

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 16, 2004

PORTSMOUTH, NH
TIME: 7:00PM

At 6:00 p.m., a non-meeting with counsel was held regarding litigation.

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 Raynolds led in the pledge of allegiance to the flag.

PROCLAMATIONS

1. Friendship Tall Ship – Friendship Weekend – August 13, 2004 – August 16, 2004

Councilor Hynes read the Proclamation declaring August 13, 2004 – August 16, 2004 as Friendship Week in honor of the Tall Ship Friendship.

2. Dorothy Vaughan Day of Remembrance – September 19, 2004

Assistant Mayor Hanson read the Proclamation declaring September 19, 2004 as Dorothy Vaughan Day of Remembrance. Mayor Sirrell presented the Proclamation to Priscilla Mullen who accepted it with thanks and gratitude.

V. ACCEPTANCE OF MINUTES – AUGUST 2, 2004

Assistant Mayor Hanson moved to accept and approve the minutes of the August 2, 2004 City Council meeting. Seconded by Councilor Pantelakos and voted.

VI. PUBLIC COMMENT SESSION

James Horrigan asked the City Council to reconsider the policy of installing brick sidewalks in the downtown area. He said the brick sidewalks are costly and do not hold up as well as concrete.

Pawn Nitichan asked the City Council to approve the request of City Year to hold the opening ceremonies in Market Square.

Councilor Hynes moved to suspend the rules in order to consider the request from Willem Verweij, St. Charles Children's Home, requesting permission to hold a 5k Road Race on September 6, 2004 at the Pease Tradeport. (Item not on agenda). Seconded by Assistant Mayor Hanson and voted.

City Manager Bohenko said he received the request and the PDA has reviewed it and has recommended its approval.

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

VII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Donations to the Cemetery Committee

- \$35.00, Peter & Kathleen Sommsich
- \$500.00, Winthrop, Inc.

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

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. First reading of Ordinance amending Chapter 12, Part II, International Residential Code, 2003, Section R317 Dwelling Unit

Councilor Grasso moved to pass first reading of the amended ordinance, as submitted, and schedule a public hearing and second reading at the September 20, 2004 City Council meeting. Seconded by Councilor Pantelakos and voted.

B. First reading of Resolution Authorizing Bond Issue of up to Three Million Dollars (\$3,000,000.00) for Street and Sidewalk Improvements

Assistant Mayor Hanson moved to pass first reading to authorize bonding in the amount of \$3,000,000.00 for street and sidewalk improvements and schedule a public hearing and adoption at the September 20, 2004 City Council meeting. Seconded by Councilor Pantelakos and voted.

The City Council asked City Manager Bohenko to address the comments made by Mr. Horrigan regarding brick sidewalks. City Manager Bohenko explained the policy established by the City Council on the installation of brick sidewalks.

Councilor Raynolds asked if there is evidence that concrete outlasts brick. He requested a cost comparison between brick and concrete sidewalks.

- C. First reading of Resolution for a Lease Authorization for Fire Apparatus in the amount of Five Hundred and Seventy-Five Thousand Dollars (\$575,000.00)

Councilor Pantelakos moved to pass first reading for replacement to Fire Engine 5 for lease of a 75' aerial ladder in the amount not to exceed \$575,000.00 and schedule a public hearing and adoption at the September 20, 2004 City Council meeting. Seconded by Councilor Hynes.

City Manager Bohenko explained that the vehicle is not leased but we borrow the money at 3% and sell the bond to a financial institution.

Councilor Whitehouse requested a report back from the Fire Chief on the new equipment and its ability to be used in small areas of the City at the next City Council meeting.

Motion passed.

IX. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Pawn Nitichan, City Year New Hampshire, requesting permission to hold the City Year New Hampshire Opening Day on Friday, October 1, 2004 from 12:00 p.m. to 1:30 p.m. in Market Square

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

- B. Letter from Nicole Gregg, Chamber of Commerce, requesting permission to use the Connie Bean Community Center to host the NH Film Expo on Saturday, October 6, 2004 from 8am to 7pm

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

- C. Letter from Pamela Thornhill, American Diabetes Association, requesting permission to hold the annual America's Walk for Diabetes on Saturday, October 16, 2004

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

- D. Letter from Stephen Peterson, Bektash Shriners, requesting permission to hold a parade on Saturday, May 28, 2005 at 1:00 p.m.

Councilor Whitehouse move to refer to the City Manager with power. Seconded by Councilor Pantelakos.

Assistant Mayor Hanson moved to amend the motion to refer the matter to the City Manager for a report back at the next City Council meeting. Seconded by Councilor Grasso and voted. Main motion passed as amended.

- E. Letter from Wendy Segit, Seacoast Mental Health Center, Inc., requesting permission to hold the 7th Annual Bridges 4 Friendship 10k Road Race on Saturday, October 16, 2004 at 10:00 a.m.

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

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Unclassified Position Salary Schedule Re: Parking Enforcement Officers

City Manager Bohenko explained that this is a salary adjustment for parking enforcement officers. He said that the positions have been removed from the police bargaining unit and are now part of unclassified non-union. He advised the City Council that all parking enforcement officers are part time and recommended that the City Council approve this request.

Councilor Grasso moved to approve the non-union parking enforcement salary schedule, as listed. Seconded by Councilor Pantelakos and voted.

- 2. Request to Reschedule Public Hearing of Ordinance Amending Chapter 10, Article II, Section 10-202 to rezone Portsmouth Circle Business Center to General Business (GB)

City Manager Bohenko requested that the City Council reschedule the public hearing because the legal notice was not posted due to a clerical error.

Assistant Mayor Hanson moved to reschedule the public hearing and second reading until the September 20, 2004 City Council meeting. Seconded by Councilor Whitehouse and voted.

- 3. Request from Aranorian Oil Company Re: Proposed Joint Use Agreement on Paper Street Adjacent to Flightline Sunoco

City Attorney Sullivan said that Flightline Sunoco received approval to make improvements to the property and a Joint Use Agreement must be executed for use of a portion of Old Greenland Road to satisfy the Planning Board condition of May 20, 2004. City Manager Bohenko said if the agreement is violated the road would be blocked and the agreement would be null and void.

Assistant Mayor Hanson moved to authorize the City Manager to negotiate and execute an agreement with Aranorian Oil Company to allow joint use of a portion of Old Greenland Road to satisfy the Planning Board condition of May 20, 2004. Seconded by Councilor Whitehouse.

Assistant Mayor Hanson said this issue came before the Traffic & Safety Committee and this will be a more retail use. The area will not allow for overnight parking. He said that the improvements are for the convenience of the consumer and not the truckers.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that she does not want to give away any paper streets but she wants to ensure that the trucks are controlled out there.

Councilor Ferrini advised the City Council that the Planning Board reviewed extensive plans for these improvements and supports the request.

Motion passed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

City Manager Bohenko announced that Portsmouth Little League has won the championship and recommended placing signs at the entrances to the City announcing their championship. He said if the City Council has no objection, he would work with the Public Works Department on the construction and placement of the signs. The City Council agreed to the installation of the signs.

B. MAYOR SIRRELL

1. Donations to the Coalition Legal Fund

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell moved to accept the \$2,000.00 contribution from the Town of Carroll and the \$1,500.00 from the Town of Bridgewater to be placed in the Coalition Legal Fund. Seconded by Councilor Ferrini and voted.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

2. Acceptance of GPCF Grant from Louise H. Tallman Fund

Councilor Marchand moved to accept the GPCF Grant award in the amount of \$1,800.00 and authorize the City Manager to oversee administration of the grant. Seconded by Councilor Pantelakos and voted.

3. Blue Ribbon Committee on African Burial Ground Members

Assistant Mayor Hanson moved to approve the Committee members as presented. John W. Hynes, Chair; Mary Bailey; Valerie Cunningham; Vernis Jackson; Laura Pantelakos; James Splaine; John McGee; Steve Parkinson, Ex-officio; Suzanne Woodland, Ex-officio; and John Burke, Ex-officio. Seconded by Councilor Pantelakos and voted.

4. Resignation – Conservation Commission

Mayor Sirrell announced that Alanson Sturgis has resigned from the Conservation Commission.

Assistant Mayor Hanson moved to accept with regret the resignation of Alanson Sturgis, Jr. from the Conservation Commission. Seconded by Councilor Ferrini and voted.

5. Consideration of Appointments

The City Council considered the appointment of Skye Maher as an alternate to the Conservation Commission. This appointment will be voted on by the City Council at the September 20, 2004 meeting.

6. Appointment

Councilor Grasso said that John Ricci is her nephew and she would like to make the motion for his appointment to the Planning Board as long as there is no objection from the City Council.

Councilor Grasso moved to appoint John E. Ricci as a regular member of the Planning Board filling the unexpired term of Paige Roberts until December 31, 2004. Seconded by Councilor Ferrini and voted.

7. Appointment of Planning Board Representative to the Historic District Commission

Councilor Ferrini moved to appoint Ken Smith to serve as the Planning Board Representative to the Historic District Commission until January, 2005. Seconded by Councilor Grasso and voted.

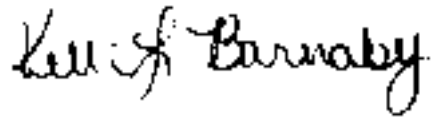
8. Reports

Mayor Sirrell announced that there is a vacancy on the Planning Board for an alternate and urged people to come forward to complete an application to serve.

Mayor Sirrell announced that a Governors Forum on Educational Funding Issues will be held on September 7th at 7:00 p.m. in the Council Chambers.

XII. ADJOURNMENT

At 8:00 p.m., Councilor Whitehouse moved to adjourn. 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