

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 25, 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 7:20 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

Assistant Mayor Hanson led in the Pledge of Allegiance to the Flag.

PRESENTATION

1. New President of Greater Portsmouth Chamber of Commerce – Dick Ingram

Mayor Sirrell introduced Dick Ingram as the new President of the Greater Portsmouth Chamber of Commerce. Mr. Ingram said that he is looking forward to working with the City Council and he is available to assist the City with anything they may need.

2. Portsmouth Middle School – Kent LaPage, Chair of School Board

Kent discussed the process that would be followed regarding renovations or new construction of a Middle School. He assured the City Council that they would be part of the process and work sessions would be held in the future. He said that the study of the building was done with funds that were encumbered for that purpose from fiscal year 02. The City Council advised Kent that it is important that they remain part of the process and well informed.

Councilor Raynolds asked Kent if he received the letter he wrote regarding the Middle School. Kent said that he had but has not had an opportunity to respond. Councilor Raynolds said it is important that he receive a response to his letter and questions.

Councilor Marchand said that the School Board needs to consider the taxpayers ability to pay for a new Middle School.

V. PUBLIC COMMENT SESSION

Peter Bresciano said he is in favor of the City Council holding a public hearing on the budget prior to the budget work sessions to allow the public to voice what they would like to see in the new budget.

Joe Kelley said that he owns a condo on High Street and the proposed rezoning of a downtown overlay district has negatively effected him. He said he had a purchase and sales agreement pending on his condo and because of the proposed rezoning the buyer backed out.

VI. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING – LINCOLN AVENUE – SOUTHERLY SIDE FROM RICHARDS AVENUE A DISTANCE 40 FEET WESTERLY AND FROM MILLER AVENUE A DISTANCE 80 FEET EASTERLY

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

Assistant Mayor Hanson advised the Council that he met with most of the abutters on this proposed amendment. He said it allows the buses to make the right hand turn safely.

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

VII. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Donation to the Cemetery Committee

Councilor Pantelakos moved to approve and accept the donation to the Cemetery Committee. Seconded by Councilor Ferrini and voted.

- B. Acceptance of Homeland Security Grant – Shipboard Firefighter Drill

Assistant Mayor Hanson moved to accept a grant reimbursement from the NH Bureau of Emergency Management in the amount of \$7,186.13 for the shipboard fire fighting drill conducted aboard the NOAA ship at the NH State Port Authority Pier on August 16, 2004. Seconded by Councilor Grasso and voted.

- B.1. Acceptance of Homeland Security Grant – Hazardous Materials/Terrorism Drill

Councilor Ferrini moved to accept a grant from the NH Bureau of Emergency Management of up to \$350,000 for the purpose of conducting a large-scale Hazardous Materials/Terrorism Drill in Spring 2005. Seconded by Assistant Mayor Hanson and voted.

C. Acceptance of Haven Park Bench Donations in Memory of George Brady

Councilor Whitehouse moved to accept the donations totaling \$2,500 from family, friends and the Coastal Athletic Association to be used for the purchase and installation of a granite bench at Haven Park in remembrance of George Brady. Seconded by Councilor Grasso and voted.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. First reading of Ordinance amending Chapter 8, Article II, Section 8.202 – Dog Park Rules and Regulations

Councilor Pantelakos moved to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the November 8, 2004 City Council meeting. Seconded by Councilor Grasso and voted.

B. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Islington Street – Route 1 By-Pass Overpass

Assistant Mayor Hanson moved to pass first reading of amended ordinance, as submitted, and hold a public hearing and second reading at the November 8, 2004 City Council meeting. Seconded by Councilor Pantelakos.

Councilor Whitehouse said the ordinance should be amended to remove reference to the West End Café, which is no longer in business and add text to reflect the actual street address.

City Attorney Sullivan recommended that the amendment be made and the ordinance brought back at the next Council meeting to reflect the change.

Assistant Mayor Hanson moved to bring the ordinance back for first reading at the November 8, 2004 City Council meeting to amend item d in the ordinance to remove reference to the West End Café to the actual street address. Seconded by Councilor Ferrini and voted.

C. Second reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Lincoln Avenue – southerly side from Richards Avenue a distance 40 feet westerly and from Miller Avenue a distance 80 feet easterly

Assistant Mayor Hanson moved to amend the ordinance in its entirety and replace with amended ordinance as submitted. Seconded by Councilor Hynes and voted.

Assistant Mayor Hanson moved to pass second reading and hold third and final reading at the November 8, 2004 meeting. Seconded by Councilor Grasso and voted. Main motion passed as amended.

- D. Third and final reading of Ordinance amending Chapter 10, Article I, Section 10-102 – Definitions, Article II, Section 10-201 (A), Article II, Section 10-208, Article II, Section 10-213 and Zoning Map – Downtown Overly District

Assistant Mayor Hanson asked City Attorney Sullivan to address comments made by Mr. Kelley during the public comment session. City Attorney Sullivan said that Mr. Kelley could go before the Board of Adjustment for a variance.

Councilor Pantelakos moved to pass third and final reading. Seconded by Councilor Grasso.

Councilor Grasso said that as long as the property remains as it is it would be grandfathered. City Attorney Sullivan agreed with Councilor Grasso.

Motion passed.

- E. Third and final reading of Ordinance amending Chapter 7, Article I – Parking Meters, various sections, Article IV – Off-Street Parking Areas; Article III – Traffic Ordinance, various sections; Article IX – Penalties, Forfeitures and Separability; and Article X – Towing, various sections

Assistant Mayor Hanson moved to pass third and final reading. Seconded by Councilor Whitehouse and voted.

IX. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Lauren Handrahan, AIDS Response Seacoast, requesting permission to occupy eight spots on the city's public sidewalk on Wednesday, December 1, 2004, World AIDS Day

Assistant Mayor Hanson moved to refer to the City Manager with power. Seconded by Councilor Pantelakos.

City Manager Bohenko said that the Code Enforcement Officer would work to make sure there is no obstruction on the sidewalks.

Councilor Whitehouse expressed concern with the sites and the number of people involved.

Motion passed.

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request for Approval of the Collective Bargaining Agreement between the Portsmouth Police Ranking Officers Association and the Portsmouth Police Commission

No action taken.

2. 2005 City Council Schedule

City Manager Bohenko said that this is the proposed 2005 schedule for City Council meetings and asked for approval as submitted.

Councilor Hynes moved to approve the 2005 City Council Schedule. Seconded by Councilor Pantelakos and voted.

3. Report Back Re: Proposed Rezoning Requests Assistant Mayor Hanson

City Manager Bohenko said that Assistant Mayor Hanson asked that the Planning Board review two proposals for zoning consideration. The first area, currently zoned Single Residence B, is located between Interstate 95 and Rockingham Avenue, and is proposed to be rezoned to A (Apartment). The second area, currently zoned Officer Research, is located along Route 1 just south of Market Basket, and is proposed to be rezoned to General Business.

Planning Director Holden said that the Planning Board considered this and would like the two requests to be considered with the Master Plan process. He advised the City Council that the Master Plan would be the subject of a public hearing, where such concerns as raised by this referral might be considered. He said that the Planning Board is recommending the City Council await a definitive report back pending completion of the Master Plan.

Councilor Marchand moved to accept the report back from the Planning Board. Seconded by Councilor Pantelakos and voted.

4. Land and Water Conservation Fund Grant for Sagamore Headlands

City Manager Bohenko said that the City has an opportunity to apply for a grant of up to \$100,000 from the Land and Water Conservation Fund program. The specific project proposed is the construction of a public dock at the recently acquired conservation land known as the Sagamore Creek Headlands on Sagamore Avenue. The public dock would establish a point along a canoe-kayak water trail, which would connect, via signage, with Peirce Island and other public waterfront land.

Councilor Raynolds moved to authorize the City Manager to apply for, accept and expend a grant from the Land and Water Conservation Fund Program for the design and construction of a public dock at the Sagamore Creek Headlands. Seconded by Councilor Pantelakos and voted.

5. Request for Approval of Pole License Agreement #63-411

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell moved to approve the request from PSNH for pole license agreement 63-411 as recommended by the Public Works Department. Seconded by Councilor Pantelakos.

Mayor Sirrell said there is a thank you letter in the packet from Emilie Razies for the city's support in relocating the utility pole at 192 Lincoln Avenue.

Motion passed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

City Manager Bohenko announced that the City Council would be meeting in a work session on Thursday, October 28, 2004 at 6:30 p.m. regarding the budget process.

City Manager Bohenko also advised the City Council that the Department of Revenue Administration has announced our new tax rate, which is \$17.17. The rate reflects a .54 cent reduction from last year's rate.

B. MAYOR SIRRELL

1. Reports

- Central Veteran's Council Veterans Day Services on Thursday, November 11th

Mayor Sirrell advised the City Council that the Central Veteran's Council has invited the Council to attend the Veterans Day Services on Thursday, November 11th. The parade will step off at 10:30 a.m. from the V.F.W. and proceed up Maplewood Avenue into Islington Street and into Goodwin Park.

- Hislop Park Ribbon Cutting

Mayor Sirrell announced that the ribbon cutting ceremony for improvements made to Hislop Park would be held on Wednesday, October 27th at 5:15 p.m. The rain date will be Friday, October 29th at 5:15 p.m.

- Thank you from Elizabeth Lamson to the Cemetery Committee

Mayor Sirrell advised the City Council that Elizabeth Lamson sent a thank you letter for the repair work to the John Wendell Tomb in the Pleasant Street Cemetery.

C. COUNCILOR PANTELAKOS

1. Review need for regulations to address panhandling

Councilor Pantelakos said that she would like the City to look at regulating panhandling. She advised the City Council of a situation that occurred recently where people were walking between cars with a can attempting to collect money. She said that the Police were unable to stop this because there is no regulation against such activities in the City.

Councilor Pantelakos moved to refer to the City Manager for a report back at the November 22, 2004 City Council meeting. Seconded by Councilor Whitehouse and voted.

XII. ADJOURNMENT

At 8:35 p.m., Councilor Whitehouse moved to adjourn. Seconded and voted.

