Heart plates park free at meters

Councilor Hanson moved to accept and place the letter on file. Seconded by Councilor Whitehouse and voted.

Councilor Hanson said that a letter would be sent to Mr. Sturgis regarding the decision of the Parking Committee regarding this matter.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Meter Enforcement – 2001 Christmas Season

Councilor Hanson moved to authorize the Police Department to forego meter enforcement in the downtown area from Saturday, December 15th through, Tuesday, December 25th, with the stipulation that the 15 minute, two-hour and four-hour limits will be enforced. Seconded by Councilor Pantelakos and voted.

Councilor Hanson requested that the flyers announcing the foregoing of meter enforcement be amended to include the enforcement of the 15-minute parking areas.

- 2. Request to Approve Names of Private Streets in Hillcrest Estates Mobile Home Park

Councilor Pantelakos moved to accept the street names submitted by Portsmouth Mobile Homes, Inc. [Hillcrest Estates] as outlined. Seconded by Councilor Marconi and voted.

Bluefish Boulevard	Mackerel Avenue	Striped Bass Avenue
Codfish Corner Road	Octopus Avenue	Tuna Terrace
Desfosses Avenue	Salmon Avenue	Urchin Avenue
Dolphin Avenue	Squid Street	

B. MAYOR SIRRELL

- 1. Donation to the Coalition Legal Fund

Mayor Sirrell passed the gavel to Assistant Mayor Clews.

Mayor Sirrell moved to accept the \$10.00 contribution from Robert and Marcia Harris to be placed in the Coalition Legal Fund. Seconded by Councilor Hanson and voted.

Assistant Mayor Clews passed the gavel back to Mayor Sirrell.

- 2. Reports

Mayor Sirrell asked City Manager Bohenko to discuss the letter from the Cable Commission to David Grain, Northeast Region AT & T Broadband regarding the Franchise Agreement Renewal.

City Manager Bohenko said that the agreement allows the City to extend the term until 2009. He said that the purpose of the letter was to notify AT & T Broadband that the City has decided not to exercise its option to extend the term of the agreement for any period beyond its current expiration date of November 17, 2004. The decision of the City was based upon the uncertainty of the corporate structure of AT & T and the complexity of the issues concerning rates, bundling of services and developing technologies. He said that it is necessary to enter into renegotiations with AT & T and receive input from residents. He said that there are certain regulatory requirements that the City must comply with before pursuing a new cable company to provide services to the City.

Councilor Pantelakos said that she would like the City to look at another vendor to provide cable to the City.

City Manager Bohenko informed the City Council that Gerry Howe will be stepping down from the Cable Commission because he was elected to the Police Commission during the November Municipal Election. He said that the Commission voted Gene Fisk as the new Chairman of the Commission.

Councilor Hanson recommended that the City obtain the services of Attorney Ciandella to renegotiate this agreement. He said he also agrees with Councilor Pantelakos that we should put out a bid for another Cable Company to see what they could provide the City.

City Manager Bohenko advised the Council that the Cable Commission would be meeting immediately with AT & T Broadband to discuss the contract. He said that we would also hire special counsel to assist with the renegotiations of the contract.

C. COUNCILOR WAGNER

1. Fee Study Committee Report Back Re: Harry Kotsonis request for a second meter (Not on agenda)

Councilor Wagner said that the Fee Study Committee reviewed the request of Mr. Kotsonis and under the current Sewer Ordinance, only single family residential properties are eligible for a sewer deduct meter. In order to allow Mr. Kotsonis property a sewer deduct meter the sewer ordinance would need to be amended. He reported that the Committee believes the increased concerns over potential water supply shortages will only continue to rise and the Council will need to take steps to promote water conservation among all Portsmouth residents. Therefore, it is the recommendation of the Committee to deny Mr. Kotsonis' request.

Councilor Hanson moved to accept the report and deny Mr. Kotsonis request. Seconded by Councilor Pantelakos.

Councilor Hanson requested that the City Manager provide a report back to the City Council on the number of separate meters for irrigation systems in the City.

Mayor Sirrell passed the gavel to Assistant Mayor Clews.

Mayor Sirrell requested that checks be made to make sure that individuals are not abusing this right to have a second meter.

Assistant Mayor Clews passed the gavel back to Mayor Sirrell.

Motion passed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Wagner reported that another issue that the Fee Study Committee has reviewed is the removal of fees in ordinances to incorporate them into a resolution during the budget process. He said that this would allow the City Council to amend fees by way of a resolution versus the ordinance process.

Councilor Hanson moved to authorize the City Attorney to draft an Ordinance for first reading at the January 14, 2002 City Council meeting to allow the City Council to amend fees by way of Resolution during the budget process. Seconded by Councilor Marconi and voted.

XIV. ADJOURNMENT

At 10:05 p.m., Councilor Pantelakos moved to adjourn. Seconded and voted.

KELLI L. BARNABY, CITY CLERK