

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JULY 12, 2004

PORTSMOUTH, NH
TIME: 7:00PM

At 6:15 p.m., a non-meeting with counsel was held regarding negotiations.

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, Whitehouse and Raynolds

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

PROCLAMATION

1. Michael Magnant, Police Chief in recognition of his 25 years of service with the Portsmouth Police Department

Assistant Mayor Hanson read the proclamation in recognition of Police Chief Magnant's 25 years of service to the Portsmouth Police Department. Mayor Sirrell presented the proclamation to Police Chief Magnant who accepted the proclamation with thanks.

V. ACCEPTANCE OF MINUTES – JUNE 21, 2004 & JUNE 28, 2004

Councilor Pantelakos moved to accept and approve the minutes of the June 21, 2004 and June 28, 2004 City Council meetings. Seconded by Councilor Hynes and voted.

VI. PUBLIC COMMENT SESSION

Clif Horrigan requested that the city leave the tide gate open at the South Mill Pond at all times. She said that if the gate is left open it would allow the pond to thrive. She also recommended that the gate to the playground be left unlocked to allow access to the area by the public and she asked for the installation of trash barrels at the pond.

Walter Allen spoke regarding the installation of a water line on Sagamore Grove Road. He provided the City Council with a letter from Mr. Hayes in favor of the installation of a water line along his property with certain requirements. Mr. Allen said it is time for the city to take care of these issues and install the water line.

VII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Donations to the Cemetery Committee

- Donations for Education Programs at Four Cemeteries:
 - \$50.00, Jonathan & Nancy Aldrich
 - \$100.00, Farrell Funeral Home
 - \$100.00, Dr. Kevin Bettencourt
 - \$100.00, Holistic Health Dr. S. Comeau
 - \$100.00, Lyons Law Offices, PA
 - \$100.00, Mainely Gourmet
 - \$200.00, St. John's Lodge #1
 - \$400.00, J. Verne Wood Funeral Home
- Donation from Elizabeth Lamson in the amount of \$700.00 for restoration/repair of the John Wendell Tomb

Councilor Grasso moved to approve and accept the donations to the Cemetery Committee as listed. Seconded by Councilor Whitehouse and voted.

B. Acceptance of Police Department Grants:

- US Army Electronic Proving Ground, Thermo Vision SCOUT Unit Grant - \$10,900.00
- Bureau of Justice Assistant for a Bulletproof Vest Partnership Grant - \$20,784.00

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

C. Acceptance of Oxford Avenue Sewer Grant - \$10,000.00

Mayor Sirrell advised the City Council that she will be abstaining from voting on this grant because she resides on Oxford Avenue.

Councilor Ferrini moved to authorize the City Manager and Deputy City Manager to accept and expend \$10,000 in grant funds from the NH Estuaries Program through NHDES for the 2004 Water Quality Protection Grant Program. Seconded by Assistant Mayor Hanson and voted. Mayor Sirrell abstained from voting.

D. Acceptance of GPCF Strategic Focus Grant - \$15,000.00

Councilor Hynes moved to accept the GPCF Strategic Focus Grant Award and authorize the City Manager to oversee administration of the grant. Seconded by Assistant Mayor Hanson and voted.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

- A. Third and final 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 Grasso moved to pass third and final reading of amended ordinance, 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 AND PETITIONS

- A. Letter from Walter Allen regarding water line replacement on Sagamore Grove Road

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

Deputy City Manager Hayden advised the City Council that Deputy Public Works Director Allen has been working with the property owners and discussions are on going. She said that there are a number of issues in dealing with this situation such as easements, ledge, leach fields and wetlands.

Mayor Sirrell passed her gavel to Assistant Mayor Hanson.

Mayor Sirrell said that she wants this issue handled as soon as possible.

Motion passed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

- B. Letter from Janet Bourne, Arthritis Foundation, requesting permission to hold the annual Jingle Bell Run on Saturday, November 20, 2004 at 10:00 a.m.

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

- C. Letter from Wendy Lull, Seacoast Science Center, requesting permission to hold the 7th Annual Pond Boat Regatta on Sunday, August 22, 2004 in the upper and lower South Mill Pond

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

- D. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the Snowflake Festival 2004 on Friday, December 3, 2004 and New Year's Portsmouth 2005 on Friday, December 31, 2004

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

- E. Letter from Isabella Cotrupi, Madison LaCroce, and Jasmine Boyer, Little Harbour students, regarding planting a permanent tree in Market Square to be decorated at Christmas time

Assistant Mayor Hanson moved to refer to the Trees and Public Greenery Blue Ribbon Committee for a report back. Seconded by Councilor Pantelakos and voted.

Deputy City Manager Hayden advised the City Council that private property owners that planned to remove the tree donate it to the city to decorate during the Holiday season.

- F. Letter from Portsmouth Police Commissioner Jack Kelley advising the City Council that the Police Department won the Robert Trojanowicz Memorial Community Policing Award

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

- G. Letter from Pope Media Network requesting permission to film historical sites in Portsmouth for broadcasting on PAX-TV/The Worship Network

Councilor Grasso moved to refer to the City Manager and City Attorney with power and report back to the City Council. Seconded by Councilor Hynes and voted.

Councilor Whitehouse expressed concern with filming around the point of graves and that the area be treated with respect if they are allowed to film the graves.

H. Newsrack License Approval – Foster’s Daily Democrat and USA Today

Mayor Sirrell advised the City Council that no action is required, these licenses are handled administratively.

I. Sidewalk Obstruction License Approval – Molly Malone’s Restaurant, 1 A-frame sign

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

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request for Approval of the Five-Year Agreement between Portsmouth School Board and Non-Supervisory Cafeteria Personnel of AFSCME Local 1386

Deputy City Manager Hayden said that the contract has been approved by the School Board and is recommending its approval by the City Council.

Councilor Grasso moved to approve the five-year agreement commencing July 1, 2003 through June 30, 2008 between the Portsmouth School Board and Non-Supervisory Personnel of AFSCME Local 1386. Seconded by Councilor Ferrini and voted.

2. Polling Hours for September 14, 2004 State Primary Election

Councilor Pantelakos moved to approve the polling hours for the State Primary from 8:00 a.m. to 7:00 p.m. Seconded by Councilor Ferrini and voted.

3. Report Back Re: Rezoning Request for Portsmouth Circle Business Center

Deputy City Manager Hayden advised the City Council that the Planning Board held a public hearing on this matter and there were no speakers. She said that she is requesting that the City Council allow for a first reading of an ordinance amendment at the August 2, 2004 City Council meeting.

Assistant Mayor Hanson moved to authorize the City Manager to bring back for First Reading the amendment to rezone the Portsmouth Business Circle from research to general business zone at the August 2nd City Council meeting. Seconded by Councilor Pantelakos and voted.

4. Request for Approval of Pole License Agreements #63-407 & #63-408

Deputy City Manager Hayden advised the City Council that the Public Works Department has reviewed the request and has no objection to its approval.

Councilor Grasso moved to approve the request from PSNH for pole license agreements #63-407 and #63-408 as recommended by the Public Works Department. Seconded by Councilor Pantelakos and voted.

Informational Items

1. Fifth Annual Atlantic Heights Garden Tour

Mayor Sirrell reminded the City Council that the Atlantic Heights Garden Tour is scheduled for Saturday, July 17th from 9:30 a.m. – 12:30 p.m. (rain date on the 18th).

2. Downtown Loop Trolley Summer Service

Councilor Whitehouse advised the public that the downtown loop trolley operates 7 days a week every 30 minutes, 10:30 a.m. to 5:30 p.m. (no service between 2:30 p.m. and 3:00 p.m.). He said that the fare for hop-on passengers is \$.50 and \$.25 for seniors and disabled individuals, children under 5 years old are free.

MAYOR SIRRELL

1. Appointments

The City Council considered the appointment of Lenore Weiss-Bronson to the Blue Ribbon Committee on Trees and Public Greenery and the appointment of Jeffrey Landry to the Cable Television & Communications Commission. These appointments will be voted on at the August 2, 2004 City Council meeting.

2. Donations to the Coalition Legal Fund

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell moved to accept the \$1,000 contribution from the Town of Lincoln, \$2,500 from the Town of Newington, \$500 from the Town of New Castle, and \$5,000 from the Town of Tuftonboro to be placed in the Coalition Legal Fund. Seconded by Councilor Pantelakos and voted.

3. Portsmouth Fire Department Monument

Mayor Sirrell moved to relocate the Fire Department Monument from Station 2 to Station 1. Seconded by Councilor Whitehouse.

Mayor Sirrell said that she has received a number of requests to have the monument relocated to a more visible and accessible location.

Councilor Pantelakos questioned whether the City Council has the right to move the monument without first establishing a committee to review the request and to receive input from the firefighters on this matter.

Councilor Grasso suggested keeping the monument at Station 2 and the creation of a new monument at Station 1 with the assistance of the Arts and Culture Committee.

Mayor Sirrell asked Fire Chief LeClaire to come forward and address the request. Fire Chief LeClaire said that he and Parking and Transportation Director Burke discussed the relocation of the monument in conjunction with the rehabilitation of Court Street. He said that there is now a new island on Court Street that the monument could be relocated to with illumination. He advised the City Council that the firefighters are split on relocating the monument, and the Fire Commission is in favor of relocating it to Station 1. He said that Station 1 would allow for better access and visibility of the monument.

Councilor Whitehouse said that he is in favor of Fire Chief LeClaire's recommendation to relocate the monument. Councilor Marchand said that he does not have a strong opinion on relocating the monument, however, he suggested holding a public hearing on the issue to receive public input.

Councilor Marchand moved to amend the motion to hold a public hearing on the relocation of the Fire Department monument. Seconded by Councilor Pantelakos. Councilor Marchand recommended holding the public hearing at the August 2, 2004 City Council meeting.

On a roll call vote 6-3, amendment to main motion passed. Councilors Ferrini, Marchand, Pantelakos, Hynes, Raynolds and Assistant Mayor Hanson voted in favor. Mayor Sirrell, Councilors Grasso and Whitehouse voted opposed. Main motion passed as amended with Councilor Grasso voting opposed. The City Council agreed to hold the public hearing at the August 2, 2004 City Council meeting.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

C. ASSISTANT MAYOR HANSON

1. Traffic & Safety Committee Action Sheet and Minutes – June 17, 2004 meeting

Assistant Mayor Hanson moved to accept and approve the Traffic & Safety Committee action sheet and minutes of the June 17, 2004 meeting. Seconded by Councilor Hynes and voted.

2. Parking Committee Action Sheet and Minutes – June 29, 2004 meeting

Councilor Pantelakos moved to accept and approve the Parking Committee action sheet and minutes of the June 29, 2004 meeting. Seconded by Councilor Ferrini.

Assistant Mayor Hanson said that the Parking Committee voted to recommend that the City Council set the Validation Program discount at 33.3% (\$.50/hr.) in the High-Hanover Parking Garage and that it be revisited in one year to evaluate the financial impact.

Motion passed.

D. COUNCILOR HYNES

1. Update on Dr. Martin Luther King Jr. Site

Councilor Hynes reported that the Committee has decided on the site between the Connie Bean Center and the Memorial Bridge. He advised the City Council that the Planning Board would be conducting a site walk of the area on Thursday, July 15th. He said that the sculpture would be designed with the approval of the Planning Board and City Council and would not be completed until early next year. He said that he would continue to keep the City Council updated on the status of the Committee and project.

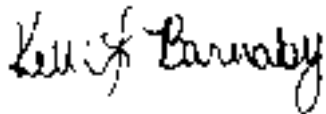
E. COUNCILOR RAYNOLDS

1. Report Back Re: Vendor Committee meeting of June 23, 2004

Councilor Raynolds said that the City Council has been provided copies of the minutes of the Vendor's meeting in their packets to review. He said that he would not propose any changes on how we currently regulate vendors. He said he would continue to provide additional thought on the scale and appearance of a vendor.

XII. ADJOURNMENT

At 8:10 p.m., Councilor Whitehouse moved to adjourn. Seconded by Councilor Pantelakos and voted.



Kelli L. Barnaby, City Clerk