

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JULY 15, 2002

PORTSMOUTH, NH
TIME: 7:00PM

I. CALL TO ORDER

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

II. ROLL CALL

Present: Mayor Sirrell, Assistant Mayor Hanson, Councilors Grasso, Lown, Hynes, Pantelakos, Whitehouse, Marconi, and St.Laurent.

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Councilor St. Laurent led in the pledge of allegiance to the flag.

PRESENTATIONS

1. Sherburne Civic Association Donations for Park Improvements

Leslie Melfi presented Mayor Sirrell and the City Council with a check for further improvements to the Pannaway (Sherburne) Park.

Councilor Grasso moved to accept and expend funds raised by the Sherburne Civic Association as submitted for the purpose of making improvements to Pannaway (Sherburne) Park. Seconded by Councilor St. Laurent and voted.

2. Revaluation Update – Lauren Elliott, City Assessor

Lauren Elliott, City Assessor, provided an update on the Revaluation Project. She said that all properties would be assessed at 100% valuation as of April 1, 2002. Notices of new values will be sent to all property owners on July 22, 2002. She advised the Council that the website will post all values and that the Portsmouth Herald will publish a special supplement on July 30, 2002. She discussed the informal hearing process conducted by CLT. All final values will be to the Assessor by September 13, 2002 and tax bills will be due December 2, 2002.

3. Sandra Gavutis, C-10 Research and Education Foundation Director Re: Radiation Monitoring

Sandra Gavutis provided a brief presentation regarding the need for radiation monitoring.

V. ACCEPTANCE OF MINUTES – JUNE 17, 2002

Assistant Mayor Hanson moved to accept the minutes of the June 17, 2002 Council meeting. Seconded by Councilor St. Laurent and voted.

VI. PUBLIC COMMENT SESSION

Richard Bosa spoke regarding the Coalition Communities and the State-Wide Property Tax. He said that the Coalition Communities are throwing money away with the lawsuit.

Martin Cameron presented the Council with a petition requesting that the City join the lawsuit with the residents and the Town of Greenland regarding the proposed development on Route 33. He said that the development would increase the traffic and effect the quality of life for the residents.

Patrick Fleming discussed a proposed Constitutional Amendment dealing with the State-Wide Property Tax.

Ed Lawrence spoke regarding the odors at the South Mill Pond. He said that this should be corrected for the health and safety of the residents.

James Horrigan spoke in support of the C-10 radiation monitoring. He said that the City should be more cautious since the September 11th attacks.

VII. PUBLIC HEARINGS

A. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330, NO PARKING – PORTER STREET AND ARTICLE X, SECTION 7.1001, TOW ZONES – PORTER STREET

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

Assistant Mayor Hanson said that this amendment came from the Traffic and Safety Committee.

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

B. ORDINANCE AMENDING CHAPTER 10, ARTICLE II, SECTION 10.202 AND ARTICLE III, SECTION 10.302(A) – REZONING OF PROPERTY LOCATED OFF LANG ROAD

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

City Manager Bohenko requested Planning Director Holden to provide a brief presentation on this project.

Planning Director Holden discussed the history of this project and the process the Planning Board followed. The Planning Board is in favor of this request. This project will construct 117 apartments.

Jennifer Quinlan spoke in support of the rezoning request. She said that the Chamber of Commerce has been working hard for affordable housing for the community.

Susan Dewhirst spoke in support of the rezoning request. She said that there is a need for affordable housing.

Lisa Henderson spoke in support of the rezoning request. She said that this would provide the needed housing for individuals who work in this community and who cannot afford to live in this community.

Lyonel Tracey said that the School Department is not opposed to the rezoning request but the Council needs to be aware of how it could effect the schools depending upon the number of school age children.

Beth Weaver said that the Council should consider the impact this will have on the School Department. She expressed concern with the impact of traffic on Lang Road as well as the need to preserve Berry Brook.

Martin Cameron expressed concern with the rezoning and the effect on Berry Brook.

City Manager Bohenko said that this is a rezoning request and though the land use boards that these questions will be addressed.

Attorney Pelech, Richard Millette, and Adelle Faridello, all spoke in support of the request on behalf of the property owners at the site. It is anticipated that only twenty children would impact the schools. They urged the Council to approve this request.

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

VIII. APPROVAL OF GRANTS & DONATIONS

- A. Request for Approval of Grant from the Bureau of Justice Assistance for the purchase of bulletproof vests for Portsmouth Police Officers

Councilor Whitehouse moved to approve and accept the grant award/donations to the Portsmouth Police Department as listed. Seconded by Councilor Marconi and voted.

- B. Request for Acceptance of Grant from the NH Estuaries Project, Office of State Planning

Assistant Mayor Hanson moved to authorize the City Manager to accept and expend the \$35,000 grant funds from the NH Estuaries Project, Office of State Planning, towards the Dennett Street sewer improvements. Seconded by Councilor Marconi and voted.

IX. CONSIDERATION OF RESOLUTIONS & ORDINANCES

- A. First reading of Resolution Authorizing a Bond Issue of up to Three Million Nine Hundred Ninety Thousand Dollars (\$3,990,000) for City Improvements

Assistant Mayor Hanson moved to adopt first reading of a Resolution authorizing a bond issue of up to \$3,990,000 for City improvements in accordance with the City's Capital Improvement Plan for the period FY2003-2008, which was adopted on 4/1/02, and establish a Public Hearing and adoption at the August 5th City Council meeting. Seconded by Councilor Marconi and voted.

- B. First reading of Resolution Authorizing Participation in the State Revolving Fund for costs related to the Phase III Sewerage Improvement Program. Participation shall not exceed Twenty-Two Million, Five Hundred Thousand Dollars (\$22,500,000)

Councilor Grasso moved to adopt first reading of a resolution authorizing participation not to exceed \$22,500,000 in the State Revolving Fund for costs related to Phase III Sewerage Improvement Program and establish a Public Hearing and adoption at the August 5th City Council meeting. Seconded by Assistant Mayor Hanson and voted.

- C. First reading of Amendments to Chapter 7 – Vehicles, Traffic Parking, Omnibus Parking Ordinance, April 20, 2001 through April 19, 2002

1. Chapter 7, Article III, Section 7.327 – Limited Parking – Two Hours – State Street: northerly side from Middle Street 250 feet westerly

Assistant Mayor Hanson moved to pass first reading and hold a Public Hearing and second reading at the August 5th City Council meeting. Seconded by Councilor Whitehouse and voted.

2. Chapter 7, Article IVA – Bus Stops, Taxicab Stands & Horse Drawn Carriages – 7-A.402 Bus Stops Designated – Hanover Street and Section 7A-403 Parking Time Limits in Bus Stops C (2 hours)

Councilor Grasso moved to pass first reading and hold a Public Hearing and second reading at the August 5th City Council meeting. Seconded by Councilor Marconi and voted.

3. Chapter 7, Article IVA - Bus Stops, Taxicab Stands & Horse Drawn Carriages – 7-A.402 Bus Stops Designated – Market Street and Section 7A-403 Parking Time Limits in Bus Stops B (15 minutes)

Assistant Mayor Hanson moved to pass first reading and hold a Public Hearing and second reading at the August 5th City Council meeting. Seconded by Councilor Pantelakos and voted.

4. Chapter 7, Article III, Section 7.324 – Limited Parking – One Hour – by the deletion of Washington Street

Councilor Whitehouse moved to pass first reading and hold a Public Hearing and second reading at the August 5th City Council meeting. Seconded by Councilor Marconi and voted.

- D. First reading of Ordinance amending Chapter 7, Article VII, Section 7.712 – Penalty – by the addition of Item A – The penalty for parking on a sidewalk in the Central Business District pursuant to Section 7.315 shall be \$25.00 per violation

Councilor Lown moved to pass first reading and hold a Public Hearing and second reading at the August 5th City Council meeting. Seconded by St. Laurent and voted.

- E. Ordinance Amending Chapter 7, Article III, Section 7.330, No Parking – Porter Street And Article X, Section 7.1001, Tow Zones – Porter Street

Councilor Whitehouse moved to pass second reading and hold third and final reading at the

August 5th City Council meeting. Seconded by Councilor St. Laurent and voted.

F. Ordinance Amending Chapter 10, Article II, Section 10.202 And Article III, Section 10.302(A) – Rezoning Of Property Located Off Lang Road

Councilor St. Laurent moved to pass second reading and hold third and final reading at the August 5th City Council meeting. Seconded by Councilor Marconi.

Councilor Whitehouse said that there should be a stipulation requiring the owners to not go above a certain price for the rental fee.

Councilor Hynes spoke in favor of the rezoning and said it is beneficial to the working class of the City.

Councilor Lown spoke in favor because the rezoning suits the area.

Councilor Pantelakos said that we couldn't tell someone what they must charge for rent.

Councilor St. Laurent spoke against the motion. He expressed concern with potential impact of this development on the Police and Fire Departments.

Councilor Grasso spoke in support of the rezoning because the current zoning is inappropriate for the area.

Councilor Marconi said that the housing shortage was creating by the urban renewal project. She said that the proposed rezoning best suits the area.

Assistant Mayor Hanson spoke in favor of the rezoning.

Motion passed.

At 8:50 p.m., Mayor Sirrell declared a brief recess. At 9:00 p.m., Mayor Sirrell called the meeting back to order.

X. PRESENTATIONS & CONSIDERATIONS OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Wendy Segit, Seacoast Mental Health Center, requesting permission to hold the 5th Annual Bridges 4 Friendship 10k Road Race on Saturday, October 19th at 10:00 a.m.

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

- B. Letter from Ann Graf, Friends of Odiorne Point State Park, requesting permission to hold the annual Pond Boat Regatta at the South Mill Pond on Sunday, August 18, 2002

Councilor Whitehouse moved to refer to the City Manager with power. Seconded by Councilor Marconi and voted.

- C. Letter from Pamela Ruo, American Diabetes Association, requesting permission to hold the annual America's Walk for Diabetes on Saturday, September 21, 2002

Councilor Marconi moved to refer to the City Manager with power. Seconded by Councilor Whitehouse and voted.

- D. Letter from Walter Wakefield regarding synchronizing traffic lights

Councilor Grasso moved to have City Manager Bohenko respond to Mr. Wakefield regarding synchronizing traffic lights. Seconded by Councilor Marconi and voted.

- E. Letter from Elizabeth Binnie and Joan Jones regarding Haven Park and the portion of Livermore "Paper Street"

Assistant Mayor Hanson moved to accept and place the letter on file. Seconded by Councilor Grasso and voted.

- F. Letter from the Church of Jesus Christ of Latter Day Saints requesting permission to set up a booth and table at the corner of Market and Congress Streets next to the bus stop to distribute materials on July 19th and July 24th

Councilor Pantelakos moved to deny the request from the Church of Latter Day Saints to set up a booth/table on 7/19 and 7/24 at the corner of Market and Congress Streets to distribute informational material. Seconded by Councilor Marconi and voted.

- G. Request for Sidewalk Obstruction License - RiverRun Bookstore – 1 table and 1 A-frame sign

Councilor Whitehouse moved to refer to the City Manager with power. Seconded by Councilor Grasso and voted.

- G2.Request for Sidewalk Obstruction License – Up In Smoke 2 – 1 A-frame sign

Councilor Whitehouse moved to refer to the City Manager with power. Seconded by Councilor St. Laurent and voted. Mayor Sirrell and Councilor Pantelakos voted opposed.

- H. Letter from Richard Bosa regarding State-Wide Property Tax

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

- I. Letter from Joseph Webster, National Multiple Sclerosis Society, requesting permission to hold the two-day Surf n' Turf NH MS 150 Cycling Tour on Saturday, August 10th and Sunday, August 11th

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

XI. REPORTS & COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Action on Fire Chief's Contract

Assistant Mayor Hanson moved to table. Seconded by Councilor Pantelakos and voted. Councilor Lown voted opposed.

2. Packard Development - Route 33 Town of Greenland (Not on agenda)

City Manager Bohenko said that the City would like to protect their interests regarding the development on Route 33. He said that with the Councils approval, he would direct the City Attorney to draft a motion to be a part of this lawsuit.

City Attorney Sullivan said that there were stipulations that we wanted regarding the project that were not addressed in the lawsuit, therefore we must be a part of the lawsuit.

Councilor Grasso moved that the City Council go on record in support of the City Manager filing an appeal to preserve the rights of the City of Portsmouth and its residents in regards to the Packard Development along Route 33 in the Town of Greenland. Seconded by Councilor Hynes.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that the petition by Martin Cameron should have been given to her office or the City Clerk to be added to the agenda.

Councilor Marconi said that she would not support the motion because it was not part of the agenda.

Mayor Sirrell said that she does not want to see any items on her desk or any Councilors desks before a meeting.

Motion passed with Councilors Whitehouse and Marconi voting opposed.

City Manager Bohenko said that a sign would be placed on the sign in table instructing individuals that correspondence will be given to the City Clerk before the meeting.

B. MAYOR SIRRELL

1. Donation to the Coalition Legal Fund

Mayor Sirrell moved to accept the \$500 contribution from the Town of Hebron to be placed in the Coalition Legal Fund. Seconded by Councilor St. Laurent and voted.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

2. Appointments

The following individuals were considered and will be voted upon at the August 5th meeting:

- Recreation Board: Elaine Syracuse, Harry Clark.
- Planning Board: John Ricci (Alternate).
- Building Code Board of Appeals: Robert Ricci, Jeffrey Nawrocki.

Assistant Mayor Hanson moved to appoint the following to the Seacoast Metropolitan Planning Technical Advisory Committee: John Burke, David Allen (Alternate) and Steve Parkinson (Alternate), term expires 6/30/2003. Seconded by Councilor Marconi and voted.

Councilor St. Laurent moved to appoint the following to the Recreation Board: Thomas Bolko, Wayne Bowlen, term expires 4/1/2005. Seconded by Councilor Marconi and voted.

Councilor Lown moved to appoint Steven Berg to the Portsmouth Housing Endowment Fund with an expiration of 6/17/2005. Seconded by Councilor Marconi and voted.

Councilor Lown moved to appoint the following to the Portsmouth Housing Endowment Fund: Calvin Cough, Jane James, term expires 6/17/2005. Seconded by Councilor St. Laurent and voted.

3. Reports

Mayor Sirrell announced that there will be two City Council meetings in August and they will be held on the 5th and 19th.

C. ASSISTANT MAYOR HANSON

1. Report on City Manager's Evaluation

Assistant Mayor Hanson announced that City Manager Bohenko received excellent marks in his evaluation.

2. Traffic & Safety Committee Action Sheet and Minutes of the June 20, 2002 meeting

Assistant Mayor Hanson moved to approve and accept the Traffic & Safety Committee action sheet and minutes of the June 20, 2002 meeting. Seconded by Councilor St. Laurent and voted.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that action should be taken on Greenland Road near Griffin Road due to the heavy traffic. She suggested a traffic light at the Griffin Road intersection.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

D. COUNCILOR PANTELAKOS

1. Request for work session regarding review of ordinance dealing with collection of non-recyclable and recyclable materials (Refuse collection for residential and non residential areas)

Councilor Pantelakos requested that the Council establish a work session on this matter.

City Manager Bohenko said that he would like to report back at the August 5th City Council meeting with a date, possibly in September.

Assistant Mayor Hanson moved to have City Manager Bohenko report back at the August 5th City Council meeting with a recommended date for a work session to review the ordinance dealing with collection of non-recyclable and recyclable materials. Seconded by Councilor St. Laurent and voted.

E. COUNCILOR WHITEHOUSE

1. Charter Amendment requiring heads of Charter Departments be residents of the City of Portsmouth

Councilor Whitehouse moved to have City Attorney Sullivan report back at the August 5th City Council meeting with the proper wording to allow a referendum question to amend the City Charter on the November Ballot requiring heads of Charter Departments be residents of the City of Portsmouth. Seconded by Councilor St. Laurent.

Assistant Mayor Hanson said that this item was not brought up during the charter revision process. The next charter amendments will be on the November 2003 ballot.

On a roll call vote 6-3 motion failed to pass. Councilors Lown, Whitehouse and St. Laurent voted in favor. Assistant Mayor Hanson, Councilors Grasso, Hynes, Pantelakos, Marconi and Mayor Sirrell voted opposed.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

1. Radiation Monitoring (not on agenda)

Councilor St. Laurent moved to have City Manager Bohenko look into whether the City of Portsmouth could obtain funding through a grant to purchase a radiation monitor. Seconded by Councilor Grasso and voted.

XIII. ADJOURNMENT

At 10:00 p.m., Assistant Mayor Hanson moved to adjourn, seconded and voted.