

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON JANUARY 14, 2002, COUNCIL CHAMBER, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR SIRRELL, ASSISTANT MAYOR HANSON, COUNCILORS GRASSO, LOWN, HYNES, PANTELAKOS, WHITEHOUSE, MARCONI AND ST. LAURENT

ABSENT: NONE

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1. Presentation – Recognition of George Hosker for 2001 Holiday Parade – Mayor Sirrell presented George Hosker with a gift in recognition of his work for the 2001 Holiday Parade.
2. Acceptance of Minutes – December 17, 2001 & January 7, 2002 – Voted to accept and approve the City Council minutes of the December 17, 2001 and January 7, 2002 meetings.
3. Public Comment Session – There were five speakers: Charles Vaughn (Ex-Trustee of Trust Fund Summary Report to the City Council); Harold Ecker (City Business); Audrey Bierhans (Gravestones by Dusk); Peter Bresciano (Library Bonding); and Seth Marbin (Martin Luther King March).
4. Public Hearing – (1) To obtain views of citizens on a grant application proposal from the City of Portsmouth to the NH Coastal Program to fund improvements on Peirce Island, (2) explain the availability of NH Coastal Program funds, and (3) explain the range of projects which could be undertaken with NH Coastal Program funds – Held a Public Hearing. Voted to suspend the rules in order to take up Item X A.2. – Public Hearing Re: Request for Approval to Apply for a Coastal Zone Management Grant Application for Peirce Island. Voted to authorize the City Manager to apply for a grant through the NH Coastal Zone Management Program in support of passive recreational improvements to Peirce Island.
5. First reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits, Sub-Section B – Speed Limit: 20MPH – Odiorne Point Road and Gosport Road – Voted to pass first reading of the amendment to Chapter 7, Article XI, Section 7.1100, as drafted, and establish a Public Hearing and second reading at the February 4<sup>th</sup> City Council meeting. **By subsequent vote of the City Council voted to hold the Public Hearing and second reading of this Ordinance at the March 4<sup>th</sup> City Council meeting.**
6. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Sub-Section A – Elm Court: on the westerly side of Elm Court – Voted to pass first reading of the amendment to Chapter 7, Article III, Section 7.330, as drafted, and establish a Public Hearing and second reading at the February 4<sup>th</sup> City Council meeting. **By subsequent vote of the City Council voted to hold the Public Hearing and second reading of this Ordinance at the March 4<sup>th</sup> City Council meeting.**

7. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking, Sub-Section A – Austin Street (Northerly side of Austin Street between Union Street and Madison Street) and Mirona Road (Both sides from Lafayette Road westerly a distance of 525 feet) – Voted to pass first reading of the amendment to Chapter 7, Article III, Section 7.330, as drafted, and establish a Public Hearing and second reading at the February 4<sup>th</sup> City Council meeting. **By subsequent vote of the City Council voted to hold the Public Hearing and second reading of this Ordinance at the March 4<sup>th</sup> City Council meeting.**
8. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Sub-Section B – No Parking – School Zones – Austin Street – Voted to pass first reading of the amendment to Chapter 7, Article III, Section 7.330, as drafted, and establish a Public Hearing and second reading at the February 4<sup>th</sup> City Council meeting. **By subsequent vote of the City Council voted to hold the Public Hearing and second reading of this Ordinance at the March 4<sup>th</sup> City Council meeting.**
9. First reading of Ordinance amending Chapter 1 by the addition of a new Article XVI – Adoption of Fees by Budget Resolution – Voted to approve first reading on amendment to City Ordinances to add a new section entitled Chapter 1, Article XVI, to allow the adoption of fees by budget resolution and establish a Public Hearing and second reading at the February 4<sup>th</sup> City Council meeting. Councilor Whitehouse voted opposed. **By subsequent vote of the City Council voted to hold the Public Hearing and second reading of this Ordinance at the March 4<sup>th</sup> City Council meeting.**
10. First reading of Resolution Authorizing a Bond Issue of up to Seven Million Dollars (\$7,000000) for the Construction of a New Public Library – On a roll call vote 8-1, voted to authorize first reading of the Resolution authorizing a bond issue of up to \$7,000,000 for the construction of a new public library and hold a Public Hearing and second reading at the February 4<sup>th</sup> City Council meeting. Assistant Mayor Hanson, Councilors Grasso, Lown, Hynes, Pantelakos, Whitehouse, St. Laurent and Mayor Sirrell voted in favor. Councilor Marconi voted opposed.
11. On a unanimous roll call 9-0, voted that Public Hearings and second readings for Ordinance Items VIII A. – E. be held at the March 4<sup>th</sup> City Council meeting.
12. Letter from Audrey Bierhans requesting any funds collected for the restoration of Stephen Chase's tombstone be placed in an account opened with the city – Voted to refer to the City Manager with power.
13. Letter from Jeffrey Gabel, The Music Hall regarding an article in USA Today where Portsmouth is cited as one of our nation's 10 greatest small towns because of our exciting arts and culture – Voted to accept and place letter on file.
14. Letter from Marjorie Hubbard, Greater Portsmouth Chamber of Commerce requesting permission to hang Portsmouth Harbour Trail flags at 26 key sites for the 2002 season – Voted to refer to the City Manager with power.

15. Letter from Diane Pehrson-Fusco, American Lung Association requesting permission to hold the annual Clean Air Challenge Seacoast Bike Tour on May 18 & 19, 2002 – Voted to refer to the City Manager with power.
16. Letter from Vanessa Kortze, American Diabetes Association requesting permission to hold the annual Tour de Cure event on Sunday, May 5, 2002 – Voted to refer to the City Manager with power.
17. Letter from Douglas Knight, Pro Portsmouth, Inc. requesting permission to hold Children's Day 2002 on Sunday, May 5, 2002 – Voted to refer to the City Manager with power.
18. Letter from Douglas Knight, Pro Portsmouth, Inc. requesting permission to hold Market Square Day 2002 on Saturday, June 8, 2002 – Voted to refer to the City Manager with power.
19. Sidewalk Obstruction License application – Lucky 7 Gallery 1 A-frame sign – Voted to approve the application.
20. Sidewalk Obstruction License application – Zaatar Café 2 A-frame signs – Voted to approve the application.
21. Request from AT&T Broadband to Commence Renewal Process of Cable Franchise Agreement – Voted to move the letter from AT&T dated December 26<sup>th</sup> regarding the renewal process of the cable franchise to the Cable Commission and authorize the City Manager to obtain special counsel to commence negotiations.
22. Letter from Attorney Bernard Pelech regarding rezoning of property located off of Lang Road – Voted to refer to the Planning Board for a report back.
23. Acceptance of \$50.00 donation from Dan & Eileen Dioyon for renovations to the Sherburne Playground (Not on agenda) – Voted to accept a \$50.00 donation from Dan & Eileen Dioyon for renovations to the Sherburne Playground.
24. Request for Work Session Re: 1) Proposed Second Parking Garage, and 2) Market Square Day Request – Voted to establish a work session with the EDC on Monday, January 28<sup>th</sup>, at 6:30 p.m. for the purposes of discussing the potential of a second parking garage at the Worth Lot, followed by a work session at 7:30 p.m. with Pro-Portsmouth to discuss Market Square Day.
25. Request to Bring Back for First Reading an Amendment to City Ordinance 8.206(A) and 8.206(J) – Loitering and Boisterousness – Voted to authorize the City Manager to have the City Attorney draft an amendment to the City Ordinance regulating alcohol use, Sections 8.206A and 8.206J, to bring back for first reading at the March 4<sup>th</sup> City Council meeting. Councilor Lown voted opposed.

26. Request to Approve a Proposed Policy Procedure in Naming of Private Streets – Voted to approve the proposed policy procedure, as submitted, to assist in the naming of private streets.

Procedure in Naming Private Streets:

1. The property owner submits a request to the City Council seeking the formal naming of a private street/driveway for purposes of enhancing public safety. The communication should include a depiction of the appropriate rights-of-ways and may offer suggestions as to names.
  2. The City Council may refer the request to the Planning Board for a report back with recommendations.
  3. The referral shall be forwarded to the Police and Fire Departments for assistant in: 1) determining if the site has been difficult to locate and service; and, 2) to offer comments on proposed names.
  4. Using this information the Planning Board shall consider and make appropriate recommendations from the following options:
  5. Recommendation to formally name a private street/driveway:
    - ?? That the private street/driveway should be named.
    - ?? That Public Safety Agencies approved the use of a particular name.
    - ?? That Public Works should determine the proper numbering in conjunction with the postal service.
    - ?? That posted signs shall be installed, which designate the street/driveway as being “Private”.
    - ?? That the property owner should bear associated costs in preparing and installing signage
  6. Recommendation to not formally name a private right-of-way:
    - ?? That no public safety issues have been identified.
    - ?? That Public Safety Agencies do not approve the use of a particular name.
    - ?? That more information is needed before a determination can be made.
27. Request to use “Pheasant Lane” as a Name for a Private Street off Hoover Drive – Voted to approve the request from the Condominium Association that its street be known as “Pheasant Lane,” subject to the stipulations previously outlined.
28. Report Back Re: Ralph’s Truck Sales – Request to Release Easement – Voted to approve the request of Attorney John P. McGee, Jr. to release an easement on the Ralph’s Truck Sales property on Lafayette Road, subject to the concurrence of the Public Works Department.
29. Request for Conditional Acceptance of Wholey Way – Voted to conditionally accept Wholey Way as recommended by the Planning Board.
30. Request for Conditional Acceptance of Odiorne Point Road (Tucker’s Cove, Phase III) – Voted to conditionally accept Odiorne Point Road (Tucker’s Cove, Phase III) as recommended by the Planning Board.

31. Request to Bring Back for First Reading a Proposed Amendment to the Zoning Ordinance pertaining to Impact Fees – Voted to authorize the City Manager to bring back for first reading on March 4<sup>th</sup> various amendments to the City Ordinances that would allow for the establishment of an Impact Fee Ordinance.
32. Rehabilitation of the 1895 Building – Voted to authorize the City Manager to take actions necessary to work with the Portsmouth Housing Authority, and all appropriate state and federal agencies, to pursue the rehabilitation of the 1895 building for use as senior housing, and specifically, to enter into a six-month development option agreement with the Portsmouth Housing Authority.
33. Request for Approval of Pole License Agreement – Voted to approve the pole license agreement as recommended by the Public Works Department contingent upon the removal of the guide wire near the corner of Harding and Elwyn Roads.
34. Requests Re: Moebus Terrace Paper Street – Voted to refer the Meyer, LeVerrier, and Little requests regarding Moebus Terrace to Planning Board for a report back.
35. Acceptance of New Hampshire Estuaries Grant – Brackett Road sewer extension (Not on Agenda) – Voted to accept the Estuaries Grant in the amount of \$30,000 for the Brackett Road sewer extension.
36. Voted to hold a work session with the Trustees of the Trust Fund on Monday, March 11<sup>th</sup> at 6:30 p.m., in Conference Room A.

Assistant Mayor Hanson requested that the Trustees of the Trust Fund disclose the total fees paid for the investment advisor and the commissions paid. He also requested that the City Manager instruct the City Attorney not to pursue legal action through Probate Court to invade the trust.

Councilor Marconi requested that the City Council receive copies of the Prescott Trust documentation for review before the work session on March 11<sup>th</sup>.

Councilor Grasso requested a legal opinion from the City Attorney on the authority the City Council has on the Trustees of the Trust Fund.

37. Donation to the Coalition Legal Fund – Voted to accept the \$5,000 contribution from the Town of Tuftonboro to be placed in the Coalition Legal Fund.
38. Appointments/Resignation – The City Council considered the following appointments: Ronald Cypher, Ralph DiBernardo, Herbert Bunnell, and Hank Greenberg to the Traffic & Safety Committee; Everett Eaton to the Economic Development Committee; and Eugene Fisk to the Cable Television Commission. These appointments will be voted on by the City Council at the February 4<sup>th</sup> meeting.

Voted the appointment of Eileen Foley to the Trustee of the Trust Funds filling the unexpired term of Charles Vaughn until January 1, 2004.

Voted the reappointment of William Elwell to the Trustee of the Trust Funds until January 1, 2005.

Voted the reappointments of Peter Bresciano, James Feehley, Frank Daggett and Betty Sanford to the Taxi Commission until December 31, 2003.

Voted the appointment of Noele Clews to the Planning Board filling the unexpired term of Faye Goldberg until December 31, 2004.

Voted the appointment of Paige Roberts from an alternate to a regular member of the Planning Board filling the unexpired term of Arthur Parrott until December 31, 2004.

Voted the appointment of George Savramis as an alternate to the Planning Board filling the unexpired term of Paige Roberts until December 31, 2002.

Voted the reappointment of Frederick Gray to the Traffic & Safety Committee until January 1, 2004.

Voted the reappointment of Christopher Rogers to the Board of Adjustment until December 1, 2006.

Voted the reappointment of Barbara Ward to the Library Trustees until October 1, 2004.

Voted to accept with regret the resignation of Virginia Weeks from the Board of Adjustment with appreciation for her service to the City.

39. Appointment of School Board Representatives to various Boards and Commissions (Not on agenda) – Voted to approve the appointments of School Board Representatives to various Boards and Commissions as recommended by the School Board. The appointments are as follows: John Lyons, Charles Vaughn and Kent LaPage to the Joint Budget Committee; Nancy Novelline Clayburgh, Carvel Tefft, and Kent LaPage to the Joint Building Committee; Raimond Bowles to the Library Trustees; and Kent LaPage to the Recreation Board.
40. Consideration of First Reading of Ordinance amending Chapter 7, Article II – Taxicabs – Section 7.2100 C, License Required – Voted to approve Councilor Whitehouse's request to bring back for first reading on February 4<sup>th</sup> an amendment to Chapter 7, Article II – Taxicabs.
41. Adjournment – At 9:30 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, City Clerk