

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 29, 2004

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, Ferrini, Marchand, Pantelakos, Hynes, Raynolds, and Whitehouse.

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.

PROCLAMATION

1. Portsmouth Naval Shipyard – Captain William McDonough

Assistant Mayor Hanson read the Proclamation in support of the Portsmouth Naval Shipyard. Mayor Sirrell and Assistant Mayor Hanson presented Captain McDonough with the Proclamation and a \$10,000 contribution to the Seacoast Shipyard Association in their fight to keep the shipyard off the base closure list. Captain McDonough accepted the proclamation and contribution with thanks.

PRESENTATION

1. History of City Cultural Commission/Annual Report (Art-Speak) – Christine Dwyer, Chair of Art-Speak and Nancy Carmer, Community Development Department

Christine Dwyer, Chair of Art-Speak reviewed with the City Council the chronology and accomplishments of the Commission. She discussed the need to have an ordinance adopted to recognize the commission.

V. ACCEPTANCE OF MINUTES – MARCH 15, 2004

Councilor Pantelakos moved to accept and approve the minutes of the March 15, 2004 City Council meeting. Seconded by Councilor Ferrini and voted.

VI. PUBLIC HEARINGS

A. CAPITAL IMPROVEMENT PLAN (CIP) FY2005-2010

Mayor Sirrell read the legal notice, declared the public hearing open and called for speakers. City Manager Bohenko reviewed the process followed in preparing the Capital Improvement Plan as well as the timeline for its acceptance by the City Council. City Staff members provided a PowerPoint Presentation on the Capital Improvement Plan.

Barbara Daly, Portsmouth resident, spoke to improvements needed on Middle Road and the installation of sidewalks. She requested that the City Council consider moving this project forward in the Capital Improvement Plan. She said that these improvements need to be addressed in the near future.

Susan Saurman, Portsmouth resident, spoke in support of the funding for improvements to the Maple Haven playground.

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

B. CHAPTER 7, ARTICLE II, SECTION 7.219 – RATES FOR TAXI FARES

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

City Manager Bohenko said that the Taxi Commission requested this amendment. Councilor Whitehouse said that the last amendment to the fares was done in 1998. He said that this is a small increase of five cents and it is needed to help defray costs relating to increase gas prices and insurance premiums.

Jim Feehley, Taxi Commission member, spoke in support of the ordinance. He said that the cost of repairs, gas and insurance continues to increase. He urged the City Council to approve the ordinance.

Gary Moran, Taxi owner, spoke in support of the ordinance and said that this is a small increase that is greatly needed.

Peter Bresciano, Taxi Commission member, spoke in support of the ordinance and said that the increase is needed and is fair.

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

VII. PUBLIC COMMENT SESSION

Peter Bresciano, spoke regarding the letter to the Pease Development Authority relative to the scrap metal issue. He addressed various parts of the letter with suggested changes.

Tom Carroll, said that the scrap metal rust dust is a health hazard and needs to be addressed.

VIII. ACCEPTANCE OF GRANTS AND DONATIONS

A. Donation for Maple Haven Park/Playground Improvements

Assistant Mayor Hanson moved to accept the donation in the amount of \$732.87 from Maple Haven neighborhood residents to be used for the Maple Haven Park/Playground improvement project. Seconded by Councilor Grasso and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. Second reading of Ordinance amending Chapter 7, Article II, Section 7.219 – Rate for Taxi Fares

Councilor Grasso moved to pass second reading of amended ordinance, as submitted and hold a third and final reading at the April 12, 2004 City Council meeting. Seconded by Councilor Pantelakos and voted.

X. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

A. Renewal Requests for Sidewalk Obstruction Licenses from the following businesses with no changes from last year:

- Me & Ollies Café – 10 Tables, 30 Chairs and 1 A-frame sign
- Choozy Shooz – 1 Bench and 1 A-frame sign
- Forty-three Degrees North – 2 Tables and 4 chairs
- Portsmouth Brewery – 1 A-frame sign
- Madd Matt's Ice Cream – 1 A-frame sign
- Market Street Tub Shop – 1 A-frame sign

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

B. Letter from Jamila Taylor, Seacoast Harley-Davidson, Inc., requesting permission to close Chestnut Street in order to hold the 2nd Annual Saturday Night at the Movies at the Music Hall on July 10, 2004 from 6:00 p.m. – 9:00 p.m.

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

C. Letter from Mike Wissler, Jewett Construction Co., Inc., requesting permission to purchase three parking spaces in front of the Sheafe House from April 1, 2004 through October 15, 2004, and further permission to encumber the sidewalk one day at a time during the construction project

Councilor Hynes moved to refer to the City Manager with power. Seconded by Councilor Ferrini and voted.

- D. Letter from Haley Caruso & Matt Palmariello requesting permission to hold the Kayak for the Cure on Sunday, July 18, 2004 at Peirce Island

Assistant Mayor Hanson moved to refer to the City Manager for a report back. Seconded by Councilor Whitehouse.

Councilor Whitehouse requested that a copy of this letter be provided to the Peirce Island Committee and the Recreation Board. He expressed concern relative to the number of participates in this event.

Assistant Mayor Hanson said that there are a number of questions related to this event, therefore the City Manager will meet with the group to discuss this event and report back his findings to the City Council.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that she is very concerned with this event because of the number of participates, traffic issues, the time of year, and the location.

Councilor Raynolds also expressed concern with the number of participates and the traffic. He said he would like to see us facilitate this event as well as address our concerns.

Motion passed with Mayor Sirrell voting opposed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Public Hearing Re: Proposed Capital Improvement Plan (CIP) FY2005-2010

City Manager Bohenko advised the City Council that action on this matter would take place at the April 12, 2004 City Council meeting.

- 2. Proposed Agreement with Seacoast Growers' Association Re: 2004 Farmers' Market

City Manager Bohenko said that the Seacoast Growers' Association had a successful year here at the Municipal Complex last year and would like to continue to operate at this location. He recommended that the City Council approve the license agreement as submitted.

Assistant Mayor Hanson moved to authorize the City Manager to enter into this License Agreement with the Seacoast Growers' Association for the 2004 Farmers' Market. Seconded by Councilor Pantelakos and voted.

3. Proposed Private/Public Partnership Re: July Fireworks Display

City Manager Bohenko informed the City Council that Clear Channel Radio Portsmouth is proposing to partner with the City for its July Fireworks Display scheduled for July 2, 2004. Clear Channel, in conjunction with Atlas Fireworks, proposed a \$20,000 display of fireworks of which the City would provide \$5,000. He advised the City Council that Clear Channel wants to be the exclusive sponsor and provide a family band such as popular oldies music with the understanding that there be no other radio station present on City property.

Councilor Pantelakos moved to authorize the City Manager to proceed with this proposal that Clear Channel has made regarding the City of Portsmouth's July Fireworks. Seconded by Councilor Hynes.

Councilor Reynolds requested that a stipulation be added that would allow the Portsmouth Community Radio station to be part of the event.

Assistant Mayor Hanson spoke against adding any stipulation to the request. He said that this is not a fund raising event for Portsmouth Community Radio.

City Manager Bohenko expressed concern with adding a stipulation to the request and suggested that Portsmouth Community Radio could contact Clear Channel if they desired.

Councilors Ferrini and Pantelakos spoke opposed to Councilor Reynolds request.

Councilor Reynolds moved to amend the motion to allow the City Manager to enter into the license agreement with Clear Channel Radio with the stipulation that there is no other commercial radio station present at the event. This motion received no second.

On a unanimous roll call vote 9-0, motion passed.

4. Request for Approval of Pole License Agreement

Councilor Hynes moved to approve the request from PSNH for pole license agreement, #63-403, as recommended by the Public Works Department. Seconded by Councilor Grasso and voted.

City Manager Bohenko reported to the City Council that all double utility poles have been removed throughout the City. He thanked Assistant City Attorney Woodland for her work with PSNH and Verizon in getting these poles removed in a timely fashion.

B. MAYOR SIRRELL

1. Report Back Re: Scrap Metal Issue at Port of New Hampshire

Mayor Sirrell requested that Councilor Grasso read sections of the letter that the Council would be sending to the Pease Development Authority regarding the scrap metal issues at the Port.

Councilor Pantelakos moved to approve the letter to William Bartlett, Chairman of the Pease Development Authority, from the Mayor, regarding the scrap metal contract at the Port of New Hampshire. Seconded by Assistant Mayor Hanson.

Councilor Pantelakos requested that the letter include a condition that a water containment system be added to ensure that water does not run off into the Piscataqua River.

Councilor Reynolds said that this is a health issue that needs to be addressed and suggested that the PDA consider adding conditions into the contract if it is renewed. He said we should find out if any water and air quality testing has been done at the site.

City Manager Bohenko announced that the PDA next meeting is scheduled for April 8, 2004 and anyone is welcome to attend.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that Grimmel Industries were not truthful with the City as to the type of metal that would be stored at the Port. City Manager Bohenko said that the City Council does not have any legal authority to end or renew the contract with Grimmel Industries.

Councilor Marchand said it is important for the City Council to send the letter to the PDA regarding our concerns.

Motion passed with Councilor Reynolds voting opposed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

2. Appointments

Councilor Hynes moved to appoint Arthur Parrott as a regular member to the Board of Adjustment until December 1, 2006 filling Christopher Rogers unexpired term. Seconded by Councilor Whitehouse and voted.

Councilor Whitehouse moved to appoint Donald Twombly to the Blue Ribbon Cemetery Committee. Seconded by Councilor Grasso and voted.

Councilor Hynes moved to appoint Amy Brnger to the Library Board of Trustees until October 1, 2005 filling Lee Lorusso unexpired term. Seconded by Councilor Pantelakos and voted.

Councilor Reynolds moved to appoint Maria Sillari to the Library Board of Trustees until October 1, 2007. Seconded by Councilor Pantelakos and voted.

3. Reports

Mayor Sirrell read a thank you letter from Ariel Soucie, Student Council President and Mary Carey Foley, Student Council Adviser, for the success of the 2004 Student Government Day.

Mayor Sirrell announced that the NH Department of Transportation will be holding a public hearing on the one-way toll system for I-95 on April 8, 2004 at 7:00 p.m. in the City Council Chambers.

XIII. ADJOURNMENT

Assistant Mayor Hanson moved to adjourn at 9:20 p.m. Seconded and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

KELLI L. BARNABY
CITY CLERK