

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, COUNCIL CHAMBERS
DATE: MONDAY, AUGUST 19, 2002

PORTSMOUTH, NH
TIME 7:00PM

6:00 P.M. – MAYOR’S RECEPTION RE: OLD STATE HOUSE – PORTSMOUTH ROOM

I. CALL TO ORDER

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

II. ROLL CALL

City Council 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 Whitehouse led in the Pledge of Allegiance to the flag.

PRESENTATION

1. Unveiling of Old State House Model – James Garvin, NH Division Historical Resources; Verne Anderson, Model Builder and David Engel Committee Member

Mayor Sirrell introduced James Garvin, Verne Anderson, and David Engel. Mr. Garvin presented the model and gave the history of the building. Mr. Garvin explained that Mr. Anderson gathered the research and information on the building to make the model. Mr. Anderson explained that he spent about five months building the model and spent nearly five hundred dollars. Mr. Engel explained the future purpose of the building and what it could offer for the City and the region.

Mayor Sirrell explained that no tax dollars have been spent on the project. She further explained that once a location is established then Senator Gregg would offer his support. She felt that the home of the building should be in Strawberry Banke.

2. Little League State Champions – 11 & 12 years olds and 9 & 10 year olds

Councilor Hynes read a Proclamation that was presented and accepted by the team manager of the Portsmouth Little League 11 and 12 year-old All-Star Team. The coaches were also presented Proclamations. City Manager Bohenko called the players up while Mayor Sirrell presented each athlete a Mayor’s Award and gift. The team presented the City Council with a team photo, a signed game ball, and a pin for each City Councilor.

Assistant Mayor Hanson read a Proclamation that was presented and accepted by the team manager of the Portsmouth Little League 9 and 10 year-old All-Star Team. City Manager Bohenko called the players up while Mayor Sirrell presented each athlete a Mayor’s Award and

gift.

3. Mayor's Award to Ann Estey for composing the song "Spirit of America"

Mayor Sirrell introduced Wendell Purrington who will sing the "Spirit of America" song written by Ann Estey written on September 11th. Mimi Clark accepted the Mayor's Award on behalf of Ann Estey.

Mayor Sirrell declared a recess at 7:40 p.m. Mayor Sirrell re-opened the Council meeting at 7:55 p.m.

V. ACCEPTANCE OF MINUTES – AUGUST 5, 2002

Councilor St. Laurent moved to accept the minutes of the August 5, 2002 City Council meeting. Councilor Grasso seconded the motion, voted all in favor.

VI. PUBLIC COMMENT SESSION

Wayne Ecker - City Business: Mr. Ecker questioned if all the other cities and towns are up to date for revaluation. If not, then why should Portsmouth jump and perform the revaluation first. He was very concerned with the funds going outside of the City along with the money spent on lawyers for the educational lawsuit. He also questioned why the computer systems do not work correctly and then why we pay for outside companies to perform our revaluation. He feels that his questions should be answered by the City Manager in the next City Council report.

Bernie Pelech - Pesce Blue Restaurant: Mr. Pelech explained that he has worked hard with the City Manager to come to an agreement. He agrees with the City Manager's recommendation in his comments and agrees with the proposed ordinance regulating this matter.

Pawn Nitichan - City Year Opening Day: Ms. Nitichan, Deputy Director of City Year, presented her written request for City Year. She explained that the organization gathers young leaders together to build democracy by mentoring and providing opportunities to be involved in the community.

Lenore Bronson - Tree Fund/Night Out: Ms. Bronson explained that the Frank Jones neighborhood would be willing to assist with the tree fund. She also thanked the Council that visited their neighborhood for National Night out.

VII. APPROVAL OF GRANTS/DONATIONS

A. Stormwater Mapping Grant

Councilor Whitehouse moved to authorize the City Manager to accept and expend the grant of \$40,230 from the NH DES for the 2002 Coastal Storm Drainage System Mapping. Councilor St. Laurent seconded the motion, voted all in favor.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. First reading of Resolution for a Disabled Property Tax Exemption

Assistant Mayor Hanson moved to pass first reading of a resolution for a Disabled Property Tax Exemption and schedule a Public Hearing and adoption at the September 23rd City Council meeting. Councilor Whitehouse seconded the motion, voted all in favor.

B. First reading of Resolution to increase the Elderly Property Tax Exemption

Councilor Pantelakos moved to pass first reading of a resolution to increase the Elderly Property Tax Exemption and schedule a Public Hearing and adoption at the September 23rd City Council Meeting. Councilor Whitehouse seconded the motion.

Councilor Lown wanted to point out that in light of the revaluation that this is the right thing to do.

Voted all in favor. Mayor Sirrell abstained from voting as she receives the elderly property tax exemption.

Mayor Sirrell also said that she has been receiving numerous upsetting letters regarding taxes. She wanted to remind everyone that elderly residents want to be able to afford their homes.

C. Third and final reading of Amendments to Chapter 7 – Vehicles, Traffic Parking, Omnibus Parking Ordinance, April 20, 2001 through April 19, 2002 (*One motion for all four amendments*)

1. Chapter 7, Article III, Section 7.327 – Limited Parking – Two Hours – State Street: northerly side from Middle Street 250 feet westerly
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)
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)
4. Chapter 7, Article III, Section 7.324 – Limited Parking – One Hour – by the deletion of Washington Street

Councilor Grasso moved to pass third and final reading. Councilor Pantelakos seconded the motion.

Councilor St. Laurent questioned if these amendments are the tests that have been working. Assistant Mayor said it has been a test and there are no objections from his Committee.

Voted all in favor.

- D. Third and final 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

Assistant Mayor Hanson moved to pass third and final reading. Councilor Pantelakos seconded the motion, voted all in favor.

IX. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Donald Coker, Downtown Resident's Neighborhood Association, regarding Proposal to Block off Market Street

Assistant Mayor Hanson moved to accept and place on file. Councilor Lown seconded the motion.

Councilor Grasso wanted to ensure that this would be put in the files with the City Manager.

Voted all in favor.

- B. Letter from Denise Greeley expressing her opposition to the Proposed Pedestrian Pilot Program

Assistant Mayor Hanson moved to accept and place on file. Councilor Marconi seconded the motion, voted all in favor.

- C. Letter from Jill Gallant regarding the Proposed Pedestrian Pilot Program

Assistant Mayor Hanson moved to accept and place on file. Councilor St. Laurent seconded the motion, voted all in favor.

- D. Letter from Pawn Nitichan, City Year New Hampshire, requesting permission to hold the 2002-2003 City Year New Hampshire Opening Day on Tuesday, October 1, 2002 from 12:00 p.m. to 1:30 p.m. in Market Square

Councilor Whitehouse moved to refer to the City Manager with power. Councilor Lown seconded the motion.

Assistant Mayor Hanson questioned if the City Manager planned to close city streets. City Manager Bohenko said that he has not been asked to close streets. He said that he would work with the church to ensure that it will not affect any events in the church.

Voted all in favor.

- E. Letter from Terry Bennett requesting to purchase City owned Barn on Rock Street

Assistant Mayor moved to accept and place on file. Councilor Grasso seconded the motion.

Councilor Pantelakos said that she did not know that the City was selling the property.

City Manager Bohenko explained that he spoke with Mr. Bennett and that Mr. Bennett wanted his request known by the governing body.

Councilor Whitehouse said that there was a proposal for parking on that lot and he feels that is needed in the area.

Councilor Lown needed to know more information to make a decision. City Manager Bohenko said that the building is currently used for storage and feels it is a valuable lot and the building is sound.

Assistant Mayor Hanson made a reminder that the master plan process is coming up again and that this property should be considered in the master plan.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that residents were adamant that parking was needed and to use the building for recreation purposes.

Assistant Mayor Hanson passed the gavel to Mayor Sirrell.

Voted all in favor.

- F. Letter from Chester Keefe expressing his opposition to the Proposed Pedestrian Pilot Program

Councilor Grasso moved to accept and place on file with the City Manager. Councilor St. Laurent seconded the motion, voted all in favor.

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Report Back Re: Pesce Blue Restaurant

City Manager Bohenko explained that he met with City Staff, the Liquor Commission, and Attorney Pelech to come to an agreement. He is recommending an adoption of outdoor service of liquor policy. He explained that the Liquor Commission issues one day permits and more than one day outdoor liquor service. He requested to bring forward a draft copy of such policy that would be a formal agreement between the City and the entity.

City Manager Bohenko also noted that approving this request for Pesce Blue Restaurant would follow the draft policy. He assured the Council that Pesce Blue is not being held at a higher standard.

City Manager Bohenko presented some of the requirements that would be included in this Agreement are as follows:

- 1) No service of alcohol on any City-owned property;

- 2) Adherence to Fire Marshal and Building Inspector requirements, in accordance with state and local codes;
- 3) Approval pursuant to NH RSA 178:21 II;
- 4) Appropriate insurance;
- 5) That the license would be reviewed on an annual basis by the City Police Department to determine that there were no major public safety issues; and,
- 6) That this Agreement is not transferable.

Councilor Pantelakos move to ratify the decision of the Manager to execute an Agreement with Pesce Blue as outlined in the City Manager's comments. Councilor St. Laurent seconded the motion.

Councilor Whitehouse asked the City Manager if this area will be separated from the pedestrians. City Manager Bohenko said that it would be separated and the Historic District Commission approved the design.

Councilor Lown expressed that he is in favor of this because it is a good thing for the Congress Street area and that the restaurant owner has made a long-term commitment.

Councilor St. Laurent feels that this will spread tourism around the City instead of just around Market Square.

Voted all in favor.

2. Request to Establish a Work Session Re: Solid Waste Ordinance

City Manager Bohenko explained that the request was tabled at last meeting and he is recommending the work session to be held on October 28th at 6:30 p.m.

Assistant Mayor Hanson moved to remove this request from the table. Councilor Whitehouse seconded the motion, voted all in favor.

Councilor Pantelakos moved to establish a work session on October 28th at 6:30 p.m. regarding the Solid Waste Ordinance. Councilor St. Laurent seconded the motion.

Councilor Grasso requested that the City Manager report on the new system at the City Yard. City Manager Bohenko agreed to provide an update.

Voted all in favor.

3. Police Department Budget FY02

City Manager Bohenko explained that when the budget was adopted that the Council voted to set aside \$26,695 from the FY02 contingency account for police department training. He received a letter from Chairperson Kelley of the Police Commission that there was an

unanticipated surplus in their budget. They are no longer in need of the funds he recommends that the \$26,695 be encumbered from the FY02 police department budget and that the restriction is released of that same amount from the FY02 contingency account.

Assistant Mayor Hanson moved to ratify the Manager's action to encumber the \$26,695 from the FY02 Police Department budget, and 2) move to release the restriction of the \$26,695 from the FY02 contingency account. Councilor St. Laurent seconded the motion.

Councilor Lown believes it is a positive development and the Police Department should be commended.

Councilor Hynes thinks it is nice to get money back and restore the funds to the city accounts.

Councilor Whitehouse wished more funds could come back.

Voted all in favor.

4. Report Back Re: Downtown Business Association's Proposal for a Pedestrian Pilot Program on Market Street

City Manager Bohenko presented his report back regarding the Pedestrian Pilot Program. He explained that the report assesses the impacts of vehicular and pedestrian access, parking and traffic issues. City Manager Bohenko asked John Burke, Parking and Transportation Engineer to outline his findings in the report.

John Burke said that traffic counts were recorded and predictions were calculated on the vehicular destinations. He explained that the Market Street bus service would need to be relocated. He presented information about parking issues on Market Street along with the private parking lots affected. He also said that Captain Schladenhauffen was consulted and a total of nine officers would be needed for the street closing.

City Manager Bohenko explained that in light of results from the traffic study and police needs. He suggests that other alternatives be looked at as well. He recommends a public hearing in order to ensure everyone is aware of the proposed plan and allow the public to speak.

Councilor Hynes moved to table the request from Paul Sorli, President, Downtown Business Association; and, 2) move to establish a Public Hearing for the first Council meeting in March, 2003 to discuss downtown street closings for a pilot pedestrian program. Councilor Grasso seconded the motion.

Councilor Whitehouse commended the tremendous amount of time that was spent by the city staff to provide all of the details.

Councilor Lown commended the City Manager and John Burke on the research. He did not feel closing Market Street is feasible and suggested Pleasant Street. He also felt that a public hearing should be held next month instead of March 2003.

Councilor St. Laurent also commended the staff on the information. He felt that the delay in a public hearing is not necessary. He would not recommend closing Pleasant Street. He believes that the lower area of the business area should be looked at and not always Market

Square.

Councilor Pantelakos believes that the City needs to conduct all the necessary studies since there are great effects and a potential of a great cost.

Councilor Hynes said that given the amount of work done proves that next year is a very short time. He feels that moving on it now would be heading in blind to a potential mistake.

Councilor Grasso said that the date is fine. She is concerned with the street closing because of the issues for people in wheelchairs needing to park close to the shops.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that she has not forgotten about closing the street for the bike race. She feels that a lot of study is needed and two public hearings should be held. She said that the bike public hearing proved helpful and this would do the same.

Assistant Mayor Hanson passed the gavel to Mayor Sirrell.

Voted all in favor except Councilor Lown voting opposed based upon the timing.

5. Water Usage (not on agenda)

City Manager Bohenko wanted to give the Council a verbal report on voluntary water reductions. He reported that reductions have been seen. He said that the city does have water but we need the voluntary restrictions. He also explained that if mandatory restrictions are needed then advance notice would be given to the public.

6. South Street Project (not on agenda)

City Manager Bohenko explained that the South Street project went out to bid and a company came within budget and it would include brick sidewalks.

Councilor Whitehouse felt that the City Manager should provide an update on the River Walk as many people are interested.

Assistant Mayor Hanson asked the City Manager to provide a schedule for replacing existing brick sidewalks. He feels that it is great to see new sidewalks however, many old brick sidewalks are in need of repairs, and he is concerned for the safety of pedestrians.

B. MAYOR SIRRELL

1. Appointments

Mayor Sirrell read a portion of a letter from Ernie Carrier, who needed to resign from the Planning Board. Assistant Mayor Hanson moved to accept the resignation of Ernie Carrier, Planning Board Member, with regret and appreciation for his years of service. Councilor Whitehouse seconded the motion, voted all in favor.

The following applicants were considered and will be voted upon at the September 23rd City Council Meeting: Paul Staples and Gia Yannekis, Citizens Advisory Committee.

Assistant Mayor Hanson moved to appoint Ralph Fabrizio to the Building Code Board of Appeals until July 1, 2007. Councilor Whitehouse seconded the motion, voted all in favor.

Councilor Grasso moved to appoint Lisa Destefano to the Building Code Board of Appeals until July 1, 2007. Councilor St. Laurent seconded the motion, voted all in favor.

Councilor Grasso moved to appoint Chester Keefe II to the Building Code Board of Appeals until July 1, 2007. Councilor Whitehouse seconded the motion, voted all in favor.

C. COUNCILOR WHITEHOUSE

1. National Association of Retired Federal Employees Anniversary (not on agenda)

Councilor Whitehouse read a letter from John Clifford highlighting the anniversary of the National Association of Retired Federal Employees (NARFE). He said that the City Council would be receiving an invitation to attend the anniversary meeting.

D. COUNCILOR GRASSO

1. Joint Building Committee Update

Councilor Grasso wanted to thank her co-councilors on the committee. She reported that the New Franklin School additions would be ready by the opening of school. The trailers were removed at the Dondero School and in the school, floors and ceiling tiles were repaired and many rooms were repainted. She explained that the space in the trailers is now in the school with modifications to the room sizes. She also explained the progress at the high school. She invited the Council on behalf of the Joint Building Committee to tour the schools and view the renovations.

Mayor Sirrell thanked Councilors Grasso, Pantelakos, and St. Laurent for their assistance on the Committee.

XI. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Whitehouse reported that at today's Taxi Commission Meeting that results of the last inspection were great. He said that eleven taxis passed immediately and three had minor issues. He said that the service is well and wanted to make the Council aware of the improvements in the service.

XII. ADJOURNMENT

Assistant Mayor Hanson moved to adjourn at 8:55 p.m. Councilor Pantelakos seconded the motion, voted all in favor.

Minutes taken and typed by:
B. Christopher Maxwell, Deputy City Clerk