

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JANUARY 10, 2005

PORTSMOUTH, NH
TIME: 7:00PM

I. CALL TO ORDER

Mayor Sirrell called the meeting to order at 7:09 p.m.

II. ROLL CALL

Present: Mayor Sirrell, Assistant Mayor Grasso, Councilors Ferrini, Marchand, Pantelakos, Hynes, Raynolds, Whitehouse and St. Laurent

III. INVOCATION

Mayor Sirrell asked everyone to join in a moment of silent prayer. Assistant Mayor Grasso read a statement of sympathy from the City Council to the individuals that have suffered from the recent tsunami in Asia and Africa.

IV. PLEDGE OF ALLEGIANCE

Councilor Hynes led in the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – DECEMBER 20, 2004

Councilor Pantelakos moved to accept and approve the minutes of the December 20, 2004 City Council meeting. Seconded by Assistant Mayor Grasso and voted.

VI. PUBLIC COMMENT SESSION

Tom Carroll spoke regarding the dangers of the debris along Market Street from the scrap metal pile at the Port. He showed the City Council a bucket of debris that he picked up along Market Street within a two-hour period. He said that the City Council needs to address this matter immediately.

Ralph DiBernardo provided the City Council with a check in the amount of \$100.00 for the New Library Building Fund.

John O'Leary said he appears before the City Council this evening as a grateful citizen because the construction of a new library is now moving forward. He said that through the deconstruction process 90% of the previous building is being recycled. He said it is important that everyone work together and join efforts to build the best library for the City of Portsmouth.

Emma Wagner, Phoebe Wagner, Eilee Foley and Bryn Foley, thanked the City Council for their support and work to move forward with the construction of a new library. They said that the construction of a new library is the best decision for the city.

VII. APPROVAL OF GRANTS AND DONATIONS

- A. Presentation and Acceptance of Donation to the New Library Building Fund from David and Nike Speltz in the amount of \$10,000.00

Maryann List, Library Director and Phyllis Eldridge, Library Trustee, presented Mayor Sirrell with a check in the amount of \$10,000.00 from David and Nike Speltz for the New Library Building Fund. Mayor Sirrell accepted the donation with thanks and appreciation.

Councilor Raynolds moved to approve and accept the donations to the New Library Building Fund from David and Nike Speltz in the amount of \$10,000.00 and \$100.00 from Ralph and Linda DiBernardo. Seconded by Councilor St. Laurent and voted.

- B. Acceptance of Donations to the Cemetery Committee
- Mary and John Rauh - \$25.00
 - Dr. Leonard Korn - \$30.00
 - B. Ann Breazeale - \$50.00
 - Dr. Geoffrey and Martha Fuller Clark - \$100.00

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

- C. Acceptance of Donations to the Fire Department from the Wal-Mart Foundation in the amount of \$1,375.00

Councilor Pantelakos moved to approve and accept the donations to the Fire Department as listed. Seconded by Councilor Whitehouse and voted.

- D. Acceptance of 2004 Homeland Security Competitive Grant Award

Assistant Mayor Grasso moved to accept the \$42,000.00 grant awarded to the City of Portsmouth from the State of New Hampshire Department of Safety. Seconded by Councilor Pantelakos and voted.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Third and final reading of Ordinance amending Chapter 10, Article XII, Section 10-1202 – Off-Street Parking Innovation: Inter Modal Transportation Credit for Central Business A and Central Business B Districts – Impact Fee

Councilor St. Laurent moved to pass third and final reading of the ordinance, as submitted. Seconded by Assistant Mayor Grasso.

Councilor Whitehouse said he is interested in the suggestion made by Councilor Marchand at the last City Council meeting relative to implementing a policy whereas small businesses with limited capital available could make payments in two installments.

City Attorney Sullivan advised Councilor Whitehouse that he discussed with Councilor Marchand the suggestion and exploring a possible amendment to the ordinance in the future. City Manager Bohenko advised the City Council that applicants could go to the Economic Development Commission to seek a waiver of the provision to allow for the payment in two installments.

Councilor Marchand said that he did speak with City Attorney Sullivan on this issue but it is important to get this ordinance on the books and we can look at an amendment to the ordinance in the future.

Councilor Ferrini said he supports this ordinance as presented and is pleased to know there is flexibility. He said that this ordinance was crafted with significant research and he will vote in favor of the ordinance this evening.

Motion passed.

IX. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Valerie Dixon, National Multiple Sclerosis Society, requesting permission to hold the annual MS Walk on Sunday, April 17, 2005

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

- B. Letter from Dee Martin, American Lung Association of NH, requesting permission to hold the 20th annual Clean Air Challenge Seacoast Bike Tour on Saturday, May 14, 2005 and Sunday, May 15, 2005

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

- C. Letter from Sherm Pridham supporting the consideration of a new library at the Parrott Avenue site

Assistant Mayor Grasso read the letter but no action was required.

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager Bohenko advised the City Council that directions have been provided for the District 24 New Targeted Education Aid Bill meeting tomorrow Tuesday, January 11th from 6:00 p.m. to 8:00 p.m. in the auditorium of Winnacunet High School.

City Manager Bohenko reported that the Seacoast Shipyard Association is requesting that the City of Portsmouth send a representative to Washington, DC to attend a meeting with the BRAC regarding the potential closing of the Portsmouth Naval Shipyard. He said that Mayor Sirrell will not travel, therefore he will be attending in her place.

Councilor St. Laurent asked if the city should be looking at the possibility of obtaining federal funding that is available for base closures. City Manager Bohenko said we could look at that however we may not be eligible because the Shipyard is located in Kittery, Maine and not the City of Portsmouth.

B. MAYOR SIRRELL

1. Donation to the Coalition Legal Fund

Mayor Sirrell passed the gavel to Assistant Mayor Grasso.

Mayor Sirrell moved to accept the \$2,000 contribution from the Town of North Hampton and \$5,000 from the Town of Rye to be placed in the Coalition Legal Fund. Seconded by Councilor Pantelakos and voted.

Assistant Mayor Grasso passed the gavel back to Mayor Sirrell.

2. Reappointment of PDA Representative

Councilor Pantelakos moved to reappoint John P. Bohenko, City Manager as the City's Representative to the Pease Development Authority until January 1, 2008. Seconded by Councilor Whitehouse and voted.

Mayor Sirrell requested that City Councilors serving as liaisons to boards and commissions report on the activities of that board or commission at a City Council meeting from time to time.

3. Appointments

The City Council considered the reappointment of John Ricci, Ray Will and Donald Coker to the Planning Board; appointment of John Lyons to Save the Old State House Committee; and Jennifer Marcelais to the Mayor's Blue Ribbon Cemetery Committee. These appointments will be voted on by the City Council at the January 24, 2005 City Council meeting.

Assistant Mayor Grasso moved to appoint Kathleen Brown to the Recreation Board until April 1, 2008. Seconded by Councilor Pantelakos and voted.

Councilor Pantelakos moved to appointment Lea Aeschliman to the Trustees of the Trust Fund until January 1, 2008, filling the expired term of William Elwell. Seconded by Councilor Ferrini and voted.

C. COUNCILOR HYNES

1. Traffic & Safety Committee Action Sheet and Minutes of the December 16, 2004 meeting

Councilor Hynes moved to accept and approve the action sheet and minutes of the December 16, 2004 Traffic & Safety Committee meeting. Seconded by Councilor Pantelakos and voted.

Councilor Hynes thanked the Traffic & Safety Committee for the excellent job it has been doing and noted that this is one of the best working groups in the city.

XI. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Whitehouse asked City Manager Bohenko if the design of the new library has been scaled down from 38,000 square feet. City Manager Bohenko responded that the new library building has not been scaled down from the proposed 38,000 square feet.

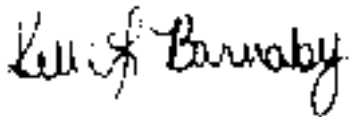
Councilor Whitehouse advised the City Council that he would be placing the City Council Rule and Order #43 regarding the Public Comment Session on the agenda under his name at the next City Council meeting. He said it is his intent to seek an amendment to the rule to extend the session from 30 minutes to 45 minutes.

Councilor Pantelakos moved to have City Manager Bohenko send a memorandum to Police Chief Magnant requesting the State Police Truck Inspection Unit schedule a time on Market Street to determine if there are any violations being committed by the scrap vendor at the Port. Seconded by Councilor Hynes and voted.

City Manager Bohenko said he would report back to the City Council with the date that the scrap vendor contract with the Pease Development Authority is expiring.

XII. ADJOURNMENT

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



Kelli L. Barnaby, City Clerk