

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
TUESDAY, JUNE 8, 2004

PORTSMOUTH, NH
TIME 7:00 PM

At 5:30 p.m., a non-meeting with Counsel was held.

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, Reynolds, and Whitehouse

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Councilor Grasso led in the pledge of allegiance to the flag.

MAYOR'S AWARD

1. George Bald – Executive Director of the Pease Development Authority

George Bald introduced himself to the City Council as the new Executive Director for the Pease Development Authority.

PRESENTATION

1. Market Square Day, Saturday, June 12th – Barbara Massar

Barbara announced that the Annual Market Square Day would be this Saturday, June 12th. She said that volunteers are still needed and anyone wishing to assist with the activities should contact Pro Portsmouth.

V. ACCEPTANCE OF MINUTES – MAY 17, 2004

Assistant Mayor Hanson moved to accept and approve the City Council minutes of the May 17, 2004 meeting. Seconded by Councilor Whitehouse and voted.

VI. PUBLIC COMMENT SESSION

William Eley thanked the City Council for their efforts in preparing the budget. He urged the City Council not to increase taxes this year. He said that the budget has increased 40% over the last five years.

Bob Hassold provided the City Council with copies of photos of graffiti in the downtown area. He said the graffiti needs to stop and asked the City to help with this. He said this is a criminal act and asked that the Police Department look into it. He suggested that the City Council adopt an ordinance requiring business owners to remove any graffiti as soon as it appears on their buildings.

John Russo, Association of Portsmouth Taxpayers, requested that the City Council adopt one of the budget options presented by the City Manager to reduce the budget. He said that the taxpayers deserve a reduction.

Joyce Keevan said that there needs to be more than a 1% decrease in the budget. She said that she is having difficulty paying her taxes with the increases each year. She said that the people elected the City Councilors to decide where cuts should be made in the budget.

Lisa Sweet spoke in support of the increase in the parking fines and meter rates. She said she is in favor of the .5% reduction in the budget because the 1% reduction could cause a loss in teachers.

Bill St. Laurent spoke opposed to the City Council rolling back the \$4 million dollars in the budget that was removed from the statewide property tax. He said that the City Council needs to consider the taxpayers ability to pay taxes. He urged the City Council not to use the parking rates and fines as a way to control the budget.

Peter Bresciano spoke in favor of a reduction in the budget without a reduction in services. He advised the City Council that he would not pay his portion of the statewide property tax when he receives his tax bill.

Chris Cole provided the City Clerk with a petition from Little Harbour School parents support the .5% reduction in the budget versus the 1% reduction. He said it is important that the class sizes remain small because children are able to learn more in that kind of environment.

Neil Novello said he is a new resident to the city and he would like to see the budget controlled. He urged the City Council to reduce the budget.

Mark Stettner spoke opposed to having meter enforcement on Sunday's. He said the Council should reduce the rates for the garage. He suggested establishing seasonal fees for the meters.

Christine Duffy said that there should be a zero increase in the budget. She suggested that the City Council evaluate employees and their performance.

Angelina Smith said that there should not be another increase in taxes.

Alice Buckley asked the City Council to keep the taxes down. She said many people are concerned that they will lose their homes. She advised the City Council that people's income is not rising with the rate of inflation.

David Hudlin said that taxes need to be reduced. He spoke in support of the increase in parking rates and fines. He said that the parking garage rates should be increased and all rates should be reviewed annually.

Dan Kovel spoke against the increase in parking rates and fines. He said that you need to consider the downtown merchants and the effect this could have on the businesses. He said that the downtown merchants pay the largest portion of taxes.

VII. ACCEPTANCE OF GRANTS AND DONATIONS

- A. Acceptance of Grant for Career-Tech Center Renovations in the amount of \$4,500,000.00

Assistant Mayor Hanson moved to accept the grant and authorize the Joint Building Committee to proceed with this project as presented. Seconded by Councilor Grasso and voted.

- B. Acceptance of Grant for a Recycling Video

Councilor Whitehouse moved to authorize the City Manager to accept and expend a grant from New Hampshire the Beautiful, Inc. for the purpose of producing five (5), 30 second Public Service Announcements. Seconded by Councilor Pantelakos.

Councilor Pantelakos asked if there were any strings attached with this grant. City Manager Bohenko said that we would provide a report at the end of the grant indicating if we received an increase in recycling.

Motion passed.

- C. Acceptance of Public Health Network Grant

Councilor Ferrini moved to authorize the City Manager to accept and expend a grant from the New Hampshire Department of Health and Human Services for funding a regional public health network. Seconded by Councilor Hynes.

Councilor Pantelakos asked if there was any strings attached with this grant. City Manager Bohenko reported that we are one of the last areas in the state to apply for this grant. He said we want to wait 6 months before implementing this to discuss issues with area health officials. He said we would establish an infrastructure of what health services are available on a day to day basis and on an emergency basis.

Councilor Raynolds asked what the funds would be used for. City Manager Bohenko said that we would have a contractual person to set up this program and once the grant is over the contractual person would end.

Motion passed.

D. Acceptance of Portsmouth Department Donations:

- Jenaly Technology Group, Inc. - \$100.00 to Portsmouth Honor Guard

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

- VSI, LLC - \$500.00 to Portsmouth Honor Guard

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

- Donation of a side-by-side refrigerator from Mr. & Mrs. Brian Bellerose to Portsmouth Police Department

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

E. Acceptance of New Hampshire State Council on the Arts Community Arts Development Grant

Councilor Grasso moved to authorize the City Manager to accept and administer the \$6,000 for Art-Speak as presented. Seconded by Councilor Ferrini.

City Manager Bohenko reported that the grant would allow for a person to come on board to coordinate and develop plans for the Arts and Cultural Committee. Upon the expiration of the grant, the contractual position would end.

Motion passed.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Articles I, IV, & IX, Section 7.102 – Parking Meter Zones, Section 7.105 – Parking, Section 7.405 Authority Given to Regulate Areas, and Section 7.901 Penalties - Proposed Adjustments to the Parking Meter Rates and Fines

Councilor Hynes moved to pass first reading regarding the adjustment to parking meters rates and parking fines and schedule a public hearing and second reading at the June 21, 2004 City Council meeting. Seconded by Councilor Pantelakos.

City Manager Bohenko advised the City Council that there was a section that was not part of the original ordinance provided in the packet and the City Clerk has given the Council a copy of the change. He said that the change is for the expired meters to be a fine of \$10.00 not \$15.00.

Councilor Hynes moved to pass first reading regarding the adjustment to parking meters rates and parking fines and schedule a public hearing and second reading at the June 21, 2004 City Council meeting. Seconded by Councilor Pantelakos.

Councilor Hynes moved to accept the amendment to the expired meter fine as presented by the City Manager. Seconded by Councilor Pantelakos and voted.

Main motion passed as amended.

- B. First reading of Amendments to Chapter 7 – Vehicles, Traffic Parking (Omnibus Parking Ordinance April 18, 2003 to April 15, 2004)
 - 1. Amendment to Chapter 7, Article III, Sections 7.326 & 7.327 – Limited Parking
 - 1.1 Chapter 7, Article III, Section 7.327 – Limited Parking – Two Hours – Congress Street: southerly side from Chestnut Street to Church Street, except for the first two spaces westerly from the intersection of Fleet Street
 - 1.2 Chapter 7, Article III, Section 7.326 – Limited Parking – 15 Minutes – Congress Street: southerly side, first two spaces westerly from the intersection of Fleet
 - 2. Amendment to Chapter 7, Article III, Sections 7.326 & 7.327 – Limited Parking
 - 2.1 Chapter 7, Article III, Section 7.326 – Limited Parking – 15 Minutes – delete Market Street: last parking space on Market Street, on right side before entering Market Square to be dedicated for police cruiser parking only
 - 2.2 Chapter 7, Article III, Section 7.327 – Limited Parking – Two Hours – Market Street – (a) westerly side from Market Square to Bow Street, except for the first two parking spaces from Market Square. The first of which is hereby designated for police cruiser parking only and the second of which is designated as a taxi stand; (b) easterly side from Daniel Street to Deer Street; (c) both sides from Deer Street to Russell Street
 - 3. Chapter 7, Article VI, Section 7.601 – Truck Loading/Unloading Zones Established
 - 4. Chapter 7, Article IVA – Bus Stops, Taxicab Stands & Horse Drawn Carriages, Section 7-A.408 – Taxi Stands Designated

5. Chapter 7, Article IV, Section 7.402 (b) Off-Street Parking Areas be amended by the addition of Business Validation Program

Councilor Pantelakos moved to pass first reading of the actions to be incorporated into the Parking Ordinance as presented, and establish a public hearing and second reading at the June 21, 2004 City Council meeting. Seconded by Councilor Grasso and voted.

- C. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.327 – Limited Parking – Two Hours – Washington Street: northerly side between State Street and Court Street

Councilor Grasso moved to pass third and final reading as submitted. Seconded by Councilor Hynes and voted.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

IX. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Sanford Walker, 1st New Market Colonial Militia, requesting permission to hold a re-enactment of the “street mob scene” at Strawberry Banke during the taking of Fort William and Mary on Sunday, December 12, 2004 at 1:00 p.m.

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

- B. Letter from Trevor Bartlett, The Music Hall, requesting permission to hold the Annual Telluride by the Sea Weekend Celebration on September 17th – September 19th and the closure of Chestnut Street from Congress to Porter Streets

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

- C. Request for Sidewalk Obstruction License from Keith Prince & Jeremy Colby, Colby’s Breakfast & Lunch, to place 1 A-frame sign in front of establishment

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

- D. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting the City consider a plan for Street Closures during the summer

Councilor Raynolds moved to refer to the City Manager with power. Seconded by Councilor Whitehouse.

Councilor Whitehouse said that the dates do not reflect the 2004 calendar.

Councilor Pantelakos said that she is not in favor of closing the streets starting Friday and carrying over to Saturday. She suggested that the Council hold a work session to discuss this request further.

City Manager Bohenko said that the request for amplified music would need to be reviewed by the City Attorney. He said that the Pleasant to Porter Street is a good idea and worked well last year. He said he would like to see how it works for two Saturdays, one in July and one in August.

Councilor Grasso spoke opposed to tying up this area every weekend in August.

Councilor Raynolds spoke in favor of the request. He said that the pilot program was successful last year. He said that the downtown needs to be more pedestrian friendly.

Councilor Whitehouse spoke opposed to the request and said the pilot program was chaos last year. He said it has a negative effect on the business on the lower end of Congress Street and other areas of the downtown. He said he is opposed to any amplified music.

City Manager Bohenko said the lunchtime events at Vaughn Mall could be reviewed but said he is not comfortable with the request for weekend events at Hanover/Bow Street parking lot.

Assistant Mayor Hanson moved to divide the question into three parts. Seconded by Councilor Ferrini and voted.

- Street Closures - Pleasant/Porter Streets to Market Square – July 23, 24, 30, 31, August 13, 14, 20, 21

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

- Friday Lunchtime Events – Vaughn Mall

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

- Weekend Events – Hanover/Bow Street Parking Lot

Councilor Ferrini moved to deny the request. Seconded by Councilor Marconi and voted.

- E. Letter from John Russo, Association of Portsmouth Taxpayers, requesting that the City Council hold a public hearing on the new city budget

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

Councilor Whitehouse said that the Association of Portsmouth Taxpayers was not aware of the City Council efforts to reduce the budget.

Councilor Grasso said that we held a public hearing and heard what people said and that is why we held additional work sessions.

Motion passed.

- F. Letter from Thanasis Tournas requesting that the budget reflect no additional tax increases

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

- G. Letter from Kaarin Olofsson regarding her opposition to the proposed forgiveness ticket

Councilor Ferrini moved to accept and place the letter on file. Seconded by Councilor Pantelakos and voted.

- H. Petition from downtown business area against raising the parking meter rates

Assistant Mayor Hanson moved to accept and place the petition on file. Seconded by Councilor Ferrini.

Councilor Whitehouse suggested that this petition be reviewed during the June 21st public hearing on the parking meter rates.

Motion passed.

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Acceptance of Sewer Easements along Borthwick Avenue

City Manager Bohenko reported that Millennium Borthwick has received approval from Site Review and he is recommending the Council approve the easements as presented.

Councilor Grasso moved to accept the two sewer easements; one from Millennium Borthwick and one from Liberty Mutual as proposed. Seconded by Councilor Whitehouse and voted.

- 2. License Agreement for Construction Purposes Re: Harbour Place/Daniel Street Area

City Manager Bohenko said that the City Council needs to approve the license agreement for construction purposes at Harbour Place and Daniel Street area. He recommended that the Council approve the license agreement request.

Assistant Mayor Hanson moved to authorize the City Manager to enter into a license agreement with PineBrook Corporation and Harbour Place in the Daniel Street area for purposes of construction activities to the wharf. Seconded by Councilor Hynes.

Assistant Mayor Hanson said that this is a public benefit to replace the pier.

Councilor Raynolds expressed concern with pedestrian safety in the area during the construction.

Motion passed.

3. Meeting Schedule Re: Budget Adoption

City Manager Bohenko said he would like approval of the two new meetings for the budget process. He reported that he would like to establish a work session on June 22nd to review the budget in Conference Room A at 6:30 p.m. and to hold a Special City Council meeting on June 28th for adoption of the budget in the City Council Chambers.

Councilor Hynes moved to hold a budget review work session on June 22nd at 6:30 p.m. in Conference Room A. Further, voted to hold a Special City Council meeting on June 28th to adopt the budget. Seconded by Councilor Whitehouse and voted.

Informational Items

1. Portsmouth Informational Meeting Regarding US Route 1 Bypass

City Manager Bohenko announced that the meeting would be held on Thursday, June 10th in the City Council Chambers.

2. Master Plan Public Hearing Schedule

City Manager Bohenko reviewed the Master Plan Public Hearing Schedule, which includes the Joint City Council-Planning Board Work Session on Wednesday, June 16, 2004.

Assistant Mayor Hanson advised the City Manager that several Councilors that have a conflict with the June 16th date and request that the work session be rescheduled. City Manager Bohenko said that he would cancel the meeting and advise the Planning Board.

Councilor Grasso said she would like to see the City Council follow up on Bob Hassold's comments during the public comment session regarding graffiti in the downtown.

Councilor Raynolds said that this is an important matter but he does not feel we need to adopt an ordinance as suggested by Mr. Hassold. He recommended that the City Manager research this matter and report back to the City Council on how to handle this problem in an efficient and cost effective method.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said graffiti has been around the downtown area since the 1950's. She said that the Police Department should look into this matter to find the responsible individuals and have them remove the graffiti from the buildings.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

Councilor Whitehouse said we should move forward with preparing an ordinance and place the burden on the owners of the buildings.

Councilor Raynolds moved to have the City Manager research this matter and report back mid summer. Seconded by Councilor Grasso and voted.

B. MAYOR SIRRELL

1. Appointments

The City Council considered the appointments of John Rice and Ellen Fineberg to the Historic District Commission. These appointments will be voted on by the City Council at the June 21, 2004 meeting.

Councilor Pantelakos said that she is concerned with voting on these appointments until a public hearing on the issue of term limits.

Councilor Grasso said that she would like to move forward with the vote on the reappointments.

Councilor Hynes said that we have a good program for consideration of appointments to boards and commissions. These people are volunteering their time and he would like to vote on this at this time.

Councilor Pantelakos said that we should hold the public hearing before any more appointments are voted on.

Councilor Raynolds questioned the term opening on a board and commission. He said some people feel unless someone steps aside from a board and commission people are not given proper consideration to serve.

Councilor Hynes said he has never seen unfair exceptions to appointments. He said you would discourage individuals from serving on our boards and commissions.

Councilor Marchand said that there are little problems with approving the four individuals before the City Council this evening. He said maybe there should be an examination of the system and get more information out on how to apply for a board and commission.

Councilor Grasso moved to reappoint David Adams to the Historic District Commission until June 1, 2007. Seconded by Councilor Ferrini and voted.

Councilor Grasso moved to reappoint Richard Katz to the Historic District Commission until June 1, 2007. Seconded by Councilor Whitehouse and voted.

C. ASSISTANT MAYOR HANSON

1. Traffic & Safety Committee Action Sheet and Minutes of the May 20, 2004 meeting

Assistant Mayor Hanson moved to accept and approve the Traffic & Safety Committee action sheet and minutes of the May 20, 2004 meeting. Seconded by Councilor Whitehouse and voted.

Councilor Whitehouse complimented Elaine Boucas on the thoroughness of her minutes for the Traffic & Safety Committee and Parking Commission. Assistant Mayor Hanson said that Elaine does a great job in preparing the minutes.

2. Parking Committee Action Sheet and Minutes of the May 20, 2004 meeting

Assistant Mayor Hanson moved to accept and approve the Parking Committee action sheet and minutes of the May 20, 2004 meeting. Seconded by Councilor Whitehouse and voted.

XI. MISCELLANEOUS/UNFINISHED BUSINESS

XII. ADJOURNMENT

Councilor Grasso moved to adjourn at 9:05 p.m. Seconded by Councilor Whitehouse and voted.

KELLI L. BARNABY, CITY CLERK